



MINUTES OF THE MINNEHAHA COUNTY PLANNING COMMISSION

Regular Meeting

Monday, April 27, 2026

County Administration Building, 3rd Floor Commission Chambers
415 N. Dakota Avenue, Sioux Falls, South Dakota 57104

County Planning Commissioners Present:

Bonnie Duffy, Chair

Ryan VanDerVliet, Commissioner

Becky Randall, Vice-Chair

Cindy Heiberger, Commissioner

Adam Mohrhauser, Commissioner

County Staff Present:

Scott Anderson, Planning Director

Mason Steffen, Senior Planner

Kevin Hoekman, Senior Planner

Maggie Gillespie, State's Attorney

Call to Order

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:11 pm.

Public Comment

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

Consent Agenda:

Consent Agenda Action

Commissioner Duffy read each item on the consent agenda, and Items 3, 4, and 6 were requested to be moved to the regular agenda. A motion was made to approve the consent agenda consisting of Items 1, 2, 5, 7 and 8 by Commissioner VanDerVliet and seconded by Commissioner Randall. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

- 1) Approval of Minutes – March 23, 2026
- 2) CONDITIONAL USE PERMIT 26 - 14 to make one building eligibility available on the property legally described as Tract 10 Nelson's Addition S½ Section 26 T102N-R48W Brandon Township.
- 3) CONDITIONAL USE PERMIT 26 - 15 to allow an Accessory Dwelling Unit on the property legally described as Tract 2A Mielke's Addition W½ SW¼ & Tract 2 Mielke's Addition NW¼ SW¼ Section 23 T101N-R51W Wall Lake Township.

Conditional Use Permit 26 – 15 Minutes:

Conditional Use Permit 26 – 15 was removed from the consent agenda and heard at the beginning of the regular agenda. Mason Steffen, of county planning staff, presented the proposed request to the commission. The petitioners, Glen and Carol Shade, addressed the commission with their

appreciation to the commission for considering and approving their request. No other members of the public spoke on the item.

A motion was made by Commission Heiberger and seconded by Commissioner VanDerVliet to approve Conditional Use Permit 26 – 15 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

- 4) CONDITIONAL USE PERMIT 26 – 17 to transfer one building eligibility from the SE¼ SE¼ to Lot 4 (Except Outlot 1) SE¼ all within Section 15 T102N-R52W Humboldt Township.

Conditional Use Permit 26 – 17 Minutes:

Conditional Use Permit 26 – 17 was removed from the consent agenda and heard after Conditional Use Permit 26 – 15 as part of the regular agenda. Scott Anderson, the County Planning Director, presented the proposed request to the commission. The petitioner, Steven Lias, was present and the commission did not have questions for the petitioner at that time. Thomas and Naomi Lias, the neighbors to the south of the property, spoke in opposition to the proposed transfer. They stated that they are an active sheep farm, which produces noise that would detrimental to any future dwelling. They also mentioned that the petitioner should move the eligibility further to the west or to the east, and that the proposed location does not have services. Commissioner Heiberger commented that she understands the neighbor's concerns because she is also a farmer, but that the owner of the new dwelling would be required to sign a right-to-farm notice covenant.

A motion was made by Commission Heiberger and seconded by Commissioner Randall to approve Conditional Use Permit 26 – 17 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

- 5) CONDITIONAL USE PERMIT 26 - 18 to transfer one building eligibility from the NE¼ SW¼ to the SW¼ SW¼ all within the SW¼ (Except Larson's Addition and Except H-1 and Except Tract 2) Section 10 T102N-R50W Benton Township.
- 6) CONDITIONAL USE PERMIT 26 - 19 to allow a Dog Boarding Kennel on the property legally described as the S½ S½ NW¼ Section 36 T102N-R51W Hartford Township.

Conditional Use Permit 26 – 19 Minutes:

Conditional Use Permit 26 – 19 was removed from the consent agenda and heard after Conditional Use Permit 26 – 17 as part of the regular agenda. Mason Steffen, of county planning staff, presented the proposed request to the commission. The petitioner, Lucas Fisher, addressed the commission with his concerns regarding the staff recommended conditions. Mr. Fisher explained that having a fifteen dog animal limit would be detrimental to his business plan and that he would propose having an animal limit based on the size of dogs and number of pens. He also explained that he would like the permit to be transferable to his kids, or another party, if he was no longer able to operate the business. Commissioner Heiberger asked what the petitioner's proposed maximum number of dogs would be based on their requested changes. Mr. Fisher explained that on average there would be two dogs per pen, so he would like to have at least twenty four dogs allowed in the operation. Several neighbors to the property spoke in opposition to the proposed kennel. These neighbors were: Tyler Focken, of 26149 465th Avenue, Hartford, SD; Dale Stowsand, of 47424 279th Street, Worthing, SD; and Dean Morrison, of 26336 465th Avenue, Hartford, SD. These neighbors brought up issues with the potential of noise from the kennel and the effect of the kennel on the neighboring properties and building eligibilities. Dean Morrison also commented that he was concerned with the setback of the building to his property to the north. The petitioner explained that the building will be fully enclosed and that the building will be setback twenty feet from the north property line and that he may plant trees around the property as well. After the testimony from the public, the commission discussed the proposed operation. Several

commissioners brought up the possible of requiring trees around the building and increasing the animal limit to twenty-four animals.

A motion made by Commissioner Heiberger and seconded by Commissioner Randall to amend Conditional Use Permit 26 – 19 to add an eleventh condition requiring one row of evergreen trees to the north of the building and two rows of evergreen trees to the west of the building. The motion passed with 4 votes in favor and 0 votes against the motion.

A motion was made by Commissioner Randall and seconded by Commissioner VanDerVliet to amend Conditional Use Permit 26 – 19 by amending condition two to allow a maximum of twenty-four animals within the operation. The motion passed with 3 votes in favor and 1 vote against the motion. Commissioner Mohrhauser voted against the motion.

A motion was made by Commission Randall and seconded by Commissioner VanDerVliet to approve Conditional Use Permit 26 – 19 with the eleven amended conditions. The motion passed with 3 votes in favor and 1 vote against the motion. Commissioner Mohrhauser voted against the motion.

Conditional Use Permit 26 – 19 was approved with the following conditions:

- 1) The kennel shall remain as an accessory use to the property as a residential dwelling. If the property ceases to be residential property then the kennel shall cease.
 - 2) That the kennel shall be limited to a maximum of twenty-four dogs at any one time.
 - 3) That any animal waste from the operation shall be properly disposed of and shall not accumulate outside of the building.
 - 4) That the operation shall be limited to one of the 44 feet by 80 feet buildings included on the submitted site plan.
 - 5) That all dogs boarded at the kennel shall remain locked inside during the night and early morning hours of 9:00 pm to 7:00 am.
 - 6) That all dogs boarded at the kennel shall not be allowed to roam off the property at any time.
 - 7) That no parking shall be allowed within the public right-of-way at any time.
 - 8) An on premise sign may be permitted for identification of the site. The sign must be no larger than 32 square feet in size.
 - 9) That this Conditional Use Permit is granted to Lucas Fischer and is non-transferable to any future owner or lessee of the subject property.
 - 10) That the Planning & Zoning Department reserves the right to enter and inspect the premises, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.
 - 11) That at least one row of evergreen trees shall be planted on the north side of the kennel building and at least two rows of evergreen trees shall be planted on the west side of the kennel building. A trees shall be maintained in a live state.
- 7) **CONDITIONAL USE PERMIT 26 - 20 to allow Temporary Fireworks Sales on the property legally described as the North 453.2 Feet West 453.2 Feet W½ NW¼ (Except Tract 1 Gulseth Addition) Section 1 T101N-R48W Split Rock Township.**
- 8) **CONDITIONAL USE PERMIT 26 - 21 to allow Temporary Fireworks Sales on the property legally described as the SW¼ (Except H-4 and H-5 and Except Tract 1 Shafer’s Addition) and Tract 1 CAS NE¼ SW¼ and Gardners Lots 2 & 3 in Tract 3 NW¼ (Except Magnuson Lot 1) Section 10 and Part of SE¼ Lying East of Highway 16 (Except H-1, H-2 and Except Tract 1 Shafer’s Second Addition) Section 9 all within T101N-R48W Split Rock Township.**

Regular Agenda:

- 9) **CONDITIONAL USE PERMIT 26 - 16** to exceed 20,000 square feet of Industrial Warehousing Area (requesting 24,000 square feet) on the properties legally described as Lots 1 and 2A Block 3 Green Valley Addition NE¼ Section 12 T102N-R50W Benton Township.

Conditional Use Permit 26 - 16 Minutes:

Conditional Use Permit 26 – 16 was heard after Conditional Use Permit 26 – 19 as part of the regular agenda. Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission. Kevin explained that there are several issues with the property from a previously approved conditional use permit and staff is recommending denial based on these issues. Commissioner Randall asked if denying the permit would prohibit the petitioner from reapplying in the future. Kevin Hoekman explained that if the item were to be denied, the petitioner would not be allowed to reapply for a minimum of six months, and that the commission could alternatively defer the request. The representative for the petitioner, James Krier, was present at the meeting. Mr. Krier, the commission, and planning staff discussed the issues with the property including the lack of fence, lack of fully cut off lighting on the building, and lack of hard surfacing for the second driveway. The commission determined after discussion that deferring the item for two months to allow the petitioner to address these issues was the best option.

A motion was made by Commissioner Heiberger and seconded by Commissioner VanDerVliet to defer Conditional Use Permit 26 – 16 to the June 29, 2026, planning commission meeting. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

- 10) **ZONING TEXT AMENDMENT 26 - 07** to amend the 1990 Revised Zoning Ordinance for Minnehaha County to update Article 23.00 Building Permits.

Zoning Text Amendment 26 – 07 Minutes:

Mason Steffen, of county planning staff, presented the proposed ordinance amendment to the commission. No members of the public spoke on the proposed amendment.

A motion was made by Commissioner Mohrhauser and seconded by Commissioner Randall to recommend approval of Zoning Text Amendment 26-07. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

- 11) Old Business - None

- 12) New Business

- a. Presentation on Data Centers - Scott Sandal

Presentation on Data Center Minutes:

Scott Anderson, the County Planning Director, addressed the commission and introduced Scott Sandal to give a briefing regarding data centers. He also commented that the county is likely to draft an ordinance in the next year regarding data centers and that this briefing is the start of that process. Scott Sandal presented to the commission and there was discussion between the commission, staff, and Mr. Sandal regarding data centers.

ADJOURN – A motion was made to adjourn by Commissioner VanDerVliet and seconded by Commissioner Heiberger. The motion was approved unanimously. The meeting was adjourned at 9:07 pm.