



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
September 22, 2025**

A meeting of the Planning Commission was held on September 22, 2025, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS' PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Cindy Heiberger and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman and Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT

Commissioner Duffy opened the floor for public comment, and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda, and Item 2 was requested to be moved to the regular agenda by a member of the public.

A motion was made to **approve** the consent agenda consisting of Items 1, 3, 4, 5, 6, 7, & 8 by Commissioner Heiberger and seconded by Commissioner Kippley. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – August 25, 2025

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** the meeting minutes from August 25, 2025. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 3. CONDITIONAL USE PERMIT #25-53 to allow an Accessory Dwelling Unit (ADU) on the property legally described as Tract 1 Vanderhoffs Addition NW¼ Section 11 T103N-R50W Lyons Township.

Petitioner: Terrance Klinnert
 Property Owner: Same
 Location: 25146 470th Avenue
 Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Vanderhoffs Addition NW¼ Section 11 T103N-R50W Lyons Township
 Present Zoning – A-1 Agricultural
 Existing Land Use – Residential Acreage
 Parcel Size – 11.50 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to build an accessory dwelling unit on a property. The property is a large acreage with farm buildings located throughout the yard. It does not operate as a farm. The intent is to build a large rectangular house with a large garage that will become the primary dwelling on the parcel, and the smaller farm house will be utilized as the accessory dwelling unit. An accessory dwelling must be approved by a conditional use permit prior to issuance of a building permit.

A site plan and building floor plans were submitted to support the application. the proposed house has a form commonly referred to as a “shouse” where the house is built like a shed. The location of the house will be towards the south edge of the existing farm buildings in an area with no trees.

- 1) The ADU must be accessory to a primary dwelling, and the primary dwelling and ADU must be located together on one platted lot.
This request will construct a new dwelling, and the existing dwelling will become the ADU. The new dwelling has a proposed finished area of 3,598 square feet. The existing farm house is listed to have 1,712 square feet of finished space from record of the Equalization Office. The proposed new house is more than twice as large as the existing farmhouse.
- 2) Only one ADU is allowed per parcel where zoning allows.
The property only has one current dwelling. The current dwelling will become the ADU if this permits approved. No other dwellings are planned on the property.
- 3) The ADU must be built on permanent frost protective footings.



The proposed house will have to meet current building code with frost protective footings. The current dwelling was constructed prior to any requirements of a building permit. It does have a basement under a portion of the dwelling.

- 4) The parcel must be able to handle additional wastewater potential for the ADU. Proof of capacity of wastewater compliance must be provided before approval of any conditional use permit.
The property has no permits for septic systems. It is presumed that the existing septic system was installed before permits were required by the county. The ordinance requires one acre for a septic system. The property is 11.5 acres in size. This is plenty space to place a second septic system on the site. The soil must be tested and the system designed to meet the soil capacity for water. A permit must be issued for the septic system prior to issuing a permit for the new dwelling.
- 5) No additional access from a township, county, or state highway may be constructed for separate use of the ADU.
The property has one driveway access onto the right-of-way. The lot is shaped with a long narrow "pole" to accommodate the driveway. It does not have any space for additional access.
- 6) Two additional off-street parking spaces must be provided for the ADU.
The property is very large to accommodate additional parking needs. The plans for the new dwelling include a three stall garage to accommodate parking.
- 7) If the ADU is located within a regulated floodplain, then the lowest floor of the ADU must be elevated at or above the base flood elevation.
No portion of the subject property is located within the regulated 100-year floodplain.
- 8) No ADU can be located within the regulated floodway.
No portion of the subject property is located within the regulated floodway.
- 9) The ADU must comply with all other county ordinances.
The proposed ADU meets setback requirements, and it will need to meet building code for a dwelling. An address sign is required for each the primary dwelling and the ADU, and each dwelling will need the appropriate number visible on the dwelling for first responder identification. The property as a whole will need to follow the public nuisance ordinance for both dwellings.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The property is located within an active agricultural production area. Much of the land around it is crop land. The Boadwine Dairy operation is located approximately three quarters of a mile west of the existing farm house. The proposed land use will increase the number of families that can live on



the property to two families. This may create potential conflict with neighboring land uses. New housing starts typically requires a right-to-farm notice covenant prior to issuing a building permit. Staff suggests that the right-to-farm notice covenant be required prior to issuing a building permit.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The property is located within an active agricultural production area. It is not likely any municipal growth will extend to the area for the foreseeable future. There is an existing dairy operation a short distance to the west of the property. The proposed dwelling will not be located any closer than the existing dwelling and will not create any reduction in setback over what currently exists.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The property is already developed with a farm house and buildings. The petitioner will need to extend any required utilities to the proposed house. In addition, the applicant will need to install on-site wastewater treatment and meet all requirements of the ordinance. Obtaining the percolation test and designing the system will be required prior to issuing the building permit for the house.

4) That the off-street parking and loading requirements are met.

The property is large enough to accommodate all off-street parking.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

A single family dwelling or an accessory dwelling unit does not typically create nuisances. The property will need to comply with the public nuisance ordinance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed dwelling will allow the existing house to become an accessory dwelling unit. This is consistent with the comprehensive plan and zoning ordinance. The property owner will not be able to subdivide the primary and the accessory dwelling unit apart from one another.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-53 with the following conditions:

- 1) That no more than one ADU shall be allowed on the property.
- 2) The new dwelling shall follow the building plans submitted for this application. Minor changes can be approved by the planning department. Major changes require an amendment to this conditional use permit.
- 3) That two off-street parking spaces shall be provided for the ADU.
- 4) An on-site wastewater permit must be issued for the new dwelling prior to issuing the building permit for the dwelling.
- 5) A right-to-farm notice covenant must be filed on the deed prior to the issuance of a building permit for the dwelling.
- 6) A separate address sign must be purchased through the Planning Office and installed at the driveway. Address numbers must be placed on the exterior of each dwelling. The size and location of the address numbers must meet requirements of the Rural Addressing Ordinance.



- 7) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice of the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-53 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-53 – Approved



ITEM 4. CONDITIONAL USE PERMIT #25-55 to transfer one (1) building eligibility from the SE¼ NW¼ to the SW¼ NW¼ within the S½ NW¼ (Ex. Tract 1 Jurgensen’s Addition) Section 35 T103N-R49W Sverdrup Township.

Petitioner: Jerry Jurgensen

Property Owner: Same

Location: Approximately 5 miles south of Baltic, along 476th Avenue

Staff Report: Scott Anderson

General Information:

Legal Description – S½ NW¼ (Ex. Tract 1 Jurgensen’s Addition) Section 35

T103N-R49W Sverdrup Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 77.85 Acres

Staff Report: Scott Anderson

Staff Analysis: This building eligibility has a conditional use designation, as it is located in a landlocked quarter-quarter section and therefore requires a conditional use permit in order to be utilized. The petitioner is requesting to move the building eligibility from this landlocked quarter-quarter to the SW¼ of the NW 1/4, which will have direct access to 476th Avenue and is located in close proximity to one other dwelling. On September 8, 2025, staff conducted a site visit of the subject property and surrounding area. The residential density in the area is low with only a few acreages within a half mile of the site. The property is located one mile east of a state highway, and therefore any additional traffic on gravel township roads will be minimal. Finally, given this low residential density, the proposed building eligibility transfer will not overly impact the surrounding property owners.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. There are no permitted concentrated animal feeding operations within a mile of the proposed building site. The additional dwelling should not overly impact the neighboring residential uses.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The subject property is located in the agricultural production area of the county where the predominant use of vacant land is agricultural. Any development of this vacant land will be limited to the available building eligibilities on the land, and the transfer of this building eligibility will not impact any future development.



3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The petitioner will need to obtain the applicable driveway permits in order to have access onto the property before a single-family dwelling can be constructed. The petitioner will also be required to obtain access to all the necessary utilities for the property. A single-family dwelling will have minimal effect on drainage in the area.

4) That the off-street parking and loading requirements are met.

Two off-street parking spaces are required for a single-family dwelling. The off-street parking requirement will be met once a single-family dwelling is constructed.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed building eligibility transfer will have no anticipated effects on the health, safety and general welfare of the public. This building eligibility transfer will not increase the number of building eligibilities within the section, and will allow for the preservation of more farmland, which conforms to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-55 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
- 2.) The applicant shall obtain the applicable driveway permits from Sverdrup Township, prior to the issuance of any building permits.

Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-55 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-55 – Approved



ITEM 5. CONDITIONAL USE PERMIT #25-56 to allow an Accessory Dwelling Unit (ADU) on the property legally described as Tract 6 Split Rock Estates Section 35 T102N-R48W Brandon Township.

Petitioner: Kyle Brown

Property Owner: Same

Location: 2303 E Redwood Boulevard

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 6 Split Rock Estates Section 35 T102N-R48W Brandon Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 7.30 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to repurpose an existing accessory building into an accessory dwelling unit. An accessory dwelling unit is allowed on a platted lot if it meets criteria and obtains a conditional use permit.

The property currently has two accessory buildings. One was first constructed in 1984 with an addition in 2002, and the other 30' x 40' building was recently finalized from a permit issued late last fall. The older building was remodeled into separate rooms with water connection and septic system to accommodate bee keeping equipment and processing. If approved, this request will bring the remodeled building into a living space as an accessory dwelling unit.

- 1) The ADU must be accessory to a primary dwelling, and the primary dwelling and ADU must be located together on one platted lot.

Both the primary and the proposed ADU are on the same platted tract. The ADU is also less than 50% the size in area of living space than the primary dwelling.

- 2) Only one ADU is allowed per parcel where zoning allows.

The primary dwelling will remain a primary single family dwelling, and the remodeled accessory building will become the ADU. The newest 30' x 40' accessory building is unfinished and will not become finished. The ordinance prohibits more than one ADU on the property, and the Planning Department deny a building permit that creates a second ADU on the property.

- 3) The ADU must be built on permanent frost protective footings.

There is a record for a footings inspection for the accessory building addition in 2002. The building appears to have standard formed foundation walls for similar buildings with frost free footings.



- 4) The parcel must be able to handle additional wastewater potential for the ADU. Proof of capacity of wastewater compliance must be provided before approval of any conditional use permit.
The primary dwelling has a septic system which the drainfield was replaced in 2007. The accessory building was permitted to have a separate septic system in 2023. The accessory building septic system is designed for 300 gallons of water per day. This is the smallest design allowed for a dwelling, and it will support two bedrooms.
- 5) No additional access from a township, county, or state highway may be constructed for separate use of the ADU.
The property has an existing double access driveway onto the township road. There are no plans to build an additional driveway.
- 6) Two additional off-street parking spaces must be provided for the ADU.
The proposed accessory building was built as a detached garage. The building still has garage space for two cars to meet requirements.
- 7) If the ADU is located within a regulated floodplain, then the lowest floor of the ADU must be elevated at or above the base flood elevation.
Neither the primary house and the proposed ADU are located within the regulated floodplain.
- 8) No ADU can be located within the regulated floodway.
No designated floodway is located on the property.
- 9) The ADU must comply with all other county ordinances.
The proposed ADU meets setback requirements, and it will need to meet building code for a dwelling. An address sign is required for each the primary dwelling and the ADU, and each dwelling will need the appropriate number visible on the dwelling for first responder identification.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The property is located within a large lot subdivision northeast of the City of Brandon. Some agriculture still exists nearby, including cropland across the street. Like any new housing start in the county, staff suggest a right-to-farm notice covenant be filed on the deed prior to competing the ADU.

Residential land uses are most prevalent in the area already. The proposed use will repurpose an existing accessory building that already fits well within the neighborhood. An ADU may increase traffic like any single family dwelling. The increase will be minimal and will be similar to other development in the area.



2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The area around the proposed ADU is actively developing land into the City of Brandon. A new school is being constructed, and new residential neighborhoods are filling in nearby. The proposed ADU will be similar to other residential land uses expected in the future of the area.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The property is already developed with a primary dwelling and accessory building. The accessory building that is planned for change to an ADU already has a septic system for onsite wastewater treatment. The applicant will be responsible for extending any additional utilities that may be needed for the ADU.

4) That the off-street parking and loading requirements are met.

The ADU has two available parking spaces to meet requirements.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Residential land uses such as an ADU do not typically create the offensive nuisances listed. The property will need to continue to meet requirements of the Public Nuisance Ordinance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed land use should not have a negative effect on the health, safety, or general welfare of the public. The land use meets requirements of the Zoning Ordinance and the Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-56 with the following conditions:

- 1) That no more than one ADU shall be allowed on the property.
- 2) That two off-street parking spaces shall be provided for the ADU.
- 3) A right-to-farm notice covenant must be filed on the deed prior to the issuance of a building permit for the ADU.
- 4) A separate address sign must be purchased through the Planning Office and installed at the driveway. Address numbers must be placed on the exterior of each dwelling. The size and location of the address numbers must meet requirements of the Rural Addressing Ordinance.
- 5) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice of the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.



Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-56 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-56 – Approved



ITEM 6. CONDITIONAL USE PERMIT #25-57 to exceed 3,600 square feet of accessory building space (requesting 5,600 square feet) on the property legally described as Tract 3 Nelson’s Addition (Ex. Tract 3A) NW¼ Section 28 T102N-R47W Red Rock Township.

Petitioner: Jarrod Smart
Property Owner: Same
Location: 48647 260th Street
Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 3 Nelson’s Addition (Ex. Tract 3A) NW¼ Section 28 T102N-R47W Red Rock Township
Present Zoning – A-1 Agricultural
Existing Land Use – Residential Acreage
Parcel Size – 12.08 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to construct a large accessory building with an attached lean-to porch. The building will replace an existing building on the site. A conditional use permit is required for accessory building space greater than 3,600 square feet in size. The property is located approximately 2 miles north of Valley Springs. It is part of a subdivision of land, but the nearest neighboring residence is nearly a quarter mile away.

The application is supported by a narrative and detailed site plan. The building will be placed near the east property line and over 100 feet away from the property to the north. The building is described to be used for personal storage of storage of personal equipment, and it is to include a kitchenette and bathroom. The petitioner further notes that no bedrooms will be constructed in the accessory building. The petitioner should be aware that the proposed building is not to be used as a dwelling. A separate conditional use permit will be required if the building is planned to be turned into an accessory dwelling unit.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The property has few and wide neighbors. Much of the area is agricultural production land. The property to the north is not developed at this time. It is also owned by the petitioner. Since the proposed accessory building is for personal use and the property has few neighbors, it will have no effect on the use and enjoyment of properties in the immediate vicinity.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.



The property is located in an active agricultural area and outside of the transition area for any town. There are several available building eligibilities located on nearby properties. This includes the closest property to the north that the building will have the greatest impact. This property to the north is owned by the petitioner.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The proposed accessory building will be located on a developed property. The property owner will be responsible for extending any needed utilities and driveway to the proposed building. Drainage for the property generally flows south towards an intermittent stream along the south edge of the property. The proposed building will not change the direction of flow for water.

4) That the off-street parking and loading requirements are met.

The proposed land use will not increase requirements for off-street parking on the property. The property has abundant space for off-street parking.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

An accessory building does not typically create nuisance odor, fumes, dust, noise, vibration, and lighting. The property will still need to comply with the public nuisance ordinance. In addition, staff recommends that no business or business storage is allowed to take place in the building. All new or replacement outdoor lighting should be directed downward and cutoff so that light does not glare onto neighboring properties.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed building will have no negative effect on the health, safety, or general welfare of the public. A building permit must be obtained for the structure.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-57 with the following conditions:

- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 5,600 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses, storage, or as a residential dwelling at any time.
- 5) That any new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) That a building permit is required prior to construction of the accessory building.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.



Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-57 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-57 – Approved



ITEM 7. CONDITIONAL USE PERMIT #25-58 to allow an Accessory Dwelling Unit (ADU) on the property legally described as Tract 5 Split Rock Estates Section 35 T102N-R48W Brandon Township.

Petitioner: Elizabeth Aaker

Property Owner: Same

Location: 2215 E Redwood Boulevard

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 5 Split Rock Estates Section 35 T102N-R48W Brandon Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 5.10 Acres

Staff Report: Mason Steffen

Staff Analysis: The primary dwelling and proposed accessory dwelling unit (ADU) were built on the subject property in 2015. The proposed ADU was permitted as a 27' x 40' detached accessory building and the petitioner would like to convert a portion of this structure into finished habitable space. The narrative explains that the purpose of the ADU will be for personal hobbies and to allow for the future potential of family members living in the structure. The general requirements for an ADU are the following:

- 1) The ADU must be accessory to a primary dwelling, and the primary dwelling and ADU must be located together on one platted lot.

Based on building permit records, the finished floor area of the primary dwelling is 4,163 square feet and the finished floor area of the proposed ADU will be approximately 540 square feet. Both the primary dwelling and ADU are located entirely within the property boundaries of Tract 5 Split Rock Estates.

- 2) Only one ADU is allowed per parcel where zoning allows.

The subject property is entirely zoned A-1 Agricultural, which allows ADUs as a conditional use. No additional ADUs will be allowed on the property if this request is approved.

- 3) The ADU must be built on permanent frost protective footings.

The proposed ADU was built as a detached accessory building on a full frost protected foundation that was inspected by the Chief Building Inspector in October of 2015.

- 4) The parcel must be able to handle additional wastewater potential for the ADU. Proof of capacity of wastewater compliance must be provided before approval of any conditional use permit.

An on-site wastewater system permit was obtained for the property in 2015. The narrative states that the proposed ADU is already connected to this wastewater system for the primary dwelling. This system was inspected by the Chief Building Inspector in December of 2015.



Based on the inspection report, the system was built with a design capacity that will handle the increased use from the ADU.

- 5) No additional access from a township, county, or state highway may be constructed for separate use of the ADU.
The primary dwelling and ADU will continue to use the one access point off E Redwood Boulevard. No additional access will be allowed for separate use by the ADU at any time.
- 6) Two additional off-street parking spaces must be provided for the ADU.
The proposed ADU will have an attached garage space that provides off-street parking for the structure. The subject property is also large enough to provide ample parking for both the primary dwelling and ADU.
- 7) If the ADU is located within a regulated floodplain, then the lowest floor of the ADU must be elevated at or above the base flood elevation.
No portion of the subject property is located within the regulated 100-year floodplain.
- 8) No ADU can be located within the regulated floodway.
No portion of the subject property is located within the regulated floodway.
- 9) The ADU must comply with all other county ordinances.
The ADU currently complies with all the relevant county ordinances including the public nuisance ordinance.

Based on building permit records, the primary dwelling has approximately 4,163 square feet of finished floor area. The proposed ADU would only have approximately 540 square feet of finished floor area. The ADU regulations require that the finished floor area of a detached ADU be less than 50% of the finished floor area of the primary dwelling. The finished floor area of the proposed ADU will only be 13% of the primary dwelling's finished floor area. The detached ADU is also required to meet the setbacks for a dwelling in the A-1 Agricultural zoning district, and the existing location of the accessory building meets these setbacks.

On September 5, 2025, staff conducted a site visit of the subject property and surrounding area. The property is part of a nine lot residential subdivision directly east of Brandon at the intersection of N Chestnut Boulevard and E Redwood Boulevard. The properties within the subdivision average approximately seven acres in size and many of them have established tree belts. Converting a portion of the existing detached accessory building into finished habitable space as an ADU will minimally impact these surrounding acreages. This area is also likely to see continued residential development, due to its proximity to the city of Brandon, and the proposed ADU will generally be compatible with any municipal development.

Conditional Use Permit Criteria:

- 1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**



The existing land uses immediately around the property are mostly residential with limited agricultural uses. However, a right-to-farm notice covenant was still required prior to the issuance of the building permit for the primary dwelling on the property. Allowing the conversion of an existing accessory building on the property into an ADU should minimally impact the use and enjoyment of these neighboring land uses.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The vacant land in the area that is not annexed into the city of Brandon is mostly agricultural in use. Allowing an ADU on the subject property will be a limited increase in residential density to a property in close proximity to many residential subdivisions and the city of Brandon. Therefore, any significant development in the area is likely to occur within the city of Brandon and this proposed ADU should not impact this future development

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The ADU already has access to all the necessary utilities including water, electricity, and an on-site wastewater system. The ADU and primary dwelling will continue to utilize the one existing access point off E Redwood Boulevard, and no additional access points will be allowed. Finally, the ADU is already constructed on the property and will not impact drainage in the area.

4) That the off-street parking and loading requirements are met.

The existing attached garage will provide the necessary two off-street parking spaces for the ADU. The subject property is also large enough to provide ample off-street parking for both the primary dwelling and ADU.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The use of the existing structure as an ADU will not create any odor, fumes, dust, noise, vibration, or lighting nuisances to the surrounding properties. The ADU and subject property will be required to adhere to the public nuisance ordinance for Minnehaha County.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed ADU will have no anticipated effects on the health, safety and general welfare of the public. Allowing this ADU on an existing acreage will allow for additional residential density without converting farmland into non-agricultural uses, which follows the intent of the recently adopted ordinance amendments and Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-58 with the following conditions:

- 1) That no more than one ADU shall be allowed on the property.
- 2) That no additional access shall be allowed off E Redwood Boulevard, or any other public right-of-way for separate use by the ADU.
- 3) That two off-street parking spaces shall be provided for the ADU.



- 4) That any new or replacement outdoor lighting on the ADU shall be of a full cutoff and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 5) That a building permit shall be obtained for any and all work required within the existing detached accessory structure to convert it into the accessory dwelling unit (ADU).
- 6) That a separate address sign shall be purchased through the Planning Office and installed at the driveway. Address numbers must be placed on the exterior of each dwelling. The size and location of the address numbers must meet requirements of the Rural Addressing Ordinance.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice of the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-58 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-58 – Approved



ITEM 8. CONDITIONAL USE PERMIT #25-59 to transfer two (2) building eligibilities from the SE¹/₄ NW¹/₄ to the NE¹/₄ NW¹/₄ and from the SW¹/₄ NW¹/₄ to the NW¹/₄ NW¹/₄ within Lot 1 & 2 (Ex. H-1) NW¹/₄ Section 6 T102N-R47W Red Rock Township.

Petitioner: Oran Sorenson
Property Owner: Same
Location: Approximately 2 miles south of Garretson
Staff Report: Scott Anderson

General Information:

Legal Description – Lot 2 (Ex. H-1) NW¹/₄ Section 6 T102N-R47W Red Rock Township
Present Zoning – A1 Agricultural
Existing Land Use – Farmland
Parcel Size – 79.50 Acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to move two building eligibilities from the S 1/2 of the NW 1/4 to the N 1/2 of the NW 1/4. Each quarter quarter section would get one eligibility. One of the eligibilities will have direct access to 256th Street and the other could potentially access either off of 256th Street or County Highway 109. The receiving parcels are located directly south of the new entrance to Palisades State Park. On September 9, 2025, staff conducted a site visit to the subject property and surrounding area. The residential density in the area is low with only a few acreages within one mile of the site. The property is located two miles south SD Highway 11. Any additional traffic on gravel township roads will be minimal and would not compare to the traffic going into the state park. Finally, given this low residential density, the proposed building eligibility transfer will not overly impact the surrounding property owners.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. There are no permitted concentrated animal feeding operations within a mile of the proposed building site. The additional dwellings should not overly impact the neighboring residential uses.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The subject property is located in the agricultural production area of the county where the predominant use of vacant land is agricultural. Any development of this vacant land will be limited to the available building eligibilities on the land, and the transfer of these building eligibilities will not impact any future development.



3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The petitioner will need to obtain the applicable driveway permits in order to have access onto the property before a single-family dwelling can be constructed. The petitioner will also be required to obtain access to all the necessary utilities for the property. A single-family dwelling will have minimal effect on drainage in the area.

4) That the off-street parking and loading requirements are met.

Two off-street parking spaces are required for a single-family dwelling. The off-street parking requirement will be met once a single-family dwelling is constructed.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed building eligibility transfers will have no anticipated effects on the health, safety and general welfare of the public. These building eligibility transfers will not increase the number of building eligibilities within the section, and will allow for the preservation of more farmland, which conforms to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-59 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
- 2.) The applicant shall obtain the applicable driveway permits from Red Rock Township and/or Minnehaha County, prior to the issuance of any building permits.

Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-59 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-59 – Approved



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-51 to allow an Electrical Substation on the property legally described as Tract 1 Minnehaha County Substation Addition W½ Section 20 T103N-R50W Lyons Township.

Petitioner: East River Electric Power Coop., Inc.
Property Owner: Jamen & Jackie Benson
Location: Approximately 1 mile south of Lyons
Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Minnehaha County Substation Addition W½ Section 20 T103N-R50W Lyons Township
Present Zoning – A1 Agricultural
Existing Land Use – Farmland
Parcel Size – 17.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval for the construction of an 115-69 kV electrical substation. Article 3.04(V) of the Minnehaha County Zoning Ordinance allows an electrical substation as a conditional use permit in the A-1 Agricultural zoning district. The petitioner has provided a narrative, site plan, and yard lighting analysis for the proposed site. The narrative explains that the site is near existing transmission lines and that the site will be developed in stages and designed for future upgrades and equipment replacements.

On August 7, 2025, staff conducted a site visit to the subject property and surrounding area. The surrounding land uses are mostly agricultural with a few residential acreages in the immediate vicinity. The properties directly to the north, south, and east are all currently used for agriculture and owned by Jamen & Jackie Benson. There is an existing acreage across the county highway, and this is the only dwelling within 1,000 feet of the proposed site. Finally, the existing driveway into the site will be moved further to the south, in order to improve site lines and traffic flow on the county highway.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The property is located in an area south of Lyons that’s main land use is still agricultural in nature and there is only one dwelling within 1,000 feet of the proposed site. The petitioner will be moving the driveway further south, which will help limit the impact on the county highway. The petitioner has also submitted a detailed site plan, narrative, and yard lighting analysis that is designed to limit the site’s impacts on neighboring properties. Planning staff will also be requiring a landscape plan, which will further screen the site from the neighboring properties. Therefore, the proposed



electrical substation should have a minimal impact on the use and enjoyment of neighboring properties.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Due to the existing residential development pattern and agricultural uses within the area, the proposed electrical substation should not have a negative effect upon the normal and orderly development and improvement of these properties. The electrical substation will also insure adequate electric services to present and future development in the area and to the county as a whole.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The property has an existing access point off 467th Avenue in the north portion of the proposed substation area. This access point will be moved further south at the request of the County Highway Department, in order to reduce the sightline issues at the current driveway location. An access permit will be required for the relocation of this driveway, prior to any construction beginning on the site. The submitted site plans also show a water detention pond in the northwest corner of the property that will help reduce the sites impact on the surrounding drainage.

4) That the off-street parking and loading requirements are met.

Article 15.00 of the zoning ordinance does not specifically identify any parking requirements for substations, but they typically do not generate significant amounts of traffic. Staff recommends that a minimum of two (2) off-street parking spaces be provided. Each parking space should measure a minimum of nine (9) feet by eighteen (18) feet and be continually maintained.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed substation should produce limited odor, fumes, dust, and vibrations to the surrounding area. The main concern with this type of land use for neighboring property owners is lights illuminating beyond the boundaries of the site. The petitioner has submitted a yard lighting analysis and all lighting on the property will be required to be of a fully cutoff and fully shielded design. Additionally, the county has typically required that substations have a landscape plan with a minimum of two rows of trees around the site. The petitioner did not submit a landscape plan with this request, and this will be added as a condition of approval. Finally, noise from the substation could be a nuisance to neighboring properties but given the location along a county highway and lack of many direct residential neighbors, the noise from the site should not overly disturb the neighboring land uses.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

Providing safe and reliable infrastructure is vital to the general welfare of the public. The electrical substation will provide a benefit to the community, and with appropriate conditions of approval, any concerns can be mitigated. Many of the goals included within the Envision 2045 Comprehensive Plan encourage the county to plan for population growth and more residential development within the county. This proposed substation will allow East River Electric to better prepare for these future electrical demands and continue to provide services to existing customers.



Recommendation: Staff recommends **approval** of Conditional Use Permit #25-51 with the following conditions:

- 1) That the substation shall be entirely enclosed in a minimum eight (8) foot high fence, gated and locked.
- 2) That a minimum of two (2) off-street parking spaces (minimum of 9' x 18' in size) shall be provided and no parking shall be allowed in the public right-of-way at any time.
- 3) That all existing drainage ways shall be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 4) That a landscaping plan shall be submitted to the Planning Department for review, prior to construction. All landscaping shall be maintained in a live state, and all noxious weeds shall be controlled.
- 5) That the applicant shall obtain a building permit prior to any construction commencing on the site.
- 6) That a sign permit shall be obtained prior to the installation of any sign.
- 7) That a permit shall be obtained from the Minnehaha County Highway Department for the relocation of the access point and that an address sign shall be purchased, prior to construction.
- 8) That the applicant obtains and keeps current any required S.D. Public Utilities permits and meet all noise standards set by the Public Utilities Commission.
- 9) That the Planning & Zoning Department reserves the right to enter and inspect the premises, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony & Discussion

Mason Steffen, of county planning staff, explained to the commission that it would be best to ask the neighbor their question with the item before any staff presentation, so that staff could better answer their question.

Scott Lind, of 25357 467th Avenue, Lyons, SD, addressed the commission with his question on the item. Mr. Lind stated that since East River Electric is being required to move their driveway south to the top of the hill that he would also like to move his driveway. He stated that his current driveway is in a dangerous location and that the traffic to Lyons and Tri-Valley School creates a large amount of traffic on the highway.

Mason Steffen explained that he had spoken with Mr. Lind during his site visit and that Mr. Lind had indicated that he would like to move his driveway further south. Mason explained that at the time of the site visit he told Mr. Lind that the Planning Office does not handle access point and driveway permits, and that he would need to contact the County Highway Department. Mason further explained that he had forwarded Mr. Lind contact information to the Highway Superintendent and that Mr. Lind would need to contact them directly regarding any driveway changes.



Action

A motion was made by Commissioner Kippley and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #25-51 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-51 – Approved



ITEM 9. CONDITIONAL USE PERMIT #25-54 to allow a Kennel on the property legally described as Lot 7A Three River Bluffs Addition SE¼ Section 10 T101N-R48W Split Rock Township.

Petitioner: Jeremy & Stephanie Keizer

Property Owner: Same

Location: 26375 S McHardy Road

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 7A Three River Bluffs Addition SE¼ Section 10

T101N-R48W Split Rock Township

Present Zoning – A-1/RR Agricultural & Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – 7.74 Acres

Staff Report: Mason Steffen

Staff Analysis: Earlier this summer planning staff received calls from neighbors with concerns that a boarding kennel was operating on the property without the proper permits. Planning staff confirmed the existence of this operation through a Facebook page registered as AirB&Bark and listed with the subject property as the operating address. On August 5, staff sent a zoning violation letter to the property owner and the owner applied for this conditional use permit on August 8. The petitioner submitted a narrative, business organization documents, IRS tax documents, operation photos, and call logs from Verizon with this request. The narrative states that they began operating the business in April of 2023 with a small number of dogs and that they contacted both the City of Sioux Falls and Minnehaha County regarding the necessary permits for this operation. The Verizon call logs submitted by the petitioner lists several phone numbers registered to Minnehaha County, but none of the phone numbers are for the Minnehaha County Planning & Zoning Department.

The submitted narrative explains that the boarding kennel is located within a portion of the attached garage in the new dwelling on the property. This area includes space for up to twelve dogs at a time and will be connected to a fenced-in outdoor play area on the north side of the garage. The pick-up and drop-off hours are limited by the petitioner to between 7 am and 9 pm. All dogs being boarded at the kennel will be required to be indoors between the night and early morning hours of 9 pm to 7 am. The driveway and other parking areas on the property will provide ample off-street parking to clients for the pick-up and drop-off of the dogs.

On September 5, 2025, staff conducted a site visit of the subject property and surrounding area. The property is located approximately a mile and a half south of the city limits of Brandon, and approximately one mile east of SD Highway 11. The property is part of the Three River Bluffs Addition, which is a seven lot residentially zoned subdivision. However, this property has a separate access point off S McHardy Road that is maintained by the petitioner and not utilized by the rest of the subdivision. The location of the kennel within the attached garage is approximately 375 feet from the nearest residence to the south and the outdoor play area will be on the north side of the garage, which is on the opposite side of the garage from the neighbors to the south.



Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The property is located in an area where residential development is limited to the available building eligibilities, and the existing residential acreages in the area are separated from the site by several hundred feet. Additionally, the subject property has a separate access point off S McHardy Road than the rest of the subdivision, and the traffic increase to the site should cause a minimal impact to the township roads. Since the kennel is also being operated within an attached garage, and the dogs will be required to be indoors at night, the effect on the neighboring properties should be minimal.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The vacant property surrounding the subject property is currently agricultural land with the potential for limited residential development via building eligibilities. The Three River Bluff Addition to the south has one vacant lot, but any increase in residential density in the area will be limited. The property is a large residential acreage that is mostly surrounded by agricultural land, and therefore, the proposed kennel should minimally impact any development in the surrounding area.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The property is already fully developed with a primary dwelling, accessory dwelling unit, and several accessory buildings. All the necessary utilities for the operation are in place on the site and within the attached garage. The property also has a dedicated access point off S McHardy Road. Finally, the proposed kennel will operate within an existing structure and will not impact drainage in the surrounding area.

4) That the off-street parking and loading requirements are met.

Customers will pick-up and drop-off their dogs throughout the day, so no large quantities of off-street parking should be needed. The property is large enough to accommodate the off-street parking necessary for the kennel operation. There are no loading requirements for this type of operation.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

A kennel has the potential to produce offensive noise with barking dogs. Keeping dogs inside during the overnight and early morning hours should reduce potential nuisance noises. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

Given the proper supervision and care of the animals, the proposed dog kennel should not affect the health, safety, or general welfare of the public. The recommended conditions of approval also provide limitations to prevent nuisance or harm. The property is located within the transition area on the Future Land Use Map in the Envision 2045 Comprehensive Plan. The primary purpose of the



transition area is to maintain the rural character of the county until the eventual conversion to municipal development. The subject property is located in an area that is unlikely to be annexed for the foreseeable future and allowing the proposed kennel will minimally impact the rural character in the area.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-54 with the following conditions:

- 1) The kennel shall remain as an accessory use to the property as a residential dwelling. If the property ceases to be residential property then the kennel shall cease.
- 2) That all dogs boarded at the kennel shall remain locked inside during the night and early morning hours of 9:00 pm to 7:00 am.
- 3) That all dogs boarded at the kennel shall not be allowed to roam off the property at any time.
- 4) No parking shall be allowed within the public right-of-way at any time.
- 5) An on premise sign may be permitted for identification of the site. The sign must be no larger than 32 square feet in size.
- 6) That this Conditional Use Permit is granted to Jeremy & Stephanie Keizer and is non-transferable to any future owner or lessee of the subject property.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the premises, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony

Mason Steffen, of county planning staff, presented the staff report and recommendation to the commission. He explained that the petitioner had sent him a new packet of information that morning and that he had provided that packet to the commission, prior to the meeting.

Commissioner Kippley asked staff to clarify which house the kennel will be located within on the property and which house was approved as the accessory dwelling. Mason explained that the house that can be seen on the aerial location map is the house that was approved as an accessory dwelling, and that the kennel will be located within the newly constructed house that was finished earlier this year. Mason also clarified that the kennel will be located within a separate stall of the attached garage on the new house and that this area is directly connected to the outdoor play area for the dogs.

The petitioners, Stephanie & Jeremy Keizer, were present and addressed the commission with their comments on the request. They stated that they began the business in 2023 with their daughters and that they want to operate within the rules. Additionally, they explained that the new packet they submitted included maps showing distances to neighbors for other approved kennels in the county and thirty-five to forty letters of support from neighbors and clients. Jeremy Keizer also stated that other kennels in Brandon have struggled to stay open and do not provide the level of care that they provide at their location. Finally, Mr. Keizer explained that the fourth stall of the attached garage is where the kennels are located and that this stall is fully soundproofed with air conditioning and heating.



Commissioner Kippley asked the petitioners what training was required for the “Fear Free Certified Provider” certificate that was included in the packet. Stephanie Keizer explained that it involved over 200 hours of trainings that included sanitation practices, dog socialization practices, vaccine practices, and other training. They also stated that they do limit the type of dogs that they accept and will not accept traditionally aggressive dog breeds, due to the safety of their children.

Dana Potts, of 48198 Three River Circle, Brandon, SD, addressed the commission with her concerns on the proposed kennel. Mrs. Potts explained that she is a home owner association president and that she has received complaints about the subject property. She also stated that there are covenants in place on the property that forbid operating a business. Mrs. Potts brought up several other concerns including property values, noise from barking dogs, and the improper display of the notification sign.

Coralette Thompson, of 26351 S McHardy Road, Brandon, SD, explained that she lives to the north of the property and that her main concern is the increase in traffic to the property. She stated that the road is a two mile gravel road maintained by the township and that they cannot keep up with the maintenance of the road. Finally, she explained that she is not opposed to kennels or dogs, but that she would like to see a limit placed on the number of animals in order to limit traffic and other concerns.

Lacey Engeltjes, of 48197 Three River Circle, Brandon, SD, stated that she is the furthest house from the kennel in the subdivision and that she can still hear barking dogs even at night. She also commented that she does not think it is fair that the petitioners can operate a kennel on their property that will devalue the properties of the other neighbors.

Chelsea Buchanan, of 2013 W River Bend Street, Brandon, SD, addressed the commission with her comments on the request. Mrs. Buchanan stated that she takes her dogs to the kennel fairly often and that she cannot hear any barking once she drives to the end of the petitioner’s driveway. She also stated that she lives in town where there are probably forty dogs that live within the same distance as the neighbors to this kennel. She further stated that the care her dogs receive at this kennel is significantly better than any other kennels she has used, and that she knows the dogs are not outside for hours at a time because her dog is an older dog that cannot handle being outside for extended periods.

Kim Brua, of 48186 Three River Circle, Brandon, SD, explained that the petitioner has looked after her daughter’s dog in the past and that her biggest concern is the kennel expanding beyond the current number of dogs.

Todd Brua, of 48186 Three River Circle, Brandon, SD, explained that he would not have an issue with the kennel if it were to be limited to ten dogs at a time. He also commented that he does not understand how the petitioner is able to run a business when the covenants state that businesses are not allowed in the development.

Angie Keizer, of 26375 S McHardy Road, Brandon, SD, explained that she is the one who lives in the accessory dwelling unit on the petitioner’s property. She stated that the dogs in the kennel never



bother her and that there are a lot of other noises in the area that are louder than the dogs. She also commented that she finds the property to be peaceful and that any traffic issues in the area are caused by larger problems than the kennel.

Kaisha Stofferahn, of 1708 S Parkview Boulevard, Brandon, SD, explained that she was one of the clients that wrote a letter of support for the petitioners. She stated that she appreciates the care that her dog receives from the petitioners and that it would have an adverse impact on the Brandon community if the kennel were to shut down.

Barb Vanderham, of 48195 Three River Circle, Brandon, SD, explained that she wrote a letter of support for the kennel and that the petitioners have taken excellent care of their dogs in the past. She also stated that she has heard barking in the past but that she hasn't heard barking since the petitioners moved into their new house. Finally, she commented that traffic in the area can come from many different sources and that the kennel is not adding significant amounts of traffic.

The petitioners returned to the podium to address the comments and concerns raised from the public. They explained that their own personal dogs are coonhounds that do bark quite often, and that client dogs do not bark excessively. They further stated that they have since moved one of their dogs indoors during the day to limit the noise to neighbors. Additionally, they explained that they are not open to the public and that an appointment is required for everyone to drop off their dog, which mostly occurs on the weekends. Mrs. Keizer also stated that she has reviewed the covenants brought up by the neighbors and that they state that a business cannot be located on the property, unless it is located within a house, and their business is located in their attached garage.

Discussion

Commissioner Kippley asked the petitioner a question regarding the number of dogs within the kennel. They explained that they average four to seven dogs on a normal weekend, but that they can have up to twelve on busy weekends. They also stated that since a majority of the appointments are over the weekend they have decided that at least one of them will always be on the property over the weekend.

Commissioner Heiberger asked if the kennel used to be in a different building and when the kennel was moved to the new house. The petitioners explained that the kennel used to be in what is now the accessory dwelling on the property and that they moved into the new house in March of this year.

Commissioner Randall asked if the petitioner would be open to including a condition limiting the number of dogs within the kennel. Jeremy Keizer stated that they would be open to that condition but would prefer it to limit the number of kennels and not the number of dogs. Planning staff explained that this would need to be added as an additional condition, and that they would recommend limiting the number of animals and not the number of kennels.

Commissioner Kippley commented that it is his understanding that the Planning Commission has nothing to do with land owner contracts such as covenants, and that the commission is only considering the land use of the request.



Action

A motion was made by Commissioner Kippley and seconded by Commission Randall to **amend** Conditional Use Permit #25-54 to add an eighth condition limiting the kennel to fifteen dogs. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

A motion was made by Commissioner Kippley and seconded by Commission Randall to **approve** Conditional Use Permit #25-54 with the eight amended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-54 – Approved with the following conditions:

- 1) The kennel shall remain as an accessory use to the property as a residential dwelling. If the property ceases to be residential property then the kennel shall cease.
- 2) That all dogs boarded at the kennel shall remain locked inside during the night and early morning hours of 9:00 pm to 7:00 am.
- 3) That all dogs boarded at the kennel shall not be allowed to roam off the property at any time.
- 4) No parking shall be allowed within the public right-of-way at any time.
- 5) An on premise sign may be permitted for identification of the site. The sign must be no larger than 32 square feet in size.
- 6) That this Conditional Use Permit is granted to Jeremy & Stephanie Keizer and is non-transferable to any future owner or lessee of the subject property.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the premises, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.
- 8) That the kennel shall be limited to a maximum of fifteen dogs at any one time.



Old Business

Scott Anderson, the County Planning Director, explained to the commission that Rezoning #25-02, which was heard at the last meeting in August, will be heard by the County Commission on September 23, 2025.

New Business

Scott Anderson, the County Planning Director, presented to the commission a scam email that several petitioners for this meeting had received prior to the meeting. He explained that this email includes a false invoice requesting the petitioners to wire transfer money to the county for the application to the Planning Commission. Scott explained that he wanted to make the commission aware of the scam and that staff has sent the scam emails to the IT Department. Finally, he explained that planning staff will be working to spread the word via media releases, public comment at the County Commission, and by directly notifying future petitioners of this scam.

Adjourn

A motion was made to **adjourn** by Commissioner Randall and seconded by Commissioner Heiberger. The motion was approved unanimously. The meeting was adjourned at 8:10 p.m.