



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

OCTOBER 27, 2025

**MINUTES OF THE JOINT
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
October 27, 2025**

A joint meeting of the County and City Planning Commissions was held on October 27, 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, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, Cindy Heiberger, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS' PRESENT: Commissioners Aaron Norman, Erica Mullaly, Janet Kittams, John Paulson, Dana Fisher, and Erik Nyberg

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – State's Attorney Office
Karla Resendiz – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Aaron Norman.

Chair Duffy called the Joint Minnehaha County and City of Sioux Falls 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 no items were requested to be moved to the regular agenda.

A motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Fisher to **approve** the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



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ITEM 1. Approval of Minutes – July 28, 2025

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** the meeting minutes from July 28, 2025. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Fisher to **approve** the meeting minutes from July 28, 2025. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-63 to transfer seven (7) building eligibilities from the NW¹/₄ NE¹/₄ (Ex. H-2 & Ex. E120') Section 17; Tract 3 Cas SW¹/₄ NE¹/₄ (Ex. E120') Section 17; Tract 2 Cas NE¹/₄ (Ex. 2 Acres of East Side (Drainage Ditch) & Ex. E120' Tract 2 (Ex. Lot B Tract 2) Section 17; Tract 4 Cas SE¹/₄ NW¹/₄ Section 17; Tract 5 Cas SE¹/₄ NW¹/₄ (Ex. Lot A) Section 17; Tract 1 Cas NW¹/₄ (Ex. Lot A) Section 17; SW¹/₄ NW¹/₄ (Ex. Tract 6) Section 17 to the SE¹/₄ NE¹/₄ Section 18 all within T102N-R49W Mapleton Township.

Petitioner: Marlene Mekvold Estate by Leann Niebuhr

Property Owner: Same

Location: Approximately 1 mile southeast of the Crooks/Renner Exit

Staff Report: Kevin Hoekman

General Information:

Legal Description – SE¹/₄ NE¹/₄ Section 18 T102N-R49W Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Farmland

Parcel Size – 40.00 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to transfer seven building eligibilities from various connected parcels to a quarter quarter section overlooking the Big Sioux River. The seven transferred building eligibilities will joint one building eligibility that already exists on the quarter quarter section for a total of eight usable building eligibilities on the receiving parcel. Transferring one or more building eligibilities requires approval of a conditional use permit.

The application includes a completed questionnaire that provides some details of the properties involved. The proposed transfer will move building eligibilities out of the floodway to a mor marketable location overlooking the Big Sioux River. The receiving location is mostly hilly and has minimal tillable farm land. The applicant explains in the questionnaire that there is no current plan for how the lots will be developed or how properties will be accessed. This transfer will likely be the first in a series of transfers as several other occupied residences are unoccupied and the dwelling removed.

Sioux Falls Planning Department staff provided comments regarding the proposed transfer. The comments are included with this report. Development on the property must adhere to Sioux Falls Design Standards and Subdivision Ordinance. There will be extra scrutiny for street access from Kiwanis Avenue because of arterial designation. And the property is not currently located within any growth tear area of the approved development plan.

The Minnehaha County Planning Department was notified that the receiving parcel has an abandoned cemetery on it. County records indicate native artifacts and remains may be in the



area as well. Staff spoke with Gaylord Helmbrecht about the cemetery. He stated that the cemetery is surrounded by fencing and graves are marked. He is not aware of any further gravesites outside of the marked areas. He also stated that it would be good to have a better access road to the site, because the current pass is difficult to drive. This proposed transfer is the first step in the process for development. Staff is requesting a condition for preliminary plan and platted lots for the development. Any questions regarding locations of the cemetery or possible native remains must be addressed before approval of the preliminary plan.

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 receiving parcels are located on the high bank of the Big Sioux River. The immediate area is composed of agricultural crop land, but many residential properties exist within a half mile of the property. The area residential properties include a large residential development of approximately 50 houses. Developing the residential building eligibilities in this location will have little effect on the uses currently permitted 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 property is located within the transition area of the 2045 Comprehensive Plan for Minnehaha County. It is outside of any growth tiers for development within the City of Sioux Falls, but it is close to land planned for light industrial development west of Kiwanis Avenue. The residential development will not likely affect industrial development, and it will likely be many years before municipal residential development happens in the area. The proposed development may lead other large property owners to do similar developments by moving building eligibilities outside of the floodplain.

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

The receiving parcel has no utilities or access roads, and the application does not include plans for development of the property. Since the transfer will create a development potential of eight residential properties, platting of each property will be a requirement, and a preliminary development plan will be required for further review. The preliminary development plan will need to show how the proposed development will have access to the highway, and how the development will meet both the county and city subdivision ordinance requirements. Highway access will also need to be approved by the County Highway Department. The applicant should be aware that the county subdivision ordinance requires subdivision roads to be hard surfaced. Minimum road standards can be found within Article 8 of the 1993 Revised Subdivision Ordinance for Minnehaha County.

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

Off street parking requirements will be met on each parcel at the time building permits are requested for each dwelling.



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 transfer will result in a subdivision of residential properties. Residential properties typically do not create nuisances, and each property will need to comply with the Public Nuisance Ordinance. The road for the development will be required to be hard surfaced, and this will reduce concerns for dust from the development.

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

The proposed transfer meets standards of the comprehensive plan. It will also remove several building eligibilities out of the floodplain to a location better suited for development. The floodplain will be preserved as agricultural land.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-63 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) All lots must be platted prior to a building permit for a single family dwelling will be issued.
- 3) A preliminary subdivision plan must be approved prior to platting any lots for the subdivision. The preliminary plan must address and protect both cemetery and any possible native remains on the site.

Action

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** Conditional Use Permit #25-63 with staff recommended conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Fisher to **approve** Conditional Use Permit #25-63 with staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-63 – Approved



Regular Agenda

**ITEM 3. CONDITIONAL USE PERMIT #25-61 to allow a Bed & Breakfast
Establishment on the property legally described as Tract 3 Andy's Acres NE¼
SW¼ Section 23 T102N-R49W Mapleton Township.**

Petitioner: Friendly Neighbor LLC

Property Owner: Same

Location: 47644 Slip Up Creek Road

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 3 Andy's Acres NE¼ SW¼ Section 23 T102N-R49W
Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – .74 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is seeking a conditional use permit to allow the residence at 47644 Slip Up Creek Road to be used as a bed and breakfast establishment. The existing residence has six (6) bedrooms, five (5) bathrooms, and two (2) kitchens spread out over two levels. In addition, there is a three-stall attached garage and detached double stall garage, along with the concrete driveway leading up to the garages and additional gravel parking area in the back of the property. The applicant has included a short narrative that explains more about the proposed bed and breakfast establishment and their vision for the home which is included for the Planning Commission's review. The applicant has also submitted a certificate from the city of Sioux Falls for the "Residential Rental Property Training Program".

On October 1, 2025, staff conducted a site visit. The area consists of a residential development. There are approximately 35 residences in Andy's Acres. The Mapleton Golf Course and Mapleton Heights subdivision is being constructed directly to the southeast of the subject property. The clubhouse and guest housing are clearly visible from the subject property. The property owner met staff on site and provided a comprehensive tour of the property. During the site visit, staff recommended that should the conditional use permit be granted, that they would strongly encourage that a fencing condition be added to provide some privacy and security to the neighbors and better delineating the property boundaries.

The City of Sioux Falls has also reviewed the proposed bed and breakfast use. They commented that if it was in the Sioux Falls, a sprinkler system would be required. Additional comments were made about the future road network in the area and potential changes. The City comments are included for review. The City will not be providing a recommendation on the proposed use.

On January 23, 2023, the Joint Planning Commission denied a conditional use permit request to operate a bed and breakfast establishment on the subject property. The applicant applied for a



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conditional use permit to operate a bed and breakfast on the subject property after being contacted by the Planning Department upon receiving a zoning complaint. At that time, there was no definition for a vacation home rental/short-term rental nor was that use identified in the zoning ordinance. A bed and breakfast establishment was the land use that best fit what the applicant was requesting, and an application was submitted.

After the Planning Commission action on January 23, 2023, the applicant did not appeal the recommended denial and continued to operate short-term rentals from the subject property. Two additional zoning enforcement letters were sent to the applicant requesting the use to cease. In August of 2023, the County Commission authorized the States Attorney to proceed with legal action to enforce the Zoning Ordinance. A trial was held on November 30 and December 12, 2023. On December 15, 2023, Judge Houwman issued a preliminary injunction against Don't Ask Holdings. A final injunction was issued stopping the applicant from using the property as a short-term rental without meeting the proper zoning requirements.

The applicant applied for a short-term rental, CUP #24-01, on November 30, 2023, which was the day an ordinance amendment addressing Vacation Home Rental/Short-Term Rental became effective. CUP #24-01 was heard by the Joint Planning Commissions on January 22, 2024, and denied. The applicant appealed the Joint Planning Commissions' decision and on February 27, 2024, an appeal hearing for CUP #24-01 was held by the Joint Minnehaha County Commission and Sioux Falls City Council. After due consideration, Conditional Use Permit #24-01 was denied.

The applicant applied for a short-term rental, CUP #25-30 and the request was heard by the Joint Planning Commissions on May 19, 2025, and denied. The applicant appealed the Joint Planning Commissions' decision and on June 24, 2025, an appeal hearing for CUP #25-30 was held by the Joint Minnehaha County Commission and Sioux Falls City Council. After due consideration, Conditional Use Permit #25-30 was denied. The applicant has now applied for new proposed use for the site as a bed and breakfast.

The Joint Zoning Ordinance defines a Bed and Breakfast Establishment as:

83. **BED AND BREAKFAST ESTABLISHMENT.** A bed and breakfast accommodation may provide no more than ten bedrooms for guests (exclusive of the living quarters of the owner or operator). Guests at a bed and breakfast accommodation may stay up to fourteen consecutive days provided that the bed and breakfast accommodation may only offer a daily rate and shall not offer weekly or bi-weekly rates. A bed and breakfast accommodation may include kitchen and dining facilities to furnish meals for guests only. Food preparation within a guest bedroom is prohibited. A bed and breakfast accommodation may not include a restaurant, banquet facilities or similar services. *(amended 08/17/09 By MC30-02)*



For this application, the applicant has indicated that there will be a full-time on-site manager that will occupy a small sleeping room off the garage. The on-site manager will ensure that the house rules are met and provide breakfast if the property owner decides to offer a breakfast. The applicant has provided a written narrative for the “Friendly Neighbor Bed & Breakfast”, which is included for the review. Also included in the information submitted by the applicant is the rental agreement that any potential renter will need to agree to and sign. The rental agreement is also included for review.

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.

It is likely that the proposed use will not impact the property values in the neighborhood. It is likely that the construction of this residence in 2019 increased the property values in the area, as the house is quite large and has a value that exceeds most houses in the subdivision.

The proposed use as a bed and breakfast will have an effect upon the use and enjoyment of the properties in the immediate vicinity. During 2023, the Minnehaha County Planning Department received more than 25 complaints on the use of the property. The complaints ranged from noise and traffic after 11 p.m., use of fireworks by renters, party buses unload guests after midnight, garbage on the site, traffic and lighting. The neighboring property owners have called the Minnehaha County sheriff to address noise. These issues were reported to the Planning Department on nearly a weekly basis by several of the area residents. These complaints represent how the property is likely to be used and operated in the future and will continue to cause neighborhood conflict. The request to establish a bed and breakfast establishment at this property could have a negative impact on the use and enjoyment of the properties in the immediate vicinity. Should the Planning Commissions wish to allow this use, conditions limiting the number of guests, check-in times and quiet times may mitigate some of the impacts. It should also be noted that the applicant now lives approximately 2,000 feet east of the subject property and would likely not want nuisance renters in his own neighborhood. The close proximity of the property and on site management will allow for better monitoring of use.

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

This area is now adjacent to the north side of the city limits of Sioux Falls. The 2040 Future Land Use map has been changed to “Live/Work”. The subject property is part of the Andy’s Acres Subdivision. This subdivision is located to the north, east and west of the subject property. The area to the southeast has recently been rezoned as the Mapleton Golf Course Planned Development and is currently under construction. The Mapleton Planned Development allows for a lodge type structure which is under construction and soon to be operational. This Lodge will have 12 units. The development and construction of the Mapleton Golf Course have changed the uses of the area. The new Mapleton Golf Course has added a resort/recreational land use into the area. Continued residential development called Mapleton Heights is under construction. The roads and infrastructure are being constructed. A bed and breakfast establishment could be more reflective of the changing land use patterns in the area. The Laurel



Ridge Events Center is also along the south side of Slip Up Creek Road approximately ½ mile to the east. Furthermore, the newly developed Veteran's Cemetery is located to the northeast.

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

The property is already developed with a single-family dwelling and street access onto Slip Up Creek Road. Slip Up Creek Road was recently paved and is now on the County's highway system and maintained by the County Highway Department. No new utilities will be needed, and drainage will not change on the site.

This property is located on a rural lot with an on-site wastewater disposal system designed for 600 gallons per day of water usage. The Planning Commission and the Petitioner should be aware that the proposed use may create water usage problems for the property. The Zoning Ordinance allows a maximum occupancy of three people per bedroom for a total of 18 people on site at any one time. The USGS.gov website estimates that the average daily water usage for a person is 80 to 100 gallons. If each person at the house uses 80 gallons of water the system could only support 7.5 people. Even if average water use per person is divided in half (such as the state on-site wastewater design requirement for a rooming house), the septic system will not support 18 people. The Planning Commission should consider the total maximum occupancy of the property and how the proposed occupancy might impact the septic system.

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

Article 16 of the Joint Zoning Ordinance provides parking guidelines. A bed and breakfast use and any parking requirements are not specifically identified in Article 16. The recently adopted parking requirements for short-term rentals require 1 parking space per guest bedroom. The applicant has indicated that six (6) bedrooms are to be used. Staff recommends following the standard for short-term rentals and the applicant should provide six (6) off street parking spaces if the use is approved. There are five (5) garage spaces and the driveway approach to the garages. This could meet a proposed six (6) parking space 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.

As noted, the conditions of the area are changing. A major resort use is being developed to the southeast. Furthermore, the construction of Mapleton Heights, which will continue to change the land use dynamics of the area. Therefore, staff is neutral on whether a bed and breakfast is an appropriate land use on the subject property and will make no recommendation to approve or deny the request. The Planning Commission could attempt to limit any potential nuisance issues with conditions should approval be considered. Items to consider for mitigation would be noise and traffic at typically quiet times such as between 11 pm and 7 am, trash, screening fences, berms, landscaping and the amount and type of security lighting. The applicant now lives approximately 2,000 feet to the east along Slip Up Creek Road. The owners nearby location and on-site management may allow for better monitoring of a proposed bed and breakfast.

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

The general welfare of the public and compatible land uses is of concern. The proposed use could have potential health issues with an under designed wastewater system, the safety of the



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public is at risk with guests using the property arriving to the site late in the evening or early morning hours after celebrating events and potentially impaired by alcohol. The Comprehensive Plan indicates that it should reflect the collective goals and values of the current residents and future generations. The land uses in the area, however, are changing. With these changes, the proposed use may become more acceptable.

The Joint Planning Commissions may deny a conditional use permit when not in harmony with the purpose and intent of the Zoning Ordinance. Article 1.00 of the Joint Zoning Ordinance states: “The regulations are intended to preserve and protect *existing* property uses and values against adverse or unharmonious adjacent uses...” (italics and bolding added). Throughout 2023 the subject property was used as a short-term rental and staff received nearly weekly complaints from many neighbors. The neighborhood concerns and complaints would indicate that the proposed use may be an unharmonious adjacent land use to the existing residential development in the area. The changing nature of the area, however, might be more congruent to new land uses in the future. The Planning Commissions can take testimony from all sides and make a determination.

Recommendation: Staff puts forth a “**NO RECOMMENDATION**” for Conditional Use Permit #25-61.

Public Testimony & Discussion

Scott Anderson, the County Planning Director, stated that the petitioner had requested that the item be withdrawn from the agenda the previous week, and that they had decided to long-term lease the property for eighteen months. Scott then explained that the commissions would need to make a motion to acknowledge the withdrawal of the application request.

Action

A motion was made for the County by Commissioner Randall and seconded by Commission Mohrhauser to **acknowledge the withdrawal** of Conditional Use Permit #25-61. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

A motion was made for the City by Commissioner Fisher and seconded by Commissioner Mullaly to **acknowledge the withdrawal** of Conditional Use Permit #25-61. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-61 – Withdrawn



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **adjourn**. The motion passed unanimously.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Fisher to **adjourn**. The motion passed unanimously.

The meeting was **adjourned** at 7:08 p.m.