



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
January 26, 2026**

A meeting of the Planning Commission was held on January 26, 2026, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Mike Ralston, Ryan VanDerVliet, 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.

ITEM 1. Election of Officers for 2026

Commissioner VanDerVliet made a motion to **nominate** Bonnie Duffy for Chair and was seconded by Commissioner Ralston. The motion passed unanimously.

Commissioner Kippley made a motion to **nominate** Becky Randall for Vice-Chair and was seconded by Commissioner VanDerVliet. The motion passed unanimously.

Commissioner Ralston made a motion to **recess** the County Planning Commission and was seconded by Commissioner Heiberger. The motion passed unanimously. The County Planning Commission meeting was **recessed** at 7:02 pm.

Commissioner Duffy **reconvened** the County Planning Commission meeting at 7:15 pm.

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 Items 4 & 5 were requested to be moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 2, 3, & 6 by Commissioner Heiberger and seconded by Commissioner Ralston. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



ITEM 2. Approval of Minutes – November 24, 2025

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Ralston to **approve** the meeting minutes from November 24, 2025. The motion passed with 4 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 3. CONDITIONAL USE PERMIT #26-01 to transfer one (1) building eligibility from the ½ Vacant Section Line ROW Lying Adjacent & SE¼ SE¼ Section 19 to Tract 9 Bur Oak Hills Addition Section 20 all within T102N-R48W Brandon Township.

Petitioner: Jacob & Linda Heilman

Property Owner: Same

Location: Approximately 1 mile northeast of the I-90 & Veterans Parkway intersection

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 9 Bur Oak Hills Addition Section 20 all within T102N-R48W Brandon Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 17.55 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to transfer one building eligibility from a quarter quarter section of pasture land to a recently platted lot near an existing subdivision. The property owner owns all parcels involved. A transfer of a building eligibility requires a conditional use permit to be approved. The receiving parcel has already been platted for a building site. The applicant submitted the transfer questionnaire to support the transfer request.

In 1999, the applicant moved several building eligibilities to this area and platted a small development along the Bur Oak Place, a private road. This transfer will move one building eligibility to a recently platted lot along Bur Oak Place. It will be located adjacent to another remaining building eligibility on a recently platted lot. The building eligibility would not be developable without the transfer, because the sending parcel has no driveway access available.

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 land area around the requested transfer is a mix of agricultural pasture land, cropland, and residential acreages. The sending parcel is pasture land with many hills and valleys. The receiving parcel is located adjacent to a residential subdivision of acreage sites. The receiving parcel is better suited for residential development than the sending parcel. Bur Oak Place will have some more traffic from the additional residential dwelling site, but the increase will be minimal and limited to this building site and one other existing eligibility on site. Overall, the proposed dwelling will have little effect upon the use of existing properties 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 land area around the requested transfer is a mix of agricultural pasture land, cropland, and a subdivision of residential acreages. The receiving parcel is on the edge of the residential subdivision that is also on the edge of the joint jurisdiction boundary with Sioux Falls. However, the parcel is outside of any plans for development within Sioux Falls within the current comprehensive plan. Agricultural land uses will remain for many years. A right-to-farm notice will be required before a house is permitted on the site.

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

The developer of the lot will be required to extend required utilities to the site. The property will need an on-site wastewater septic system, and percolation testing must be completed before a building permit can be issued. A drainage plan is not required for development of one single family dwelling.

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

Off street parking requirements will be met when 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.

A single family residence does not typically create offensive odor, fumes, dust, noise, vibration, and lighting. The property will need to comply with the Public Nuisance Ordinance of Minnehaha County.

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

The proposed transfer will result in a single family dwelling being constructed within an area nearby other single family dwellings. The Comprehensive Plan encourages clustering building eligibilities to preserve agricultural productive land.

Recommendation: Staff recommends **approval** of Conditional Use Permit #26-01 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.

Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner Ralston to **approve** Conditional Use Permit #26-01 with the staff recommended conditions. The motion passed with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #26-01 – Approved



ITEM 6. CONDITIONAL USE PERMIT #26-05 to allow an Attached Accessory Dwelling Unit (ADU) on the property legally described as Tract 4 Stageberg's Addition SE¼ Section 11 T103N-R51W Grand Meadow Township.

Petitioner: Gary & Michelle Ferguson

Property Owner: Robert & Jennifer Taylor

Location: Located at the intersection of 252nd Street & 465th Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 4 Stageberg's Addition SE¼ Section 11 T103N-R51W Grand Meadow Township

Present Zoning – A1 Agricultural

Existing Land Use – Vacant Lot

Parcel Size – 5.26 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to build an accessory dwelling unit (ADU) that will be attached to their proposed new dwelling on the property. The finished square footage for the ADU will be approximately 700 square feet with a single stall attached garage. The finished square footage of the primary dwelling will be approximately 1,700 square feet with a two stall attached garage. 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.
The finished floor area of the attached ADU will be less than 50% of the finished floor area of the primary dwelling. The primary dwelling and attached ADU are located entirely within the property boundaries of Tract 4 Stageberg's Addition.
- 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 will be attached to the new primary dwelling on the property, and therefore, will be built on a fully frost protected footing.
- 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 will be required prior to the building permit being issued for the primary dwelling and attached ADU. The system design information submitted during that permit application will be required to handle the wastewater flow from both the primary dwelling and attached 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 attached ADU will be required to utilize the same access point off 465th Avenue or 252nd Street. No additional access point 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 a separate attached garage that provides the necessary off-street parking. 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.

The ADU regulations require that the finished floor area of an attached ADU be less than 75% of the finished floor area of the primary dwelling. The finished floor area of the proposed ADU will be approximately 40% of the primary dwelling's finished floor area. The ADU is also required to meet the setbacks for a dwelling in the A-1 Agricultural zoning district, and the entire structure meets these required setbacks.

On January 7, 2026, staff conducted a site visit to the subject property and surrounding area. The property is part of a four lot subdivision a half mile east of Tri-Valley School. Other than the school, the main land uses in the surrounding area are agricultural and there are no concentrated animal feeding operations (CAFOs) within a mile of the property. Additionally, the total size of the primary dwelling and attached ADU is just over 3,500 square feet, which is comparable to many dwellings in the county. Finally, the property is located along a paved county highway, in close proximity to a school, so any increase in traffic to the property for the ADU will have minimal impact on the surrounding land uses.

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 will be required prior to the issuance of the building permit for the primary dwelling and ADU in order to notify the owner of the realities of living in an agricultural area. There are no permitted concentrated animal feeding operations within a mile of the proposed



building site. The additional dwelling unit should not overly impact the neighboring agricultural land uses.

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

The Tri-Valley School District recently expanded onto a vacant property west of the subject property. The remaining vacant land in the area is almost exclusively used for agricultural land uses. Allowing an attached ADU on the subject property will be a limited increase in residential density in an area where this type of density is controlled by the availability of building eligibilities. This limited increase should minimally impact future development especially because any future ADU requests will require their own separate conditional use permits.

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

The petitioner will be required to extend the necessary utilities to the primary dwelling and ADU. An on-site wastewater system permit must also be obtained prior to the issuance of the building permit for the primary residence and attached ADU. This on-site wastewater system will be required to be designed to handle the wastewater flow from both the primary dwelling and attached ADU. Finally, the addition of an attached ADU and primary dwelling on the property will not impact drainage in the area.

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

The primary dwelling and ADU will have separate attached garages that will meet the necessary two off-street parking spaces per dwelling. The subject property is also large enough to provide ample off-street parking for both dwellings.

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 development of the primary dwelling with an attached 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 to be attached to the proposed primary dwelling on a vacant lot 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 #26-05 with the following conditions:

- 1) That no more than one ADU shall be allowed on the property.
- 2) That only one access point off the public right-of-way shall be allowed for use by both the primary dwelling and ADU.
- 3) That two additional off-street parking spaces shall be provided for the ADU.



- 4) That any new outdoor lighting shall be of a full cutoff and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 5) That an on-site wastewater permit shall be obtained, prior to the issuance of a building permit for the ADU or primary dwelling. The on-site wastewater system shall be designed to handle the minimum daily wastewater flow from both the primary dwelling and ADU.
- 6) That a building permit shall be obtained for the primary dwelling and ADU, prior to any work beginning on the property.
- 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 Ralston to **approve** Conditional Use Permit #26-05 with the staff recommended conditions. The motion passed with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #26-05 – Approved



Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #26-03 to exceed 3,600 square feet of accessory building space (requesting 11,549 square feet) on the property legally described as the S990' W660' (Ex. Tract 1 Lauck's Addition) SW¼ Section 18 T103N-R49W Sverdrup Township.

Petitioner: Jonathon Bagby
Property Owner: Same
Location: 25292 472nd Avenue
Staff Report: Kevin Hoekman

General Information:

Legal Description – S990' W660' (Ex. Tract 1 Lauck's Addition) SW¼ Section 18 T103N-R49W Sverdrup Township
Present Zoning – A1 Agricultural
Existing Land Use – Residential Acreage
Parcel Size – 14.00 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located within a subdivision of more than four lots. The applicant wants to construct a 59 feet wide by 136 feet long (8,024 square feet) accessory building. The proposed building will be in addition to an existing 47 feet wide by 75 feet long accessory building. The combined total accessory building area is 11,549 square feet. A conditional use permit is required when the total accessory building area exceeds 3,000 square feet in a subdivision of more than four parcels.

The applicant submitted a sketch site plan locating the proposed building on the south side of the lot and showing a side yard separation of 25 feet. The proposed building will meet setback requirements and be located in an area screened from the road; however, the building will be located within the direct site line of the neighboring property to the west.

Staff visited the property on January 6th, 2026. Jonathon Bagby was there to explain the plans for the building. The building will be placed approximately 25 feet from the west property line. No lights or garage doors are planned to be placed on the west side of the building towards the closest neighbor. The property owner also assured me at the site visit that he purchased a piece of land in Dell Rapids to operate his business, and this shed will be used for personal use only. No business activity will be allowed on the property.

Fill will be brought into the land to level out the building site. The property owner should be aware that structural footings cannot be placed on fill unless the fill is clean, compacted, and approved by an engineer throughout the entire construction process. Alternatively, footing holes can be dug deeper to reach the virgin soils.



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 a large, 14 acres, parcel within a subdivision of smaller acreages. The property has many trees on it and the proposed building will be screened from view from most of the neighboring houses. The house affected most from the proposed building is directly west of the proposed building site. The property owner explained at the site visit that the only thing in the side yard will likely be a drainage swale for water. No garage door or lights will be placed on the west side of the proposed building.

The proposed building is planned for residential storage. The size of the building is more typical of an industrial land use, and it will be the largest accessory building within a half mile radius of the property. Across the street to the west is an accessory agricultural building approximately 6,700 square feet in size. Likewise, a 7,200 square feet agricultural accessory building is located approximately 2/3 of a mile to the east. In both cases, the large accessory building areas of the nearby properties are smaller than the area being requested for this CUP. In addition, both of the nearby accessory buildings were constructed for agricultural purposes. The application for an 8,024 square feet building will be the largest non-agricultural accessory building in the area. The Planning Commission may consider permitting a smaller building if it is determined that the size is incompatible with the neighborhood.

No commercial storage or activity is allowed within the shed to prevent conflicts between neighboring properties. This is a common condition for large accessory buildings. A condition to prevent commercial activity can be difficult to enforce, especially after the property is sold to another person who may be unaware of the process and conditions placed on the property.

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 a subdivision that is fully developed and no building eligibilities remain available. It is not likely new development will take place for the foreseeable future. Replacement houses and new accessory buildings are the most likely future development. The proposed large accessory building may lead to similar large building requests, but it will not likely change the general pattern for the area.

The proposed building is planned for residential storage. A requirement to prevent commercial storage and activity will remain for any future property owner. The building can hold large equipment only used for property maintenance or other equipment and vehicles used for recreation and personal use.

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

The site is already developed with a single family dwelling and one large detached accessory building. The applicant will be responsible to extend any utilities to the proposed building. Drainage generally flows to the southeast towards agricultural cropland. The property owner should be aware of drainage from the large building so that it will not impact the neighbors.



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

The accessory building will not create any new parking or loading requirements. The large storage building should reduce the need for outdoor parking on 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.

As a residential property, the site will need to comply with the Public Nuisance Ordinance. Any lighting outside of the building should be fully cutoff and directed downward to prevent glare and light spillage from neighboring properties.

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

The Minnehaha County Planning and Zoning Department has a policy to require engineering on all commercial structures and all structures 60 feet wide or wider. The proposed building is a size more typical of commercial buildings and appears to be intentionally smaller than the policy requirement for engineering by only one foot. Although the size and width of the building does not require engineering, staff suggest that this size of building should be engineered to ensure the building is capable to withstand wind and snow loads appropriately for the current and future property owners.

Recommendation: Staff recommends **approval** of Conditional Use Permit #26-03 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 11,549 square feet with the new accessory building not to exceed 8,024 square feet in area.
- 3) That the accessory buildings shall continue to 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 or as a dwelling at any time.
- 5) That any new outdoor lighting shall be of a full cutoff and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) No garage door or lights shall be placed on the west outside wall of the accessory building.
- 7) That a building permit is required prior to construction of the accessory building.
- 8) Building plans for the accessory building shall be engineered and reviewed and approved by the Minnehaha County Building Inspector prior to issuance of a building permit.
- 9) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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.

Public Testimony

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

The petitioner, Jonathon Bagby, was present and available for questions from the commission.

Commissioner Kippley asked the petitioner what his plans were for the property and proposed



building. Mr. Bagby explained that he needs more storage for equipment on the property and that the existing shed on the property is old and full. Commissioner Kippley then asked the petitioner if he was aware that planning staff was requiring the building to be engineered. Mr. Bagby stated that he thought engineering was only required on buildings over sixty feet wide and that he would work with Geotek on the foundation for the building.

Tyler Stavnes, of 25296 472nd Avenue, Baltic, SD, spoke in opposition to the proposed building and stated that he has already seen commercial equipment on the property. Additionally, he commented that the building is proposed to be very close to his property line, and he believes this will impact his property value. Finally, Mr. Stavnes stated that he was unable to find the property in Dell Rapids that the petitioner says they own and where the commercial storage is supposed to be.

Mr. Bagby returned to the podium to address the neighbors opposition. He explained that his company has rented a property in Dell Rapids from Dell Rapids Lumber since 2013 and that he has recently purchased the property. He further stated that he has brought commercial equipment to the property in order to remove trees and to perform other property maintenance, but that all commercial storage for his business is on the property in Dell Rapids.

Discussion

Kevin Hoekman explained to the commission that condition eight of the permit explicitly states that the building must be engineered and reviewed by the Minnehaha County Building Inspector. He further explained that the commission would need to vote to remove this condition if they determine engineering is not necessary.

Commissioner Kippley stated that he believes the process has been met and that several similar buildings exist in the area.

Commissioner Heiberger asked if the petitioner could potentially move the building further from the neighboring property.

Commissioner Ralston brought up the same question about potentially moving the building to a different location on the property.

Kevin Hoekman explained to the commission that typically conditional use permits must follow the submitted site plan, and that a small building relocation could be approved administratively but anything more substantial would require an amendment to the permit.

Action

A motion was made by Commissioner Ralston and seconded by Commission VanDerVliet to **approve** Conditional Use Permit #26-03 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #26-03 – Approved



ITEM 5. CONDITIONAL USE PERMIT #26-04 to exceed 3,600 square feet of accessory building space (requesting 5,335 square feet) on the property legally described as Tract 1 Wixon Tracts E½ SE¼ Section 2 T101N-R51W Wall Lake Township.

Petitioner: Laith Herrboldt
Property Owner: Todd Olson
Location: 46494 263rd Street
Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Wixon Tracts E½ SE¼ Section 2 T101N-R51W Wall Lake Township.
Present Zoning – A1 Agricultural
Existing Land Use – Residential Acreage
Parcel Size – 5.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property currently has two detached accessory buildings that total 3,460 square feet. The petitioner is requesting to build a 25’ x 75’ addition to the northern building on the property, which will make the total square footage 5,335 square feet. The addition will be located on the north side of this building and will be approximately fifty feet from the northern property line. Based on the total square footage for the entire structure, the structure is required to be built on a fully frost protected footing. This includes both the existing building and the proposed addition. Therefore, building plans will be required to be submitted to the Minnehaha County Building Inspector for review, prior to the issuance of a building permit, to ensure the building has the proper foundation.

On January 7, 2026, staff conducted a site visit to the property and surrounding area. The immediate area surrounding the property is mostly agricultural outside of this cluster of dwellings at the intersection of 263rd Street & 465th Avenue. All of the other properties in this cluster of dwellings have one or more detached accessory buildings. Therefore, this building will generally be compatible with the existing agricultural uses and large lot residential acreages in the area. Finally, the location of the building is screened from the nearest neighbors by existing shelter belts, and the addition to the building should minimally impact the surrounding properties.

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.

There should not be any anticipated negative effects upon the use and enjoyment of the residential properties in the immediate vicinity. Property values in the area should also not be negatively impacted due to the personal use of the proposed accessory building. Finally, the building will be screened from the neighboring residences and should not have an impact on the surrounding area.



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

This area is mostly dedicated to agricultural uses, and any residential development will be limited to the availability of building eligibilities. Approval of this request will generally be compatible with the existing agricultural uses surrounding the property and should not impact the normal and orderly development of the surrounding area.

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

The petitioner will be required to extend any necessary utilities to the structure. The existing building is accessed by the same driveway as the dwelling on the property and no additional access will be needed for the proposed addition. The property generally slopes towards 464th Avenue to the east and the addition to the accessory building should not impact 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 addition to the accessory building will also add 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 shall be allowed in the proposed accessory building at any time. The narrative states that the purpose for the addition is to store personal equipment such as tractors, trailers, UTV's, and other personal items. Any public nuisance violations will be addressed if the Planning Department receives a complaint about the subject property. All new outdoor lighting shall be directed downward onto the property. Lighting shall 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 will not be negatively affected by the construction of the proposed addition to the accessory building. The proposed use will generally fit within the uses of other properties in the rural area and conforms to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #26-04 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 5,335 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 the commencement of any construction on the property.
- 7) That the entire accessory building must be located on a fully frost protected foundation. Building plans shall be submitted to the Minnehaha County Building Inspector for review, prior to the issuance of a building permit.
- 8) 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.

Public Testimony & Discussion

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

The petitioner, Laith Herrboldt, was present and available for questions from the commission. No questions were asked by the commission, and the petitioner did not have any further comments.

Rayla Otto, of 25758 Packard Lane, Renner, SD, explained to the commission that her parents own the farmland to the east of the subject property and that she was asked to attend the meeting to gain an understanding of what was being requested. Mrs. Otto stated that after the staff presentation she did not have any additional questions or concerns with the request.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Heiberger to approve Conditional Use Permit #26-04 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #26-04 – Approved



ITEM 7. REZONING #26-02 to rezone from the A-1 Agricultural District to the C Commercial District the property legally described as Lot 3 Milstead Addition NE¼ SE¼ Section 21 T101N-R51W Wall Lake Township.

Petitioner: Timothy Hoekman

Property Owner: Michael & Rhonda Milstead

Location: Located at the Intersection of County Highway 151 and Park Place

Staff Report: Scott Anderson

General Information:

Legal Description – Lot 3 Milstead Addition NE¼ SE¼ Section 21 T101N-R51W Wall Lake Township

Present Zoning – A-1 Agricultural

Existing Land Use – Vacant Lot

Parcel Size – 1.19 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant has submitted a rezoning request to rezone the above described 1.19-acre parcel from A-1 Agriculture to C Commercial District. On January 6, 2026, staff conducted a site visit to the subject property. The site is currently vacant. It is located along County Highway 151. The area to the west and north has many homes surrounding Wall Lake. The area to the east is primarily farmland and property directly to the south is the location of Wall Lake Park.

The Envision 2045 Plan indicates that the majority of commercial and industrial development should be focused towards municipalities, transition areas, interstate interchanges and major highway crossings. While this parcel is located on a county highway, it meets none of the ideal identified areas for commercial development to occur. This rezoning would represent a spot zoning in an area that is a mixture agricultural and residential in nature and set a precedent for future spot zoning requests. The proposed zoning is in opposition to the goals of the Comprehensive Plan and does not promote orderly growth.

The proposed rezoning is in conflict with the Envision 2045 Comprehensive Plan. The goals and actions of commercial/industrial section of the growth management chapter indicates that strip commercial development along transportation arteries, particularly those that serve as gateways to municipalities or attractions are to be avoided (Goal 4.9 – Action #3). This spot zoning request is along the gateway to Wall Lake. It is adjacent to Wall Lake Park. Action #4 indicates that commercial uses are to be located at interstate highway interchanges and high traffic intersections to support highway users. This proposed site is neither. The average daily traffic along this section of County Highway 151 is approximately 1,428 according to the 2024 traffic count by the County Highway Department.

The Envision 2045 Plan has identified rural service areas where commercial and industrial growth would be appropriate. Commercial development is to be focused to these rural transition areas and towards municipalities. One such rural service area is located at the intersection of SD Highway 42 and County Highway 151, which is approximately ½ mile to the north of the subject property.



There is ample vacant property in this rural service area which could accommodate commercial and industrial growth.

The applicant has provided a narrative and justification for the proposed rezoning request. It is included for the Planning Commission's review. The reasons for the rezoning outline the small lots around the Wall Lake community and the need to store personal watercrafts and other water toys. Furthermore, the justification indicates that 60 years ago there was once a small commercial use on the site. The remnants of the foundation are still visible. The past commercial use occurred prior to any zoning being implemented by the County and ceased prior to the adoption of any zoning regulations.

Another consideration of the proposed rezoning request is the potential for setting a precedent. There are other vacant parcels along this stretch of county highway, which could also seek a zoning change. While there may be a demand for mini storage units for boats, watercrafts and campers, the location of these storage structures along a gateway to a scenic feature within the county and near intense residential development is an incompatible land use and could negatively impact property values.

Recommendation: Staff finds that the proposed rezoning does not conform to the goals and policies of the Envision 2045 Comprehensive Plan and recommends **denial** of Rezoning #26-02 to rezone the subject property from the A-1 Agricultural District to the C Commercial District.

Public Testimony

Scott Anderson, the County Planning Director, presented the staff report and recommendation to the commission. Scott also presented an email to the commission that was forward to planning staff from a neighbor in opposition to the proposed rezoning the day of the meeting.

Commissioner Heiberger asked staff if the property currently has access onto the county highway and if the County Highway Department will need to approve access to the site. Scott explained that the property does have an existing access point onto the highway, but that the petitioner will still need to apply for a change of use permit through the County Highway Department.

The petitioner, Tim Hoekman, was present and available for questions from the commission. No questions were asked by the commission at this time.

Several neighbors to the property spoke in opposition of the proposed rezoning and brought up many concerns. The main concern from the neighbors was the potential water hazards from commercial development on the property, and many neighbors presented photos to the commission of previous flooding in the area. The neighbors also brought up concerns with having a commercial property adjacent to their residential properties and the county's Wall Lake Park. Finally, the neighbors brought up concerns with the precedent that would be set in the Wall Lake area for commercial rezonings if this request was approved. The neighbors who spoke in opposition to the rezoning are as follows: Margaret Bevier, of 46271 Wall Lake Place; Les and Connee Feiock, of 46269 Park Place; Chad Lee, of 26563 463rd Avenue; and Arthur Umland, of 46274 Park Place.



Tim Hoekman returned to the podium to address the concerns brought up by the neighbors. He stated that he had been in contact with one of the neighbors regarding the flooding concerns prior to the meeting. He also stated that he has talked to the County Highway Department and that they explained to him that a culvert in the area was recently replaced, and that this culvert was the reason for previous flooding in the area. Mr. Hoekman further explained that the buildings will not be located in the floodplain and should not impact the drainage for the neighbors to the north. He also stated that the only access to the site will be directly off the county highway and that the vacant commercial lots at the intersection of SD Highway 42 and 463rd Avenue are not for sale.

Discussion

Commissioner Ralston stated that he does have concerns with the potential flood issues, but that his biggest concern is the potential precedent for spot rezoning if the request were to be approved.

Commissioner Heiberger agreed and explained that she understood the need for more storage on Wall Lake, but that rezoning the property to commercial is permanent and the commission has to take potential future uses of the property into account.

Commissioner VanDerVliet stated that there are many drainage issues on the property and that he does not see commercial as the right land use for this property.

Commissioner Kippley also saw the potential flooding as an issue, as well as the precedent of spot rezoning properties to commercial.

Action

A motion was made by Commissioner Kippley and seconded by Commissioner Ralston to recommend **denial** of Rezoning #26-02. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Rezoning #26-02 – Denial Recommended



ITEM 8. REZONING #26-03 to rezone from the A-1 Agricultural District to the Ransom Planned Development District the property legally described as Tract B & Tract C Schreurs' Addition (Ex. H-1) S½ SE¼ Section 23 T103N-R49W Sverdrup Township.

Petitioner: Bruce Vollan

Property Owner: John Schreurs; Ransom LLC

Location: Approximately 1½ miles east of the 475th Avenue & 254th Street intersection

Staff Report: Scott Anderson

General Information:

Legal Description – Tract B & Tract C Schreurs' Addition (Ex. H-1) S½ SE¼

Section 23 T103N-R49W Sverdrup Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 21.75 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is proposing to rezone approximately a 30.52 acre parcel from A-1 Agricultural to a Planned Development District. A planned development is intended to create a zoning district that is unique and can provide flexibility from conventional zoning regulations. A Planned Development allows for increased public review of the projects and allows the County to implement specific elements that are useful and needed for that development. The petitioner has proposed a plan that consists of two (2) sub-areas, a commercial, long term residential subarea that will transition into a commercial area. The primary use of the commercial subarea will be for the storage and distribution of petroleum and propane, offices and maintenance of petroleum fleet vehicles.

On January 8, 2026, staff conducted a site visit to review the accuracy of the rezoning application submittal documents. The proposed planned development is located along County Highway 122, approximately 1 ½ miles east of the intersection with SD Highway 115. Vollan Oil currently has an extensive footprint of buildings and uses at this intersection. Subarea B bounded on three sides by several rows of an existing shelterbelt consisting of a variety of trees. Subarea A appears to have no trees or any type of screening. The surrounding area consists of a mix of land uses such as agricultural land, and a few residential acreages. There are approximately 15-20 residential sites located within ½ mile of the subject property. The closest residences are located 435 feet to the west and a 1,000 feet to the east

There are two (2) existing structures located within Subarea A. Each building is approximately 55 feet by 100 feet in size. Each building was constructed as a residential accessory building and were not reviewed as commercial buildings when constructed. All commercial buildings built in Minnehaha County require the following plans to be submitted to the Minnehaha County Chief Building Inspector prior to obtaining a building permit:

1. Prior to approval of the Final Development Plan, a detailed set of architectural, structural,



mechanical and electrical design plans, all having been stamped and sealed by the respective licensed professionals shall be submitted to the County Building Inspector for review and approval.

2. Comply with all requirements stated in Conditional Use Permit and Minnehaha County ordinance.

3. On site wastewater approval – All commercial wastewater systems are to be approved by the SD DANR. The applicant has not indicated how wastewater will be accommodated for the two existing structures. There are employees on site and using the building. Employee bathrooms are required. Prior to approval of the final development plan, a Septic system or Holding tank permit will need to be obtained with approval from State DANR.

Approach & Access - Currently there are two approaches into the proposed planned development. One approach is paved and provides access to the existing residence. The other approach is on the east side of Subarea A and consists of gravel and crushed asphalt. During the site inspection, staff noted that the approach into Subarea A was muddy and debris was being tracked out onto County Highway 122. Staff recommends that the first 150' of driveway into Subarea A north of County Highway 122 be either paved or asphalt. A paving requirement is similar to the requirements made of other similar uses accessing off a County Highway. The hard surfacing shall be required to be installed by October 1, 2026.

The County Highway was provided with the plans for the Ransom Planned Development and had the following comments: The traffic count for this section of County Highway 122 is approximately 720 ADT (average daily trips). A turning lane may be required upon submittal and review of the final development plan based on the projected traffic generated by this use.

There are also two existing buildings on Subarea B. One is a single-family residence, and the other is an accessory structure. These buildings will continue to have a residential use for a period not to exceed 9 years. Once ownership changes, to be purchased by the applicant (Vollan Oil), the uses will be the same as the uses identified in Subarea A. The existing approach into Subarea B is currently hard surfaced.

Recommendation: Staff finds the proposed rezoning from the A1 Agriculture District to the PD Ransom Planned Development District to the goals and policies of the Envision 2045 Comprehensive Plan and recommends **approval** of Rezoning #26-03 to rezone the subject property from the A-1 Agricultural District to the Ransom Planned Development District.

RANSOM PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or elsewhere in these regulations are the district regulations of the H Planned Development District.

INTENT. This district is intended to provide for a wide variety of commercial uses generally located at major intersections and along major roads. This district will include general commercial uses requiring large land areas, extensive retail operations, outdoor display, and limited residential use, which will be phased out within 9 years.



(A.) SUBAREA A (Tract B Schreurs' Addition)

- (1) **PERMISSIVE USES.** A building or premises shall be permitted to be used for the following purposes in Subarea A of the Ransom Planned Development:
 - (A) Office.
 - (B) Agriculturally related operations involving the handling, storage and shipping of farm products.
 - (C) Uses which store or handle a regulated substance.
 - (D) Facilities for the storage and distribution of anhydrous ammonia.
 - (E) Nursery or greenhouse.
 - (F) Garden center.
 - (G) Produce Stand exceeding 400 square feet in area.
 - (H) Farmers market.
 - (I) Indoor recreational facility.
 - (J) Light manufacturing.
 - (K) Tank farm; petroleum and/or propane products terminal.
 - (L) Equipment sales, display, service and rental.
 - (M) Motor vehicle sales, display, service and rental.
 - (N) Autobody shop.
 - (O) Public utility facility.
 - (P) Electrical substation.
 - (Q) Antenna support structure.

- (2) **CONDITIONAL USES.** A building or premises may be used for the following purposes in Subarea A of the Ransom Planned Development if a conditional use for such use has been obtained in conformance with the requirements of Article 19.00:
 - (A) General manufacturing.
 - (B) Airport/heliport.
 - (C) Distillation of products.
 - (D) Uses, other than those already contemplated as Permissive Uses, listed as Conditional Uses in the C – Commercial District and the I- Light Industrial District.

- (3) **ACCESSORY USES.** Accessory uses and buildings permitted in the Ransom Planned Development are those accessory buildings and uses customarily incident to any permitted use allowed in a C – Commercial District.

- (4) **PARKING REGULATIONS.** Parking within Subarea A of Ransom Planned Development shall be regulated in conformance with the provisions of Article 15.00.

- (5) **SIGN REGULATIONS.** Signs within Subarea A of Ransom Planned Development shall be regulated in conformance with the provisions of Article 16.00.

- (6) **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The density, area, yard, and height requirements in Subarea A of the Ransom Planned Development District shall be the same as allowed in a C – Commercial District.



- (7) FINAL DEVELOPMENT PLAN. A Final Development Plan shall be submitted for approval by August 15, 2026. Prior to any additional new construction in the Ransom Planned Development District, a Final Development Plan shall be presented to the Planning Commissions for their approval.

(B.) SUBAREA B (Tract C Schreurs' Addition)

(1) REGULATIONS OF SUBAREA B

(A) Until such time as the current owner of Subarea B of the Ransom Planned Development transfers ownership of Subarea B of the Ransom Planned Development to an unrelated third party, a building or premises shall be permitted to be used for the following purposes: permissive uses, permitted special uses, and conditional uses of the A-1 Agricultural District. All other regulations, including but not limited to density, area, yard and height regulations, parking, and signage shall be as permitted or allowed with the A-1 Agricultural District.

(B) Effective 30 days following a record change in ownership of Subarea B of the Ransom Planned Development, or if no change in ownership has taken place, effective January 1, 2035, the buildings, uses, and regulations of Subarea B of the Ransom Planned Development shall be the same as those listed above for Subarea A of the Ransom Planned Development. Upon the same date, no residential use of Subarea B of the Ransom Planned Development shall be permitted.

Public Testimony

Scott Anderson, the County Planning Director, presented the staff report and recommendation to the commission.

Commissioner Heiberger asked for clarity on what would need to be approved beyond this rezoning to a planned development before the petitioner could proceed with their business. Scott explained that if the rezoning is approved the petitioner will still need to submit a Final Development Plan for approval by the commission and at that time the commission would be able to apply conditions that they deem adequate.

Commissioner Kippley stated that he was absent at the previous meeting where the commission denied the request to rezone the property to commercial and that he agreed with that denial because it was more of a spot rezoning. Commissioner Kippley further commented that he prefers this planned development direction because it gives the county more control over the current and future development of the property.

The petitioner, Bruce Vollan, was present and available for questions. Commissioner Kippley asked the petitioner what his plan was for the property. Mr. Vollan explained that this site is only one and half miles east of their current location and that it will allow for more storage for their business.



Joni Quam, of 47631 254th Street, Baltic, SD, brought up several concerns with rezoning the subject property. Mrs. Quam stated that several members of her family live next to her and that they have lived in the area for twenty years. She also stated that rezoning the property will dramatically change the area and will impact the neighbors ability to enjoy their rural properties. Finally, she raised several traffic concerns, especially that many school buses utilize this highway.

Bruce Underberg, of 47642 254th Street, Baltic, SD stated that his property is the closest residential property to the rezoning and that the distance to his property from the subject property is only one hundred and fifty feet. Mr. Underberg also commented that he has concerns with storage tanks of fuel being stored so close to his property and residence.

Jeff Schreurs, 48680 244th Street, Jasper, MN, explained that he is the brother of Jeff Schreurs, who is the person who currently owns the house on the subject property. He explained that he was originally supposed to inherit this property from his father, but that he no longer will inherit the property. Mr. Schreurs brought up the fact that the property has previously approved conditional use permits that prohibit commercial operations within the buildings on the property. Finally, he commented that Vollan Oil has been operating illegally on the site for over two years and that they should shut down and find a different commercial zoned property.

Dennis Jonker, of 25406 477th Avenue, Baltic, SD, stated that he is concerned with the traffic on the highway and the degradation of the road. He also commented that a turning lane should be installed at the petitioner's expense.

Terry Quam, of 47631 254th Street, Baltic, SD, stated that the traffic to the property causes noise nuisances to the neighbors and that having several acreages in close proximity to this land use is not safe.

Paul Tschetter, of Boyce Law Firm, stated that he represents the petitioner for the proposed rezoning. Mr. Tschetter explained that the county is growing and that growth may cause necessary growing pains. He also stated that the petitioner agrees with the staff recommended process and that the planned development creates flexibility for the county and petitioner. Finally, he stated that the petitioner is a responsible business owner that wants to operate in a safe manner and that traffic in the area will not decrease even if the rezoning is denied.

Discussion

Commissioner VanDerVliet stated that this type of land use will always have some risk regardless of where it is located. He also commented that he believes the petitioner will do what it takes to operate in a safe manner on the property.

Commissioner Heiberger stated that she was opposed to the original request to rezone the property to commercial, due to the lack of control on future land uses, and that she feels the Planning Department has worked to find a best solution. She then commented that the petitioner will still be required to submit a Final Development Plan and that that process will allow the neighbors to come to the Planning Commission and recommend conditions.



Commissioner Kippley stated that it is frustrating that the commission is having to deal with a nonconforming use and find a way to make it conforming. Therefore, he stated that the county should trust but verify that the petitioner will actually follow the regulations set by the commission. Finally, he stated that the planned development regulations provide better control over the property for the county and so he will support the request.

Commissioner Ralston stated that he was opposed to the request when it was a rezoning to commercial with a lack of control on the future use of the property. He then stated that he is now in favor of the request because the planned development allows for better control of the property and will help make an unappealing land use more appealing.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to recommend **approval** of Rezoning #26-03. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Rezoning #26-03 – Approval Recommended



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

JANUARY 26, 2026

Old Business

None.

New Business

Kevin Hoekman, of county planning staff, presented the commission with several ordinance amendments that staff is expecting to bring to the commissions for consideration this year. These proposed amendments included updating the permit fees and building permit regulations in every zoning ordinance for the county.

Adjourn

A motion was made to **adjourn** by Commissioner Kippley and seconded by Commissioner VanDerVliet. The motion was passed unanimously. The meeting was adjourned at 9:07 p.m.