



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
May 23rd, 2022**

A meeting of the Planning Commission was held on May 23rd, 2022 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, and Jeff Barth.

STAFF PRESENT:

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 7:50 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 7 was requested to be moved to the regular agenda by Commissioner Barth.

A motion was made to approve the consent agenda consisting of Items 1, 2, 3, 4, 5, 6, & 8 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

ITEM 1. Approval of Minutes – April 25th, 2022

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from April 25th, 2022. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #22-37 to exceed 3,600 square feet of accessory building space (requesting 7,000 square feet) on the property legally described as Tract 3 Boll's Addition SE¼ NE¼ Section 19 T101N-R51W Wall Lake Township.

Petitioner: Tom Ockenga

Property Owner: Same

Location: 26541 461st Avenue

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 3 Boll's Addition SE¼ NE¼ Section 19 T101N-R51W Wall Lake Township.

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 3.96 Acres

Staff Report: Scott Anderson

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 7,000 square feet of accessory building area. The proposed new accessory building will be used for personal storage and no commercial storage or business will be allowed in the structure. Currently on the property, there is one accessory building on the subject property that is approximately 3,928 square feet in area.

On May 4, 2022, staff conducted a site visit of the proposed site for the accessory building. The subject property is located in an area has several residences and hobby farms. Many of those residential sites have large accessory buildings. The residence at 16536 461st Avenue has approximately 4,860 square feet of accessory structures and 46120 266th Street has 5,656 square feet of accessory structures. Finally, the proposed size of the addition is generally compatible with the other agricultural uses in the area, and should not create any issues with the future development in the 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.

There should be no anticipated negative effect 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.

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



The proposed site of the accessory building is located in an area that is predominantly agricultural with few residential acreages. There should be no impacts to the normal and orderly development and improvement of surrounding farmland or any future residential acreages. The proposed size of the accessory building is generally compatible with the current and future land uses in the area.

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

The petitioner will need to extend all required utilities to the structure. The accessory building will be accessed by the same driveway as the residence on the property. An additional accessory building on the property should not have any significant effects on the drainage of the surrounding 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 new addition to the 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 proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, and general welfare of the public will not be negatively affected by the construction of the proposed accessory building. Additionally, the proposed use will be on a property in an area with low residential development and high agricultural activity that will continue for the foreseeable future. Finally, large buildings, such as the one proposed for this permit, are common in the agricultural area of the county, and so the proposed use will fit with the general future development in the surrounding area.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-37 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 7,000 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5) That all outdoor lighting shall be of a fully-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.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

MAY 23rd, 2022

- 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 Barth and seconded by Commissioner Ode to **approve** Conditional Use Permit #22-37 with staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-37 – Approved



ITEM 3. CONDITIONAL USE PERMIT #22-39 to allow a Kennel on the property legally described as Tract 1 Mueller's Addition SW¼ Section 3 T104N-R48W Logan Township.

Petitioner: James & Frances Drenth

Land Owner: Same

Location: 24496 481st Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Mueller's Addition SW¼ Section 3 T104N-R48W Logan Township

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 9.37 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This is a request to allow an overnight boarding kennel on the property located approximately six miles east of Dell Rapids. The petitioner recently acquired the property in part because the barn has already been converted into kennel stalls for dogs. No previous permit for a kennel has been issued on the property and a conditional use permit must be obtained prior to the start of operations of a kennel.

The petitioner submitted a summary narrative and area plan with his application. He explains that the barn already has 12 kennels and a fenced in exercise area exists on the property. The hours of pickup and drop off will be between 8:00 am and 7:00 pm with a break during the middle of the day. Dogs are planned to be located inside the barn during overnight hours in order to reduce barking noises carrying off the property.

Conditional Use Permit Criteria:

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

This property is surrounded by agricultural land. The nearest neighboring dwelling is over 2000 feet to the north of the property. If dogs are maintained indoors overnight, the effect of the kennel on neighboring properties will be minimal. The use of the property as a kennel will likely increase road traffic for the half mile stretch of township road; however, the increase in traffic will not likely be more than other home occupations allowed within the A1 Agricultural zoning district.

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

The property is surrounded by agricultural land. The land is far away from any municipality and development of building eligibilities is the most likely scenario where land will be developed in



the area. It is unlikely the proposed kennel will disrupt any future development in the area.

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

The property is already developed with a house, accessory buildings, and the barn filled with 12 kennels for the proposed boarding kennel. The petitioner mentions in his summary that there may be a possible expansion if the business receives enough revenue to expand. If an expansion happens the petitioner will be responsible to extend any needed utilities.

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

The property is large enough to 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.

A kennel has the potential to produce offensive noise with barking dogs. Keeping dogs inside during overnight hours should reduce potential nuisance noises. In addition, the long distance the property is from neighboring houses should reduce noise traveling to nearby dwellings. The narrative states that dogs will be indoors between 10:00 pm and 6:00 am. Planning staff recommends that these hours are too late in the evening and too early in the morning to avoid nuisance hours. Staff suggest a time limitation for indoor lock down of 9:00 pm to 7:00 am. This timeframe more closely relates to previous approved dog kennels within the county.

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

With proper supervision and care of the animals, the proposed dog kennel should not affect the health, safety, or general welfare of the public. The recommended conditions of approval provide limitations to prevent nuisance or harm.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-39 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. Client owned dogs shall remain locked inside during the night and early morning hours of 9:00 pm to 7:00 am.
3. Client owned dogs are not allowed to roam off the property at any time.
4. No parking shall be allowed on the public right-of-way at any time.
5. An on premise sign may be permitted for identification of the site. The sign must be no larger than 32 square feet in size.
6. That 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.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** Conditional Use Permit #22-39 with staff recommended



conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-39 – Approved



ITEM 4. CONDITIONAL USE PERMIT #22-40 to transfer one (1) building eligibility from the SW¼ NE¼ to the NW¼ NE¼ all in Section 18 T101N-R47W Valley Springs Township.

Petitioner: Daniel Williams

Land Owner: Ronald Williams

Location: Approximately 2 miles southwest of Valley Springs

Staff Report: Scott Anderson

General Information:

Legal Description – NE¼ (Ex. S2 Rods S½ NE¼ & Ex. Tract 1 Williams Addition)

Section 18 T101N-R47W Valley Springs Township

Present Zoning – A1 Agricultural

Existing Land Use – Cropland

Parcel Size – 153 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2 miles southwest of Valley Springs or 3 miles southeast of Brandon ½ mile east the intersection of County Highway 109 and 264th Street. The applicant is requesting to move one building eligibility to the north along 264th Street. The area in which the building eligibility is now located is used for crop production. The proposed site consists of rolling hills with a view of Beaver Creek to the north and is used for pasture. The proposed transfer would move the eligibility to the north and onto land that is better suited for residential development.

On May 3, 2022, staff conducted a site visit. There are many residences located within 1 mile of the proposed location of the transfer. This area is desirable for development, as it is close to Valley Springs and Brandon and located within an area of significant residential development.

Conditional Use Permit Criteria:

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

There are many residences located near the proposed site. A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of a building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibility places it near other residentially used property. Access would have to be approved by the Valley Springs Township. The siting of a building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.



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

No other extra utilities or services will be required for this site to utilize the building eligibility. It is likely that rural water and electricity are already located in the ditch. There is already an approach onto the proposed building site. Valley Springs Township will need to approve the location of any new driveways to be used for the new lot.

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

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject 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.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location will enhance the productivity of the rest of this quarter section and locate the building eligibility in closer proximity of similar uses.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #22-40 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
2. Approval from Valley Springs Township must be obtained for the location of any new driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** Conditional Use Permit #22-40 with staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-40 – Approved



ITEM 5. REZONING #22-04 to rezone from the A-1 Agricultural District to the C Commercial District the property legally described as Tract 1 Dewitt's Addition SE¼ Section 26 T101N-R48W Split Rock Township.

Petitioner: Curt Dewitt

Property Owner: Same

Location: Approximately ¼-mile south of the Highway 42 & 483rd Avenue

Intersection in Rowena.

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Dewitt's Addition SE¼ Section 26 T101N-R48W Split Rock Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential

Parcel Size – 3.02 Acres

Staff Report: Mason Steffen

Staff Analysis: The applicant is proposing to rezone approximately 3.02 acres from the A-1 Agricultural District to the C Commercial District. The property currently has a residential accessory building that is used to house servers that mine for cryptocurrencies, and the petitioner would like to expand this operation. The subject property is located southeast of Rowena along County Highway 111 (483rd Street), and the property already has access onto the highway due to the existing residential use. The property is directly adjacent to a residential dwelling to the south, with cropland to the west and east, and an existing commercial lot to the north.

In addition, the subject parcel is located within the Red Rock Corridor Overlay District. The Red Rock Corridor is an area around Highway 42 east of Sioux Falls that has undergone additional planning and includes additional measures in the County Ordinance. Included in these measures are additional buffers between residential and commercial lots, which this property must meet along the south property line if the rezoning is approved. The existing trees along the south property line are allowed to count towards this buffer, and therefore no additional trees or buffer requirements will be needed. Additionally, the proposed rezoning generally corresponds with the commercially designated area within the Future Land Use Plan for the Red Rock Corridor. Since the property already has access onto the highway along with all other necessary utilities, the proposed rezoning should not impact future development in the surrounding area.

Furthermore, the Envision 2035 Comprehensive Plan designates Rowena as a Rural Service Area, which promotes limited convenience commercial businesses. The proposed commercial site would also be located along a highway in close proximity to its intersection with another major highway. Having access from a highway is desirable for commercial lots even though the proposed use for this lot would not generate significant traffic to the property.

Finally, this rezoning proposal generally meets the policies and objectives of the 2035 Envision Comprehensive Plan. The site is located within a Rural Service Area and is located adjacent to



existing commercially zoned property along a major highway.

Recommendation: Staff finds that the proposed rezoning conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #22-04 to rezone the subject property from A-1 Agricultural District to C Commercial District.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** Rezoning #22-04 with staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Rezoning #22-04 – Approval Recommended



ITEM 6. CONDITIONAL USE PERMIT #22-41 to exceed 3,600 square feet of accessory building space (requesting 5,600 square feet) on the property legally described as Johnson's Tract 2 E½ SE¼ Section 1 T102N-R50W Benton Township.

Petitioner: Steven Schmitz

Property Owner: Same

Location: 25673 472nd Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Johnson's Tract 2 E½ SE¼ Section 1 T102N-R50W Benton Township.

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 14.85 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request is to allow 5,600 square feet of accessory building on a property located approximately 1.5 miles east of the City of Crooks on County Highway 133. The petitioner wants to build a 30 feet by 40 feet detached structure near the existing dwelling. The property is a former farmstead with an existing barn and shed building. The total square foot area of all the detached accessory buildings including the existing barn, shed and the proposed garage is equal to 5,600 square feet.

The petitioner submitted a sketch plan of the site location of the proposed building. The building will be placed behind the dwelling and near a large existing grove of trees. The house and trees will likely hide the view of the building from most directions. The utility of the existing buildings is minimal for residential use since they were built for agricultural use many years ago. The dwelling does not have an attached garage for vehicles or personal storage. The proposed building will provide the needed garage space for the property.

Conditional Use Permit Criteria:

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

The property is located in an area of residential acreages and agricultural uses. The buildings are setback far from the county highway and are close to pasture land to the west. There is a large grove of trees in the north 1/3 of the property which screen much of the sightlines of the site. The proposed building will not have any effect on the existing neighboring use.

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 1.5 miles east of the City of Crooks. Many of the residential sites surrounding the site have been used. The long distance from a city and built out residential



eligibilities will likely prevent the area around the dwelling from changing significantly in the near future.

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

The property already has a single family dwelling with all required utilities and a driveway. Drainage will not significantly be affected by the building.

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

The property is large enough to accommodate off-street parking for the existing use.

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 accessory building shall not be used for commercial or industrial purposes in order to prevent potential nuisances from the site. Lighting on the building should be cut off and directed downward to prevent glare from spilling onto neighboring properties.

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

The proposed accessory building will not have a negative effect on the health, safety, or general welfare of the public. The building will be used as a residential garage on a property where the existing buildings do not function in the same capacity.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-41 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 8,750 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5) That all outdoor lighting shall be of a fully-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 Barth and seconded by Commissioner Ode to **approve** Conditional Use Permit #22-41 with staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-41 – Approved



ITEM 8. CONDITIONAL USE PERMIT #22-42 to transfer one (1) building eligibility from the NE¼ NE¼ to the NW¼ NE¼ all in Section 30 T103N-R49W Sverdrup Township.

Petitioner: Lynn Olson

Land Owner: Same

Location: Along 254th Street, approximately 1 mile east of Interstate 29

Staff Report: Mason Steffen

General Information:

Legal Description – N½ NE¼ (Ex. Tract 2 Olson Addition & Ex. H-1) Section 30

T103N-R49W Sverdrup Township

Present Zoning – A1 Agricultural

Existing Land Use – Cropland

Parcel Size – 74.64 Acres

Staff Report: Mason Steffen

Staff Analysis: On May 6th, 2022, staff conducted a site visit of the subject property involved in the proposed building eligibility transfer. Both the current and proposed locations of the building eligibility are cropland, and the proposed location of the building eligibility is closer to existing residential acreages along 254th Street. If this request is approved the petitioner would then plat a new residential lot directly adjacent to the existing acreage in the quarter-quarter section. Finally, the new dwelling will use an existing access onto the county highway, so there will not be a concern with adding an additional access onto the highway.

Conditional Use Permit Criteria:

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

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. The additional residential use will not significantly affect the surrounding properties, and will be located closer to two existing residential acreages.

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

This transfer of a building eligibility does not increase the number of building eligibilities in the quarter section. This eligibility transfer will move the eligibility closer to existing residential acreages, and allow for more of the subject property to remain agricultural in use. Therefore, the siting of a building eligibility on the proposed receiving parcel would have little to no effect on the orderly development of the surrounding properties.

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

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



area.

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

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

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

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

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing this building eligibility in the proposed location will move the future dwelling closer to the county highway, and off of a parcel that is mostly in the floodplain.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #22-42 with the following conditions:

- 1) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
- 2) Any applicable driveway permits must be obtained from the Minnehaha County Highway Department for the location of the driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** Conditional Use Permit #22-42 with staff recommended conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-42 – Approved



Regular Agenda

ITEM 7. PRELIMINARY SUBDIVISION PLAN #22-01 to allow the subdivision of Renner Corner Addition in Section 9-T102N-R49W.

Petitioner: Ron Jensen

Property Owner: Sorum Holdings 2 LLC

Location: Located at the Renner intersection on SD Highway 115

Staff Report: Mason Steffen

General Information:

Legal Description – Tract D Eggers Addition, Tract 1 Safari Addition, County Auditors Subdivision Tract 7, & the S 200' Tract 6 all in the SE¼ SE¼ Section 9 T102N-R49W Mapleton Township.

Present Zoning – A1 Agricultural/ Pending C Commercial

Existing Land Use – Cropland/Residential

Parcel Size – 15.03 acres

Staff Report: Mason Steffen

Staff Analysis: The applicant has submitted a preliminary plan for a new commercial subdivision located at Renner Corner on SD Highway 115. The rezoning of these properties to the C Commercial District is in progress and will be heard by the Board of County Commissioners at their May 24th, 2022 meeting. Finally, the petitioner has submitted this application with the understanding that if the rezoning is denied by the County Commission then this Preliminary Plan will be obsolete.

This new subdivision will contain seven (7) commercial lots. Currently the uses of the subject properties are mixed; including vacant land, cropland, two single-family dwellings, and an apartment building. The two single-family dwellings will be removed before development starts, but the apartment building will remain in place until it is necessary for it to be removed. The proposed road concept and lot layout will give better access to existing and future uses in the area, and the road within the subdivision will need to be hard surfaced. Finally, the applicant has stated that the development will happen in stages as individual businesses move in, and that the first stage of development will be for a new jerky making facility located on Lot 2 Block 1 of the proposed subdivision.

Staff has reviewed Section 4.01 of the Minnehaha County's Subdivision Ordinance to determine that all requirements have been met. The applicant has provided all the required information for a Preliminary Subdivision Plan, including detailed topographic information, typical cross section for road construction, a grading and drainage plan, and erosion control plan.

The sizes of the lots within the proposed subdivision range from 1.14 acres to 3.08 acres. The entire subdivision will be connected to the Renner Sanitary Sewer District and will be supplied water from Minnehaha Community Water Corporation. In addition, the properties are not currently located within the 100-year floodplain as designated by FEMA, but FEMA is in the



process of creating updated maps that show a majority of the subject properties within the floodplain. However, DGR Engineering has submitted a detailed survey of the area that shows the elevation of the lots to be more than five feet above the proposed new floodplain elevation. Therefore, once these new floodplain maps are adopted by Minnehaha County, the petitioner would need to apply for a LOMA (Letter of Map Amendment) with FEMA, in order for the property to be removed from the 100-year floodplain. Otherwise, any development that occurs after the property is designated as floodplain would need to meet all of the requirements of the floodplain ordinance for Minnehaha County.

Furthermore, the primary road through the subdivision is Lindbergh Lane. The Lindbergh prefix is consistent with the existing road located directly adjacent to the subject properties on the south side of County Highway 130. This new road will curve between County Highway 130 and SD Highway 115, and the new road accesses have been approved by both the County Highway Department and State Department of Transportation. Along with new road accesses, the petitioner will be removing a total of six (6) existing driveway accesses on County Highway 130 and SD Highway 115. The access to the apartment building will also be changed in order to be accessed from Lindbergh Lane, as opposed to directly off of County Highway 130. In addition, the suffixes for new roads are based on their direction of travel, since the proposed new road travels from northeast to southwest, the Lane suffix is appropriate. Prior to a final plat being approved, the applicant shall either construct the road to the County's road standards or post surety in an amount to cover the construction cost. Engineered road plans will also need to be provided. Finally, the applicant will be required to provide road signs that meet all County addressing criteria.

Recommendation: Staff recommends **approval** of Preliminary Plan #22-01.

Public Testimony & Discussion

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

Commissioner Barth wanted clarification on the differences between this request and the request for the same property at the April 25th Planning Commission Meeting. Mason explained that the item at the April 25th meeting was a rezoning that will be heard by the County Commission on May 24th, and that this request is to approve the subdivision plan that would be used to regulate the development of the property if it is rezoned to the C Commercial Zoning District.

Action

A motion was made to **approve** Preliminary Plan #22-01 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Preliminary Plan #22-01 – Approved



ITEM 9. PLANNED DEVELOPMENT MAJOR AMENDMENT #22-02 to amend the High Prairie Ranch Planned Development to change Subarea D to Subarea A on the property legally described as Lot 20 of High Prairie Ranch, an addition in the NW¼ Section 8 T102N-R49W Mapleton Township.

Petitioner: David Rogness

Property Owner: Dorothy Rogness

Location: Southeast of the 257th Street and 473rd Avenue intersection

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 20 of High Prairie Ranch, an addition in the NW¼ Section 8 T102N-R49W Mapleton Township.

Present Zoning – PD – High Prairie Ranch Planned Development (Subarea D)

Existing Land Use – Cropland

Parcel Size – 12.9 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to change the subarea of a portion of the High Prairie Ranch Planned Development. The proposed area is now a platted lot 12.9 acres in size. The subarea of the property mirrors the A1 Agricultural zoning district, and the proposed subarea closely mirrors the regulations for the Rural Residential zoning district. This would allow for residential subdivision and development of the proposed property.

The High Prairie Ranch Planned Development began in 1992 as a planned development with the general purpose of a residential development with joint ownership in horse stabling facility and riding land. The horse stable is now owned by one individual and not shared by the community. The park and recreation portion of the development (Subarea C) was rezoned to agricultural use (Subarea D) in 2019.

In 1999, a similar request was made to rezone this area of the planned development to a residential use. A preliminary subdivision plan was provided with that application, and the plan was to subdivide the parcel into 10 lots, each a little over one acre in size. The staff report for the 1999 request listed several concerns including deviation from the original concept of the High Prairie Ranch as an equestrian based development; multiple septic systems close to the Big Sioux River, and several examples of rezoning requests which were denied within a mile of this location. The County Commission did not approve or deny the 1999 request, but rather the item was deferred indefinitely. The 1999 site plan was requested to be used as a concept for this request and a copy is included with the staff report packet.

The proposed major amendment is on a property located approximately one and a half miles northeast of the Crooks/Renner Exit off Interstate 29. This is near the existing High Prairie Ranch subdivision of 15 houses and shares the same township access roads. South of the development a quarter mile is the Vintage Village Addition with another approximately 40



dwellings, but access is directly onto the county highway. The Vintage Village Addition lots were platted prior to density zoning, and development in the subdivision largely took place in the late 1990's and early 2000's.

Access to the proposed development will required driving over a mile of township gravel roads to the south or the west. Staff spoke with Don Ahlschlager of the Mapleton Township Board regarding the proposed development. He explained that the roads within the development are currently not maintained by the township. He further explained that if the development is approved, the ideal way to work with the roads of the development would be that the developer builds the roads to township standards, driveways and culverts get installed to township standards, then the developer petitions the township to take control of the road.

Staff finds that the concerns raised of rural relevancy, wastewater treatment, and precedence setting possibilities with the development in the 1999 major amendment request are still valid. There is currently a high demand for housing of all kinds, and one allowed residential subdivision may lead to other property owners wanting to subdivide their properties. Furthermore, the subdivision will also add daily traffic to and from the 10 proposed residential lots. The additional traffic will travel over one mile of township gravel roads before a paved highway could be reached. Finally, the roads within the subdivision are not currently maintained by the township. As discussed with Mapleton Township Supervisor, Don Ahlschlager, the township has had trouble in the past with expectations of maintenance on sub-standard roads within subdivisions. If approved, the final development plan of the subdivision should contain details of how roads are to be constructed and maintained.

The proposed subdivision is located within a Transition Area as indicated in the 2035 Comprehensive Plan. The Major Amendment is contrary to several goals and action steps of the comprehensive plan including Action 5.3 of the Future Land Use chapter: Locate residential subdivisions in community type developments where adequate services are available including but not limited to sanitary sewer, utilities, and drinking water supplies." As of now there is no plan for collective sanitary sewer and treatment.

Recommendation: Staff recommends **denial** of Major Amendment #22-02.

Public Testimony & Discussion

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

The petitioner, David Rogness, of 25065 467th Avenue, was in attendance and available for questions. Commissioner Barth asked the petitioner to address some of the concerns people have with residential development taking over rural land, specifically issues with sewer, water, and traffic. David Rogness stated there is currently a high demand for new housing, and that the proposed development will meet all of the required standards, including not having septic systems within 100 feet of the river.

Don Ahlschlager, of Mapleton Township, addressed the commission with his thoughts on the



request. He stated that the petitioner met with him to discuss the plat map, and that Kevin Hoekman had also contacted the township to discuss the roads. Also, he explained that not every development road is a township maintained road. Furthermore, he explained that the township would like to see, if the request is approved, the petitioner develop the land with an engineer and build the roads to township standards. Then once the developer has completed the development, including driveways, they would petition the township to take over the maintenance of the roads. Mr. Ahlschlager also stated that the township has adequate roadways to support the additional traffic, but gravel roads by nature can be dusty no matter the amount of maintenance. He also explained that Mapleton Township tries not to have frontage assessments in order to maintain their roads. Finally, he stated that he is not opposed to the request, but that he wants it to take place in steps where the township can manage it correctly.

Commissioner Mohrhauser asked Don Ahlschlager how much it would take to make the road compliant with township/county road standards. Don explained that the road is currently a no maintenance road, and that it is wide enough to accommodate the proper grading and ditches. Commissioner Mohrhauser followed up to ask how long the current road is, and Don stated that the current road is approximately a half-mile in length. Mr. Ahlschlager also stated that he would like to see the project engineered before lots are sold, in order to avoid issues with access and septic systems, which is a problem with several other older developments.

Commissioner Barth stated that he appreciates Don Ahlschlager taking the time to come to the meeting, and asked if the township would expect the road to be paved. Mr. Ahlschlager said that pavement would not be required and gravel would be sufficient. Finally, Don explained the township's difficulty with maintaining paved roads within subdivisions adjacent to paved highways.

Commissioner Barth stated that the issue with gravel roads being connected to paved highways is having loose gravel deposited on the highway, which then damages the cars travelling on the highway at high speed. Commissioner Barth then asked Don if he feels the request is a bad project, and Mr. Ahlschlager explained that if the project is built the way the township is asking then they see no issues with the project.

Mike Wendland, of 411 Kringen Avenue, addressed the commission with his comments on the proposed request. He stated that he is representing Brian Hefty who is a neighbor to the subject property and was unable to attend. Mr. Wendland explained that they have no issues with the proposed project and are in support of approving the request.

Commissioner Mohrhauser asked Kevin Hoekman if there are any laws regarding the 100-foot setback for septic systems and runoff from creeks. Kevin explained that he believed the 100-foot setback to be correct, and that he could not recall if the property was located in the Water Source Protection Area. He further explained that if the property is in the Water Source Protection Area then any septic systems would need to be engineered and approved by the State. Commissioner Mohrhauser also asked if the development to the south uses septic systems for wastewater management, and Kevin confirmed that all the properties in the area use septic systems.



Commissioner Barth then proceeded to ask the petitioner if any improvements had been made to the plan since 1999. David Rogness explained that the current plan is the same design as in 1999 and no changes have been made. Commissioner Barth asked what the cost of each lot would be, and if they would be small houses for low-income housing. Mr. Rogness stated that they would not be small, low-income houses.

Commissioner Barth stated that he was not sure that the project deserved to be approved or denied at this time.

Commissioner Randall stated her concerns with having more septic systems so close to the river, even if the request is only for ten more lots. Commissioner Randall also stated that she is aware that the petitioner did not place all of these septic systems this close to the river, but she is concerned that they would be adding to a problem if the request is approved. Finally, Commissioner Randall asked the petitioner if they knew for sure whether the property was in the Water Source Protection Area or not, and the petitioner explained that they did not have that answer at this time.

Commissioner Barth stated that he would like to make sure that they are protecting the land and water, and that if they keep adding more and more housing and wastewater to the area the system will eventually break down. Kevin Hoekman then returned to the podium to explain that if this request is approved the petitioner would still need to apply for a Final Development Plan before individual lots were platted. He also explained that at that time a better idea on how to handle the septic systems may be presented. Commissioner Barth wanted Kevin to confirm that if they approve this request, there would still be an opportunity for more review in the future. Kevin explained that there would be an opportunity in the future to make sure all of the engineering and drainage is completed.

Commissioner Barth made a motion to approve Major Amendment #22-02, and the motion died for lack of a second.

Commissioner Mohrhauser asked if they deferred action to next month would they get more of an explanation on the septic systems. Kevin Hoekman stated that the commission could defer action in order to gain more information, but that he was not sure how helpful that would be. Commissioner Duffy asked Kevin if it would worth it for the petitioner to have it engineered at this point, and Kevin stated that it might be but that it is fairly early in the process.

Commissioner Barth stated that he would like to see some insurance that the septic systems would not increase any issues in the area, and Commissioner Mohrhauser stated he would like confirmation that it is not located in the Water Source Protection Area. Commissioner Ode stated that the item may need to be deferred several months, in order to give the petitioner time to answer the septic system questions.

Action

Commissioner Ode made a motion to **defer** Major Amendment #22-02 to the August 22nd, 2022 meeting, and the motion was seconded by Commissioner Barth. The motion passed unanimously



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

MAY 23rd, 2022

with 5 votes in favor and 0 votes against the motion.

Major Amendment #22-02 – Deferred to August 22, 2022



ITEM 10. REZONING #22-05 to rezone from the A-1 Agricultural District to the RR Rural Residential District the property legally described as the SE¼ NW¼ (Ex. H-1 & H-2) Section 1 T103N-R50W Lyons Township.

Petitioner: Northeast Investments LLC.

Property Owner: Same

Location: 47137 250th Street

Staff Report: Mason Steffen

General Information:

Legal Description – SE¼ NW¼ (Ex. H-1 & H-2) Section 1 T103N-R50W Lyons Township.

Present Zoning – A-1 Agricultural

Existing Land Use – Cropland

Parcel Size – 35 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to rezone approximately 35 acres from the A-1 Agricultural District to the RR Rural Residential District, in order to expand the existing mobile home park on the property. The Coachman's Manor mobile home park has existed since before the current zoning regulations for Minnehaha County. In 1985, the north portion of the property was rezoned from the now non-existent MHR Mobile Home Residential Zoning District to the RR Rural Residential Zoning District to allow the current mobile homes at the time to remain. In addition, the south portion of the property was rezoned from the same MHR Zoning District to the A-1 Agricultural Zoning District. Finally, there are two additional properties that use the same access off the highway as the subject property, and the use of these properties are a single-family dwelling and a commercial manufacturing operation.

A portion of the property that is being requested to be rezoned is currently used for cropland, while the rest is wooded area along an intermittent stream. Only the area of the subject property that is north of this intermittent stream would be used in the proposed park expansion. Since a mobile home park is a conditional use in the Rural Residential Zoning District, if this rezoning request is approved, the petitioner would also need to apply for a conditional use permit. During the conditional use permit process, questions about the access, wastewater management, and drainage management would need to be addressed by the petitioner.

One of concerns staff has is that there is only the one access off of the highway, which would see an increase in traffic if the rezoning and conditional use permit were granted. As stated earlier, during the CUP process the petitioner would need to explain how the park expansion is going to be accessed and how the roads and lots within the park would be oriented. Additionally, the property is accessed off of a major highway near the interstate, which should limit the concerns about additional traffic in the area. Furthermore, parts of the south side of the property are located within the Water Source Protection Area, which restricts some land uses in order to preserve ground water quality. One of the prohibited uses in the Water Source Protection Area is a sewage disposal pond, and the current sewage pond for the park is located within this area. The



current pond has existed since before the current zoning regulations for Minnehaha County, and therefore was allowed to continue when the regulations were adopted. However, the proposed mobile home park expansion would increase the amount of sewage that the property would need to manage. Therefore, any new sewage pond or expansion of the existing pond would need to meet all of the requirements of the zoning ordinance, including not be located in the Water Source Protection Area.

Finally, the future land use plan within the 2035 Envision Comprehensive Plan designates the Baltic exit as a Commercial/Industrial growth area. However, much of the exit remains undeveloped agricultural land with relatively few commercial uses. Therefore, allowing an expansion of the existing mobile home park onto land that would be difficult to use for Commercial/Industrial uses, should not interfere with any future development at the Baltic exit.

Recommendation: Staff finds that the proposed rezoning conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #22-05 to rezone the subject property from the A-1 Agricultural District to the RR Rural Residential District.

Public Testimony & Discussion

Mason Steffen, of the county planning department, explained the request and staff recommendation to the commission.

Commissioner Mohrhauser asked how many mobile homes are currently located within the park. Mason stated that he counted between forty to forty-two mobile homes on the property currently, with approximately fifty overall lots. Commissioner Mohrhauser asked if they would be able to add an additional access to the property, due to the 1,000-foot separation between accesses on County Highways. Mason explained that any new access would not necessarily be off the highway, rather they could add a new road within the property in order to allow for better access. Commissioner Mohrhauser stated that having only the one access off of the highway could cause issues for emergency vehicles to gain access to the expansion.

Nick Johaunsen, of Ehrhart Griffin & Associates, was present and available for questions from the commissioners. Mr. Johaunsen stated that he is a civil engineer representing the petitioner, and explained that the city and county are in need of affordable housing. He further stated that workers at the future Amazon warehouse would potentially use this site for housing, and that he understands that the site presents engineering challenges. Additionally, he explained that the existing sewage pond is in an area that is not suitable for the proposed sewage treatment, due to waterway issues. The plan would be to move the sewage treatment to a better location on the property, or make the necessary improvements to the current sewage treatment. Mr. Johaunsen also stated that he has had preliminary talks with the State on the sanitary sewer for the property, and that Minnehaha Rural Water has the water capacity for the expansion. Finally, he said that he has had discussions with the neighbor to the west, Wayne Larson, about potentially buying land in order to install an additional access off the highway.

Commissioner Mohrhauser asked Mr. Johaunsen if he has a plan for the road system within the



mobile home park. Mr. Johausen stated that they have some preliminary road layout concepts that would use the topography of the crop ground. He then explained that they would like to add approximately eighty to one hundred lots depending on how much ground they would need to use for the sanitary sewer and road systems.

Commissioner Randall stated that she was glad the petitioner had been thinking about all of the potential challenges with developing the property. Including the septic, water, and safety challenges, especially with the potential of adding eighty to one hundred more lots. Mr. Johausen stated that public safety is his main priority, and that he would bring in the right people if Ehrhart Griffin & Associates did not have the level of expertise needed for specific issues.

Commissioner Barth asked if approval at this point would be the final vision or would there be other steps. Mason explained that approval of this step would just rezone the property, and would allow the petitioner at a later date to apply for a conditional use permit for the mobile home park. At that time, the petitioner would need to have more of a plan in place for the property.

Commissioner Ode stated that he believes if the property was a feedlot that was trying to expand its operation, the whole neighborhood would be upset about pollution and runoff due to the location. Commissioner Ode also stated that he could not support the request due to this concern.

Mr. Johausen stated that the State Department of Agriculture and Natural Resources has pollution and runoff standards to control these issues, which the proposed expansion would need to meet. He additionally stated that the lagoon system would more than likely be a two-celled lagoon where the sewage would be released after a permitted period of time, and that the discharge will be monitored and tested in order to meet standards. Finally, he explained that he understands that the sewage pond is a legitimate concern, but by going through the State process he believes it would no longer be an issue.

John Breen, of 47137 250th Street, Lot 56, came to the podium to address his concerns with the commission. He explained that he lives in the mobile home park and that the current roads within the park have large potholes and have not been updated in a long time. Then he explained that the fire department cannot tell what trailer is assigned to what lot because the lots are not marked. Additionally, he stated that Northeast Investment charges people late fees for their rent when their State rent assistance is not processed in time, even though the renter cannot control when the State issues the money. Mr. Breen then explained that there are still several trees down after recent storms, and that someone will need to monitor the lagoons if this is approved. Finally, he stated that he believes a lot of work needs to be done to the current trailer park before it is allowed to expand.

Commissioner Barth stated that there are issues with the property beyond what the planning commission can enforce, and that the road into the park looked like an abandoned hunting road. Commissioner Barth also stated that he appreciates Commissioner Ode's comment on if the property was a feedlot, but he also believes the county needs low-income housing.



Commissioner Duffy stated that she understands the situation with low-income housing, due to being a real estate appraiser, and that the housing prices right now are unfathomable. Commissioner Duffy also stated that housing is needed in the county and that she works with a nonprofit that helps with homeless families. Additionally, Commissioner Duffy stated that Mr. Breen should bring his issues directly to the property owner, and that he should involve other neighbors in the park. Finally, Commissioner Duffy stated that she does not feel that the project is a bad project, but that there are a lot of loose ends.

Commissioner Mohrhauser asked if there would be an opportunity down the road to address the current issues with the property, and that this request is just for the rezoning of the property. Mason Steffen explained that this request to rezone is just to allow for the potential of an expansion in the future, and that any eventual expansion would require a conditional use permit. He also explained some of the requirements from the ordinance for a mobile home park, which include a road layout and wastewater management system.

Commissioner Barth stated that he is counting on Mr. Johaunsen to take some of the input from the meeting in order to make the expansion work, and that he believes the housing is needed.

Action

Commissioner Mohrhauser made a motion to **approve** Rezoning #22-05, and the motion was seconded by Commissioner Barth. A roll call vote was taken and the motion was **denied** with 3 votes against and 2 votes in favor of the motion. Commissioners Ralston, Randall, and Ode voted against the motion and Commissioners Barth and Mohrhauser voted in favor of the motion.

Rezoning #22-05 – Denial Recommended



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

MAY 23rd, 2022

Old Business

None.

New Business

Commissioner Mohrhauser asked staff if the June 27th meeting would be held at an alternate location. Mason Steffen explained that due to the ongoing construction at the County Administration Building, the June 27th Planning Commission Meetings will be held at Carnegie Town Hall.

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Ralston. The motion was approved unanimously.

The meeting was adjourned at 9:03 p.m.