



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
October 27, 2025**

A meeting of the Planning Commission 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, Adam Mohrhauser, Ryan VanDerVliet, Cindy Heiberger and Joe Kippley.

STAFF PRESENT:

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

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:09 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 3 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, 2, & 4 by Commissioner Ralston and seconded by Commissioner Randall. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – September 22, 2025

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Randall to **approve** the meeting minutes from September 22, 2025. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-60 to exceed 1,600 square feet of accessory building space (requesting 2,520 square feet) on the property legally described as Lot 7 Block 3 Sorums Subdivision Section 9 T102N-R49W Mapleton Township.

Petitioner: Mathew Lind
Property Owner: Same
Location: 25747 475th Avenue
Staff Report: Mason Steffen

General Information:

Legal Description – Lot 7 Block 3 Sorums Subdivision Section 9 T102N-R49W
Mapleton Township
Present Zoning – A-1 Agricultural
Existing Land Use – Residential Acreage
Parcel Size – .81 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 2,520 square feet of detached accessory building area. Currently, there is one detached accessory building on the property that is a 24’ x 24’ garage to the north of the existing dwelling. The petitioner is proposing to build a new 36’ x 54’ detached garage to the south of the dwelling. The site plan indicates that the new building will be in line with the existing dwelling in relation to the property line along SD Highway 115. This will make the building approximately sixty feet from this property line, which exceeds the necessary fifty foot setback.

On October 6, 2025, staff conducted a site visit of the subject property and surrounding area. The property is located on the northern edge of the residential subdivision at the Renner Corner intersection, along SD Highway 115. The property is one of the larger lots in the immediate vicinity, and a majority of the surrounding lots are less than an acre. Other properties within the subdivision have similar sized buildings to this request and a few of them have been approved through conditional use permits for more total detached accessory building area. Therefore, the proposed detached garage will generally fit within the current and future development of the surrounding area.

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 proposed building is setback several dozen feet from the neighboring property lines and the property has existing trees that screen the building location from the highway. Therefore, the proposed use should have no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. The proposed building is similar in size to other



detached accessory buildings in the area, and so, property values should also not be negatively impacted due to the personal use of the proposed accessory building.

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

The site of the accessory building is located in an area surrounded by other similar residential lots and agricultural land. Any new residential development in the area is likely to be limited by the capacity of the Renner Sanitary Sewer District. There should be no anticipated impacts to the normal and orderly development and improvement of the surrounding vacant residential lots. The proposed size of the accessory building is generally compatible with other residential properties in the immediate vicinity.

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

The proposed building will utilize the existing access for the property off the public right-of-way. The petitioner will be required to extend all other necessary utilities to the structure, and the location of the building should have a minimal impact on drainage in the area.

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

The proposed site of the accessory building is large enough to accommodate the off-street parking requirement. The proposed accessory building will also add additional parking and storage to the property.

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.

No commercial business or storage will be allowed in the accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All new or replacement 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.

The health, safety, and general welfare of the public should not be negatively affected by the construction of the proposed accessory building. The property is included in the transition area on the Future Land Use Map within the Envision 2045 Comprehensive Plan. The primary purpose of the transition area is to maintain the rural landscape until the eventual development of residential and/or municipal land uses. Allowing the proposed detached garage on a lot within an existing residential area such as Renner will not impact the rural landscape and generally conforms to the goals and policies of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-60 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 2,520 square feet.



- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That the building shall not to be used for commercial uses 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 Ralston and seconded by Commissioner Randall to **approve** Conditional Use Permit #25-60 with staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-60 – Approved



ITEM 4. CONDITIONAL USE PERMIT #25-66 to allow Motor Vehicle Sales, Display & Service on the property legally described as Tract 1 Severson’s Addition (Ex. H1) SW¼ Section 32 T101N-R47W Valley Springs Township.

Petitioner: Joseph Nagorniuk
Property Owner: Don Hoppe
Location: 48526 268th Street Unit #16
Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Severson’s Addition (Ex. H1) SW¼ Section 32
T101N-R47W Valley Springs Township
Present Zoning – Hoppe PD
Existing Land Use – Warehouse/Single-Family Dwelling
Parcel Size – 8.87 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located on the South Dakota/Iowa border, directly north of the Grand Falls Casino. The property was rezoned from the C Commercial zoning district to Hoppe PD in 2018 in order to allow a mix of commercial and single-family land uses. The building on the property was permitted to include 4,294 square feet of living quarters in the eastern portion and 21,087 square feet of warehouse/office space in the remaining portion. The warehouse/office portion of the building is divided into six units, and the petitioner is requested to operate their business within the westernmost unit. The submitted narrative explains that the primary purpose of the business will be to display and sell used vehicles, but that they will provide limited services such as oil changes and other minor repairs. The hours of operation are listed by the petitioner as 8:00 am to 6:00 pm Monday thru Friday, by appointment on Saturdays, and closed on Sundays. These are typical hours of operation for a commercial business and will not impact the existing uses on the property.

The site plan indicates that the vehicles displayed for sale will be located in the southwestern corner of the parking lot, and that employee/customer parking will be located directly in front and to the west of the unit. The property is located within the Red Rock Corridor Overlay (RRCO) District. The RRCO District includes additional site requirements over typical developments, and it requires buffer yards with trees for differing neighboring uses. This property is already developed, and it will not need any additional buffer yards based on current conditions.

On October 6, 2025, staff conducted a site visit to the subject property and surrounding area. The driveway for the site is located approximately 500 feet east of SD Highway 42, along 268th Street. The driveway into the property is paved with concrete and the parking lot is crushed asphalt with a concrete apron around the building. Hard surfacing is a requirement within the ordinance for all commercial zoned property that is accessed off a paved road. The nearest dwelling that is not located on the property is approximately 350 feet to the east of the unit for the proposed operation. Given that all minor vehicle repairs will take place within the building, and any outdoor activities



will be limited to vehicle displays and sales, the proposed use should minimally impact this neighboring residential dwelling.

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 proposed motor vehicle sales, display and repair will take place on a property that is zoned for commercial type uses, while also allowing single-family dwellings. Any vehicles displayed outdoors must be in an operable condition and any repairs must take place within the building. The surrounding land uses include vacant farmland, a residential acreage, and the Grand Falls Casino. These uses will not be impacted by the proposed repair of vehicles within the existing building and the display of vehicles in the parking lot. The property is also located near a busy intersection of two highways, in close proximity to the casino, which provides high visibility for the proposed land use.

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

The immediate area around the property is not likely to be further developed for some time. Most of the vacant land surrounding the property is agricultural, but the property directly across SD Highway 42 is a vacant commercial zoned property. Any new development that takes place at this intersection will likely be commercial in nature, which will increase the proposed land use's compatibility with the area.

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

The property is already developed with existing utilities, access roads and facilities. The minor repairs within the building and display of vehicles on the existing parking lot will not impact drainage on the property.

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

The property has existing parking areas that are surfaced with crushed asphalt and a concrete apron around the building. The concrete apron will provide enough off-street parking for employees and customers. The driveway onto the property and parking lot are large enough to allow for the temporary loading and unloading of vehicles on the site. Loading and unloading of vehicles in the right-of way is prohibited.

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 petitioner is requesting to utilize an existing property for the sale, display and service of motor vehicles. The minor repair services provided by the petitioner shall only take place within the existing building. No inoperable or dismantled vehicles will be allowed outside of the building. If lighting is used to illuminate the lot, lights should be fully cutoff and pointed away from neighboring uses. The hours of operation will be 8:00 am to 6:00 pm Monday thru Friday, with limited hours on weekends, which will also help reduce any nuisances from the operation.



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

The proposed use of motor vehicle sales, display and service should have reasonable conditions to prevent negative affects to public health, safety, and general welfare. Requiring all repairs and maintenance to take place within the building will limit the potential of contaminating the property and surrounding area. Prohibiting the display of dismantled or inoperable vehicles will further limit the potential impacts of the use on the general welfare of the public. The portion of this intersection within Minnehaha County was rezoned to commercial in 2010 due to the development of the Grand Falls Casino. Limited commercial development has taken place since the rezoning, but the existing uses on this property are commercial in nature. Allowing the proposed use within an existing commercial building, at the intersection of two major highways, will generally conform to the goals and policies of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-66 with the following conditions:

- 1) This permit is to allow for the sale, display, and repair of motor vehicles on the property.
- 2) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3) All vehicle parts, equipment, packaging, and similar materials shall be stored inside the building
- 4) All motor vehicles for sale in the display area shall be in working condition. No inoperable or dismantled vehicles shall be offered for sale.
- 5) That all 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 all parking and display of vehicles shall meet the required parking setbacks for the property.
- 7) That no loading or unloading shall take place in the right-of-way at any time.
- 8) That a state dealership license must be maintained as long as vehicles sales continue on the property.
- 9) That a building permit shall be required for any alterations within the building and for any sign, prior to construction.
- 10) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Randall to **approve** Conditional Use Permit #25-66 with staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-66 – Approved



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #25-64 to allow a Short-Term Rental on the property legally described as Tracts 4 & 5 Bowmans Subdivision Lot 6 SE¼ NE¼ Section 21 T101N-R51W Wall Lake Township.

Petitioner: Kari Karsky
Property Owner: Chad Johnson
Location: 26539 E Shore Place
Staff Report: Mason Steffen

General Information:

Legal Description – Tracts 4 & 5 Bowmans Subdivision Lot 6 SE¼ NE¼ Section 21 T101N-R51W Wall Lake Township
Present Zoning – RR Rural Residential
Existing Land Use – Residential Acreage
Parcel Size – .25 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to utilize the existing house on the property as a short-term rental. The petitioner does not currently own the property but is in the process of purchasing the site in order to operate the short-term rental. The Minnehaha County zoning ordinance requires a conditional use permit for all vacation home/short-term rentals and these operations must meet five requirements. The narrative states that the dwelling has four bedrooms with a loft that includes bunk beds, and that the maximum occupancy will be sixteen guests. However, the zoning ordinance clearly outlines that the maximum occupancy for a short-term rental shall be three people per bedroom, and the loft space does not meet the definition of a bedroom. Therefore, the maximum occupancy of the rental shall be set at twelve guests in order to comply with the zoning ordinance.

On October 6, 2025, staff conducted a site visit to the subject property and surrounding area. The location of this property is on the east side of Wall Lake, along E Shore Place, which is the road connecting approximately twenty houses and cabins on the east side of the lake. The property has a shared access point of E Shore Place with the neighboring dwellings to the north and south. The property does have a detached garage and dedicated parking pad that will provide the required four off-street parking spaces for the short-term rental. This area around Wall Lake has many lake cabins, as well as two previously approved short-term rentals, and allowing this existing dwelling to be used as a short-term rental should minimally impact the use of the neighboring 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 a lakeside subdivision of houses and cabins. Short term rentals, such as this proposal, are generally compatible with residential sites because traffic is low and the number of guests are limited. The use is also easily converted back into a single-family dwelling if



the property owner wished to stop having short-term rental guests. The property has dedicated parking areas so that no parking on the street is needed or allowed.

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

Many of the properties on E Shore Place are fully developed with single family dwellings and lake cabins. Newer development typically happens in the form of large house additions or house replacements rather than new houses on vacant lots. The operation of a short-term rental should not have any effect on future development in the area.

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

The property shares a driveway off E Shore Place with the houses to the north and south. The proposed short-term rental will be located within an existing dwelling that has access to all the necessary utilities, including a connection to the Wall Lake Sanitary Sewer District. The drainage on the property will not be impacted by the proposed use within the existing dwelling.

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

The ordinance requires one parking space per bedroom, and the house has four bedrooms. The property has a detached two stall garage and sufficient driveway space to meet this off-street parking requirement.

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 activities of a short-term rental are similar to those within a single-family dwelling. The AirBnB platform does allow for some screening of customers, and the operator has the ability to deny customers who have a record of bad behavior. The narrative further states that no parties or large gatherings will be allowed, that quiet hours will be in place after 11pm, and that a host or representative will be available 24/7 to handle guest needs or emergencies. The zoning ordinance also requires contact information for the owner or manager to be clearly displayed inside the short-term rental at all times. Given all these factors, the potential nuisances to the surrounding area should be minimal and any potential issues with guests should be handled quickly by the owner.

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

The proposed use should have a minimal negative effect on the health, safety, and general welfare of the public. Short-term rentals allow property owners to supplement income and utilize space that may otherwise not be needed or fully utilized. Two short-term rentals have also been approved through conditional use permits along E Shore Place. These rentals are located just a few dwellings to the south of the subject property. To protect the guests who stay at the short-term rental, the house must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County. In order to protect the public, the petitioner should also maintain a list of guests who stay at the short-term rental. This list shall be maintained and made available for law enforcement if needed. Contact information shall be provided to guests inside the short-term rental and a copy provided to the Planning Department according to the ordinance requirements.



Recommendation: Staff recommends **approval** of Conditional Use Permit #25-64 with the following conditions:

- 1) That this conditional use permit shall only allow for a short-term rental, as defined by Article 26.02 679A. of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 2) That the dwelling must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 3) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.
- 4) That all requirements of Article 12.17 Vacation Home Rental/Short-Term Rental of the 1990 Revised Zoning Ordinance for Minnehaha County are followed at all times.
- 5) That the maximum occupancy for the short-term rental shall be twelve (12) guests.
- 6) That no parking shall be allowed within the public right-of-way at any time.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the short-term rental 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.

Public Testimony & Discussion

Mason Steffen, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Heiberger asked planning staff how the guest limit set by staff is enforced. Planning staff stated that enforcing guest limits is difficult, but that the best way to enforce the conditions is through public complaints from the neighbors.

Commissioner Mohrhauser asked if the access easement for this property is shared by three homes. Planning staff explained that the property has an access easement through the neighbor to the north's property, and that this easement is used by these two properties and the neighbor to the south. He further commented that the subject property would be landlocked with no access to a public right-of-way without this access easement.

The petitioner, Kari Karsky, of 605 S James Avenue, Tea, SD, was present and available for questions from the commission.

Commissioner Heiberger asked the petitioner how often the property will be used personally and how often it will be used as a rental. Mrs. Karsky stated that they do plan to utilize the site in the summer when it is not being rented because they live only nine miles from the site, but that they just acquired the property and do not know exactly how much they will personally use the site yet. Commissioner Heiberger then asked for clarification on if the petitioner's intent was to live on the site full time. Mrs. Karsky stated that they will not be using the site as their primary residence.

Duane Boice, of 26575 E Shore Place, Hartford, SD, explained that he maintains E Shore Place and that more than four cars have been parked at this property many times in the past, and that cars have also been parked in the right-of-way. He brought up several other issues included the lack of



enforce regarding the maximum occupancy, the effect on neighboring property values, the degradation of E Shore Place, and people not following speed limit.

Commissioner Heiberger asked Mr. Boice if the previous property owner was operating a short-term rental without the proper permitting. Mr. Boice explained that he did not think it was a short-term rental, but that they hosted parties with many people and that he does not want to see Wall Lake become a commercial area.

Lance Bergeson, of 26527 E Shore Place, Hartford, SD, addressed the commission with his concerns regarding the proposed short-term rental. Mr. Bergeson stated that he does not agree that a short-term rental is a similar land use to a typical single-family dwelling. He also stated that both E Shore Place and the driveway to this property are narrow, which restricts access. He further added that his neighbor's house recently burned down and that emergency services had a difficult time responding in the area. Finally, he explained that the house for the short-term rental is much closer to the neighboring houses than his house was to his neighbor's, so he would have concerns with a potential fire spreading to neighboring structures.

Lois Boice, of 26575 E Shore Place, Hartford, SD, explained that her and her husband own six properties along E Shore Place, but that she is actually representing the neighbor to the north of the subject property who could not attend the meeting. Mrs. Boice read a letter to the commission from Richard & Annette Francis who could not attend the meeting due to a recent surgery. The letter explained the Francis' opposition to the proposed short-term rental and the issues that they have had with the previous owner parking in the access easement and on their property.

Commissioner Kippley asked the petitioner to return to the podium to address the neighbor's concerns with the proposed short-term rental. Kari Karsky explained that a representative will be available to address neighbors concerns and that they will have cameras installed on the property that monitor the guests and anyone else coming to the property. Mike Karsky also commented that they had talked to both neighbors about using this property personally in the future, but that they would like to use the property as a rental in order to help pay down the debt incurred by buying the property. Finally, Mr. Karsky stated that they have personally parked over five cars on the property, so it will be possible to meet the required four parking spaces.

Commissioner Kippley then asked if the petitioner's have operated a short-term rental in the past. Mrs. Karsky explained that this year was their third season operating two short-term rentals on Lake Madison, and that their goal is to be a good neighbor with this proposed operation.

Commissioner VanDerVliet asked the petitioner to clarify if they just bought the property and if the concerns raised by neighbors were from the previous owners. The Karsky's explained that they had just closed on the property, so any prior concerns would have been before they owned the property.

Commissioner Randall asked the petitioner to explain their plan for parking and where the parking would be located. Mrs. Karsky explained that it will be located on a parking pad in front of the house, in front of the garage, as well as within the detached garage.



Commissioner Kippley commented that concerns from Wall Lake residents lead to the adoption of the short-term rental regulations and that he believes the petitioners are acting in good faith.

Commissioner Kippley also stated that the request generally fits with what has been approved in the past and that with competing property rights between neighbors it is tough to make everyone happy.

Commissioner Heiberger stated that she has concerns regarding the road and people parking wherever they want. Commissioner Heiberger also asked planning staff how many times an issue has to take place before the permit is recalled. Mason Steffen explained that any complaints would follow the county's complaint process of receiving complaints, performing site visits, sending letters to the petitioner, and ultimately recalling the permit if the issues are not fixed.

Commissioner Ralston asked staff if previous short-term rentals have been approved with a quiet hours condition and if that could be added. Mason Steffen explained that the commission could consider adding a quiet hours condition and that he would recommend setting these hours from 11pm to 7am.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to **amend** Conditional Use Permit #25-64 to add an eighth condition requiring quiet hours. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Commissioner Kippley commented that he encourages the petitioner to work with the neighbors because that has led to success at other short-term rentals in the county. Commissioner Kippley also commented that having cameras and other ways to enforce the conditions is helpful and that he would like to believe that the applicant will act in good faith and follow through on the enforcement of conditions. He further stated that this is a conditional use permit and that it is the responsibility of the applicant to work with neighbors and to build a track record of good faith operation.

Commissioner Heiberger commented that she will be in support of the application because the proposed operation meets all of the requirements laid out in the zoning regulations, but that she also does not like everything about the operation and understands the neighbor's concerns.

A motion was made by Commissioner Kippley and seconded by Commissioner Ralston to **approve** Conditional Use Permit #25-64 with the eight amended conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-64 – Approved with the following conditions:

- 1) That this conditional use permit shall only allow for a short-term rental, as defined by Article 26.02 679A. of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 2) That the dwelling must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 3) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.



- 4) That all requirements of Article 12.17 Vacation Home Rental/Short-Term Rental of the 1990 Revised Zoning Ordinance for Minnehaha County are followed at all times.
- 5) That the maximum occupancy for the short-term rental shall be twelve (12) guests.
- 6) That no parking shall be allowed within the public right-of-way at any time.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the short-term rental 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.
- 8) That the property shall be required to maintain quiet hours between 11:00 pm and 7:00 am.



ITEM 5. CONDITIONAL USE PERMIT #25-65 to allow an Agricultural Related Operation (Production Distillery) on the property legally described as the NE¼ (Ex. S887.6' E751.21') Section 6 T101N-R52W Wellington Township.

Petitioner: Riley Erickson
Property Owner: Jelly Bean Bush LLC
Location: Approximately 4 miles south of Humboldt
Staff Report: Kevin Hoekman

General Information:

Legal Description – NE¼ (Ex. S887.6' E751.21') Section 6 T101N-R52W Wellington Township.
Present Zoning – A-1 Agricultural
Existing Land Use – Farmland
Parcel Size – 144.70 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is proposing to build a 60 feet by 102 feet building on a small portion of the subject property. The stated use of the proposed building is for storage of ag equipment and equipment for maintenance of the remaining agricultural and food plots for hunting. Additionally, a portion of the building will be utilized as a distillery. Agricultural accessory buildings are permissible on ag production land 40 acres in size or more, however this building is planned to be constructed on a 250 feet by 250 feet (1.4 acre) parcel separated from the other land. The combination of small parcel and distillery can be classified as an agricultural related operation and can be approved by a conditional use permit.

The petitioner submitted a detailed narrative and site plan to support the application. The proposed building will be located on a future parcel located in the northeast corner of the property and of the section. The driveway access will utilize the unimproved section line right of way on the north side of the property. The proposed building will be large with a building area of 6,840 square feet including the lean to overhang. The petitioner should be aware that a building this size will required engineered plans to ensure the structure meets applicable building code requirements. The narrative states that there will be fire suppression for the distillery. The building inspector may also require architectural review for code compliance for the building.

The proposed parcel will includes concrete aprons for the driveway. And it also includes two row of trees that are staggard along the east and south property lines. The petitioner describes in the narrative that the gravel driveway and concrete apron will be used for temporary trailer storage and employee parking for the distillery. The petitioner should be aware that all vehicles and trailers that are parked outside must be currently licensed with required plates. Since the proposed operation includes such a large building on a small property with no associated dwelling, staff suggests that a condition is placed on the permit that restricts outdoor storage. Outdoor storage includes building materials, products, inoperable vehicles, and unlicensed equipment such as skid loaders, tractors, or attachments.



The proposed building would be permissible on the property as it currently stands. Platting the property to a lot smaller than 40 acres makes the land no longer buildable as an agricultural building. Staff has some concerns that the proposed building and set up is a means to back door a storage building on an inexpensive lot in the rural area. The requirement to have all storage within the building is one way to reduce possible divergent land use of the property as something like a contractor storage yard or similar use.

Likewise, the property is not planned to have a residential building eligibility. The building shall not be constructed in a manner that will make the structure livable. The current or another future land owner may find it simple to remodel the distillery into a living space. This should be strictly not allowed by the conditional use permit. No bedrooms or kitchens should be allowed within the structure. No human occupancy shall be allowed within the building.

The Planning Commission may consider additional conditions to reduce possible misuse of the property, or the permit may be denied if it is determined the land use is not compatible with the pattern of land development. If this conditional use permit is denied. The applicant may still construct the proposed building as an agricultural accessory building if the parcel in which it is build is 40 acres or larger in size.

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 subject property is within an area of active agricultural production with several wildlife production parcels owned by the state and federal governments. The size of the proposed building will stand out because the next neighbors are a long distance away. The land use should not generate public traffic for people visiting the distillery, but rather it will be simply a production facility with ag storage. The building will have little effect on other properties within the vicinity.

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 within an area of active agricultural production. Changes to the area will likely be agriculturally related such as feed lots or more agricultural production. The wildlife production areas will reduce the chances of future change in the area too. The proposed land use will not significantly affect changes in agriculture in the area.

The proposed land use is unusual for the size of the parcel. Approval of the proposed land use may set a precedent for other property owners to purchase small properties and place agricultural related operations. It is not the intent of the ordinance to have storage building scattered throughout the rural area.

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

The property is located in a remote area of Wellington Township. The proposed building will not change drainage patterns, and the petitioner will be responsible for extending any required utilities



for the project. Since the building will have a distillery, the septic system will need to be approved the State DNR prior to obtaining a septic permit for the facility.

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

The proposed building will required parking for employees of the distillery. The proposed parking area is large and it should accommodate 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.

The petitioner will need to take responsibility to comply with requirements of this permit and the requirements for the Public Nuisance Ordinance. The condition preventing outdoor storage should reduce potential nuisances from accumulating on the property. all lighting should be cut off and directed downward to prevent glare and spillage of light onto neighboring properties.

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

The proposed building is stated to be for agricultural storage and processing ag products through the distillery. These land uses are encouraged within the comprehensive plan. The recommended conditions are intended to keep the intended use of the proposed building and property as stated, and to prevent it from changing into a non-compatible land use such as a contractors lot.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-65 with the following conditions:

- 1) The agricultural related operation is approved for the agricultural and land maintenance storage and distillery production..
- 2) No outdoor storage shall be allowed on the property. Outdoor storage includes but is not limited to building materials, products, inoperable vehicles, and unlicensed equipment such as skid loaders, tractors, or attachments
- 3) The agricultural related operation shall be limited to the proposed building as depicted on the site plan.
- 4) The landscaping depicted on the site plan must be installed and maintained with a minimum 90% survival rate. Any dead trees must be replaced promptly.
- 5) Engineer stamped plans must be provided for review and approval by the County Chief Building Inspector prior to issuing a building permit. Architectural review of the structure must be submitted if the County Chief Building Inspector finds it necessary to determine compliance with the building code.
- 6) The operation shall have no more than five (5) employees on site.
- 7) All new and replacement outdoor lighting shall be directed downward and fully shielded and cutoff to prevent the spillage of light onto other properties.
- 8) Signage shall be limited by article 16.00 of the 1990 Revised Zoning Ordinance or Minnehaha County.
- 9) That the Planning & Zoning Department reserves the right to enter and inspect the site 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.



Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission. Kevin explained that the petitioner had contacted staff prior to the meeting to let them know that they find condition two too restrictive and would like to request to have limited outdoor storage.

Commissioner Heiberger asked staff to clarify on if the petitioner is still requesting to subdivide a roughly one acre parcel from the rest of the property. Kevin Hoekman stated that the petitioner had indicated that they would no longer be subdividing the one acre parcel from the rest of the property. He further stated that this is helpful because it will allow the property to meet the forty acre minimum size for an agriculture property and will limit the concern that the property will become a nonconforming use/lot in the future.

The petitioner, Riley Erickson, of 208 W 41st Street, Sioux Falls, SD, was present and addressed the commission with his comments on the request. Mr. Erickson clarified that they would prefer the operation to be on a smaller sized lot, in order to limit the financing issues for the distillery, but that they would be open to operating on the larger lot if that is the only option.

Commissioner Heiberger asked the petitioner what outdoor storage they would like to have on the property. Mr. Erickson explained that they would like the option to store farm tractors and other implement equipment for the site outside of the proposed building.

Commissioner Heiberger and planning staff then discussed the property size and what would be allowed based on the property size. Planning staff explained that if the property is over forty acres then the petitioner could store farm related equipment outside of the building, and condition two could be removed from the permit. However, if the property is less than forty acres then the site does not meet the minimum size for an agricultural property and condition two should be left on the permit. Scott Anderson, the County Planning Director, also commented that regardless of the property size any equipment that is stored outdoors would be required to be operable.

Commissioner Heiberger asked the petitioner if they would prefer to have the smaller lot size with no outdoor on the smaller lot, or removing the existing condition two and adding a condition requiring a minimum lot size of forty acres. Mr. Erickson stated that they would prefer to have the smaller lot size with no outdoor storage, and that they would find a way to store any farm equipment on a separate property.

Action

A motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-65 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-65 – Approved



ITEM 6. REVIEW OF CONDITIONAL USE PERMIT #23-55 to allow Motor Vehicle Sales & Repair Shop on the property legally described as Tract 1A Preheim’s Addition N½ Section 27 T101-R48W Split Rock Township.

Petitioner: Autobody Specialists
Property Owner: MJ Holdings 23 LLP
Location: 48132 Highway 42
Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1A Preheim’s Addition N½ Section 27 T101-R48W Split Rock Township
Present Zoning – I1 Light Industrial
Existing Land Use – Office Building
Parcel Size – 1.42 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

Conditional use permit #23-55 was initially approved in October of 2023 to allow motor vehicle sales and repair shop on the property. Staff had concerns at that time about potential dismantled vehicles, parts, and waste products becoming a nuisance, and many of the conditions of approval addressed these concerns. Planning staff received complaints in May of 2024 that the conditions of approval were not being met for CUP #23-55. When staff reviewed the property several conditions were not met. The property owner and the body-shop owner were notified of the violations on May 23, 2024 with a letter explaining what conditions of approval needed correction.

The owner of Autobody Specialists, Noel Antillon-Vazques, worked with staff over summer of 2024 to reduce several problem issues, but progress slowed and the permit was recalled for review in October 2024. The petitioner further resolved several issued before the hearing.

At the October 2024 Planning Commission meeting, the Planning Commission reviewed the property and found that the property was in compliance at that time. additional conditions were also placed on the permit to make clear how the condition of the property would need to meet going forward. In addition, a condition was placed on the permit for an automatic review of the permit at the October 27th, 2025 Planning Commission Meeting. The list of approved conditions include:

- 1.) This permit is to allow the repair, auto bodywork for automotive vehicles, and for automotive sales on the property.
- 2.) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) All vehicle parts, equipment, packaging, and similar materials shall be stored inside the building or on the north or east sides of the building. All of this storage must be further back than the south wall of the building.



- 4.) All damaged, dismantled, or partially dismantled vehicles shall be stored inside the building or on the north or east sides of the building. All of this storage must be further back than the south wall of the building.
- 5.) A maximum of 20 damaged, dismantled, or partially dismantled vehicles shall be allowed on the property at any one time.
- 6.) Only full functional vehicles either licensed or displayed for sale can be stored south and west of the building.
- 7.) No parts salvaged from vehicles on site shall be sold directly to customers on or off-site.
- 8.) No vehicles shall be stacked one on top of another at any time.
- 9.) That all 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.
- 10.) That a building permit is required prior to construction of the any building, structure, or sign.
- 11.) An air quality construction permit must be obtained from the DENR for the use of any commercial paint booth.
- 12.) No loading or unloading shall take place in the right-of-way at any time.
- 13.) All trees on the south side of the property must be maintained in living condition. Any tree that dies must be replaced by another spruce tree a minimum of 6 feet tall the next growing season. An eight feet tall section of fence can also replace any dead trees.
- 14.) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.
- 15.) No materials or waste unrelated to automotive work can be stored or disposed of on the property.
- 16.) No barrels or any other container designed to contain fluids shall be stored outside.
- 17.) All tires not attached to a vehicle shall be stored in an enclosed structure.
- 18.) This permit shall be reviewed at the October 27, 2025 Planning Commission Meeting.

The approved site plan and the permit depict that only operational vehicles are to be stored in front of the building on the north side. No items unrelated to the business and no tires shall be stored outside either.

Planning staff visited the property on October 8, 2025. Noel Antillon showed me around the building. vehicles are still coming and going from the property. Several dismantled vehicles and parts are stored outside, and the outdoor storage is located within the designated outdoor storage area to the east and north of the building. One vehicle without a bumper was parked in front of the building, and Noel stated that the vehicle owner dropped it off yesterday and did not tell anyone at the business that the vehicle was getting dropped off. He explained that drop offs are a common issue that he has to work with.

Condition #13 requires trees for screening. Staff noticed one tree appears to be dead or dying on the south side of the property, but the other trees around it are filling in and the screen still blocks site lines to the dismantled vehicle parking area. The applicant should keep an eye on the conditions of the trees to ensure replacements are made before gaps begin in the screening. Staff can work with



the petitioner and property owner to replace the dead tree before it becomes a problem. This issue should not need further Planning Commission review at this time.

This is a review of a conditional use permit. No action can be taken at this time. If the Planning Commission finds further action is required, then a recall meeting will need to be set in order to review with the ability to change conditions or revoke the permit. The property may be reviewed at a future time if a violation of the permit is determined.

Action:

Planning staff finds that the property is in compliance with its conditional use permit, and recommends no further action is needed.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented an overview of the conditional use permit and review of the site. Kevin specifically commented that there was one screening tree that appeared to be dead on the property and that he wanted to make the petitioner aware that this tree should be removed.

The petitioner and operator, Noel Antillon of 118 Skyline Drive, Valley Springs, SD, came to the podium to address questions from the commissioners.

Commissioner Duffy asked the petitioner if he was aware of the dead tree and screening condition mentioned by planning staff. Mr. Antillon stated that he was not aware of the tree until the meeting and asked if the tree should be removed and replanted or just removed. Planning staff explained that removing the tree would be the next best step for the petitioner, since all trees on the site are required to be in a live state. Staff then commented that if screening becomes an issue in the future, staff will require that the tree be replanted.

Commissioner Kippley asked the petitioner to explain what process they had taken over the last year to clean up and fix the issues on the property. Mr. Antillon explained that he has started to take the conditions more seriously as it has become a part of his daily job. He also stated that one of the main issues they have is that most vehicles are dropped off out front and may not be easily moved, due to body or engine damage, and so it takes time to move all the vehicles to the proper locations.

Commissioner Kippley further commented that he understands the difficulty of people dropping off inoperable vehicles in front of the building and the petitioner needing time to move the vehicles around as they are dropped off. Commissioner Kippley also stated that the petitioner should be aware that the reason for the meeting tonight was condition eighteen, which set a review deadline for the property to be cleaned, but that condition fourteen is still in effect and can be enforced at any time if conditions worsen on the site.

Commissioner Duffy stated that she lives in the area and that during the initial review she thought the property needed to be cleaned up, but that she also thinks the petitioner has done a good job cleaning up the property over the last year.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

OCTOBER 27, 2025

Old Business

None.

New Business

Scott Anderson, the County Planning Director, explained to the commission that the commission terms for Bonnie Duffy and Mike Ralston are expiring at the end of the year. He further stated that the application to the planning commission will be open to the public, and that the application window will be open for the next several weeks.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion was approved unanimously. The meeting was adjourned at 8:16 p.m.