



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
November 28, 2022**

A meeting of the Planning Commission was held on November 28, 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, Ryan VanDerVliet, Adam Mohrhauser, Doug Ode, and Mike Ralston.

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 7:35 p.m.

PUBLIC COMMENT.

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

CONSENT AGENDA

Commissioner Duffy read each item on the consent agenda, and Item 3 was requested to be moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 1 and 2 by Commissioner Mohrhauser and seconded by Commissioner Ralston. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

ITEM 1. Approval of Minutes – October 24, 2022

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Ralston to **approve** the meeting minutes from October 24, 2022. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #22-80 to amend CUP #07-06 to increase the allowed accessory building square footage from 3,200 to 10,200 for the Class 1, Home Occupation of farm equipment repair on the property legally described as Tract 1 Burkhardt's Addition NW¼ Section 2 T104N-R48W Logan Township.

Petitioner: John Narigon

Land Owner: Same

Location: 24406 482nd Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Burkhardt's Addition NW¼ Section 2 T104N-R48W.

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 7.27 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This application is a request to expand an existing home occupation by adding a 70 feet wide by 100 feet long building. The original permit was issued in January 2007 for a Class 1 Home Occupation which allowed 3,200 square feet of accessory building space to be used for farm equipment repair. The proposed 7,000 square feet addition to the business requires a conditional use permit as a major amendment.

The proposed property is located at 24406 482nd Avenue near the Moody County boarder and the Curve of County Highway 102. The business is operated out the existing quonset building on the east side of the property with outdoor storage east and south of the building. The trees visible in the site plan have been removed and the entire property is visible from the adjacent roads. The petitioner submitted a sketch of where the proposed building will be located. Staff used the description of the building and the site plan to scale the rectangular shape in MinnEmap, online GIS.

The existing permit was approved with the following nine conditions.

- 1) That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for an purpose other than a residential or agricultural use.
- 2) That the applicant be limited to one (1) non-illuminated wall sign, which shall not exceed two (2) square feet and one (1) non-illuminated free-standing sign, which shall not exceed four (4) square feet each in area for the home occupation. A Sign Permit shall be obtained prior to the installation of any sign.
- 3) That the employees of the home occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.



- 4) That the applicant must obtain a Sales Tax License.
- 5) That a minimum of one (1) smoke detector be installed in the shop area.
- 6) That prior to January 29, 2007 John Narigon pays a \$250 penalty for conducting a home occupation prior to obtaining approval from the County.
- 7) That no more than five (5) pieces of agricultural implements be kept outside of the shop; and that all implements dropped off for repair or having been repaired shall not sit outside of the shop for more than one (1) week.
- 8) That the area used for the repair shop not exceeds 3200 square feet.
- 9) That no junk, scrap iron, parts, tires or any other items that could constitute a nuisance be kept outside of the 3200 square foot shop area.

The request for expansion may be regarding only condition #8 to increase the total shop size; however, the request will likely affect other conditions of approval from 2007. Staff visited the property on November 7th. At the site visit, it was clear that more than five implements are being kept outside, and some “junk, scrap iron, parts, ties” and other items are also being stored outside. Staff reviewed the website for John’s Repair Inc. On the website, staff found that there appears to be three non-resident employees, and this exceeds limits on Condition #3. It is possible that an expansion of indoor space will make it easier to accommodate implements and outdoor storage, but there will likely be temptation to exceed employee limitations and continue storing non-compliant items and implements outside with a new expansion. The employee limitations are a way to direct larger and more intrusive businesses into locations more suitable for larger businesses such as industrial parks or within municipalities. If the intent of the applicant is to expand all aspects of the operation, including employees, then it may be in his interest to search a new location in an industrial zoned area or within a municipality.

Conditional Use Permit Criteria:

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

The proposed use is located within a predominately agricultural area. The nearest residential dwelling is on a farm across the road. The next nearest dwelling is three quarters of a mile south of the site. The trees visible in the site plan have been removed and all parts of the property are easily visible from the road. The proposed expansion will not significantly change the property. The additional indoor space may allow for better equipment and parts storage than the current facility. The larger building will not likely change the character of the area or have a negative effect on surrounding properties.

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 approximately 6.5 miles east of Dell Rapids in a predominantly agricultural area. The area does not have significant development pressure, and the new building will not likely affect future development.

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



The property is already developed with a dwelling and the Quonset building. The petitioner must extend any additional utilities.

The property is accessed off of a gravel section of road a short distance north of a curve in the paved County highway. This request will not change the existing access.

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

Condition #7 of the approved home occupation requires that only five implements are allowed to be stored outside of the structure. Staff found more than five implements stored outside during the site visit. This is an issue with many repair service businesses in the county, and staff recommends that the limit can be raised to ten implements stored outside. This will be part of the expansion on the property and perhaps will be easier to maintain with the larger structure.

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.

Conditions #9 requires junk, scrap iron, parts, tires or any other items that could constitute a nuisance to be kept inside. Staff identified many items on the property which fit this description this is especially true for items placed behind the existing structure including oil barrels which can leak and cause environmental harm. Junk items must be removed or placed inside before a building permit is issued for the proposed structure. This condition should be reviewed to ensure that nuisance items remain in indoor storage or removed from the property. The planning commission may consider deferral of approval to allow the petitioner time to clean up nuisance items from the property before the final decision on expansion is made.

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

This request is to expand an existing home occupation. The use benefits neighboring agricultural producers. Staff finds that the expansion may assist in maintaining conditions of approval as long as the addition is for space utilization only and not for expanding operations with new employees and customers.

The petitioner should be aware that new buildings that are 60 feet wide or wider must obtain engineering and the plans reviewed by the building inspector prior to the issuance of a building permit.

The conditions of approval for the 2007 request included a fine to be paid in Condition #6. This condition is no longer needed since the fine was paid. The recommended conditions include removal of the original Condition #6, and renumbering the later conditions.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-80 with the following conditions:

- 1) That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for an purpose other than a residential or agricultural use.



- 2) Any signs shall be placed according to article 16.05 Special Situation. (I). Special Use Signs.
- 3) That the employees of the home occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
- 4) That the applicant must obtain a Sales Tax License.
- 5) That a minimum of one (1) smoke detector be installed in the shop area.
- 6) That no more than ten (10) pieces of agricultural implements be kept outside of the shop.
- 7) That the area used for the repair shop not exceeds 10,200 square feet.
- 8) That no junk, scrap iron, parts, tires or any other items that could constitute a nuisance be kept outside of the 10,200 square foot shop area.
- 9) Any structure wider than 60 feet constructed on the property must be engineered. The engineered plans must be reviewed and approved by the building inspector prior to the issuance of a building permit.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Ralston to **approve** Conditional Use Permit #22-80. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-80 – Approved



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #22-83 to transfer two (2) building eligibilities from the NE¼ (Ex. Martens Tracts No. 1, 2, & 3) & E½ E½ NW¼ (Ex. W304.62' N286' & Ex. S50' N336' W100') to the NE¼ NE¼ all in Section 23 T103N-R48W Edison Township.

Petitioner: Jeffrey Martens

Land Owner: Jimmy & Margie Martens

Location: Located 2 miles west of Garretson

Staff Report: Scott Anderson

General Information:

Legal Description – NE¼ (Ex. Martens Tracts No. 1, 2, & 3) & E½ E½ NW¼ (Ex. W304.62' N286' & Ex. S50' N336' W100') Section 23 T103N-R48W Edison Township.

Present Zoning: A1 Agricultural

Existing Land Use: Cropland/Pasture

Parcel Size – 190.89 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2 miles to the west of Garretson at the intersection of 483rd Avenue and 253rd Street. The applicant is requesting to move two building eligibilities to the north and northeast where they will have access to 253rd Street. The section line right-of-way along 483rd Avenue has not constructed as a road. The transfer would be within the NE ¼.

On November 4, 2022, staff conducted a site visit. The site is relatively open with two residences located to the east and west about ½ mile away along 267th Street

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 two existing residences located within ½ mile of 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 two building eligibilities does not increase the number of dwelling units allowed in this section. The requested location for the eligibilities places them near other residentially used property. Access would have to be approved by the Edison Township. The



siting of a building eligibilities 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 eligibilities. It is likely that rural water and electricity are already located in the ditch. There is already an approach onto the proposed building site. Edison Township will need to approve the location of this approach for use as a residential approach, which is a change in use from a field approach.

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 #22-83 with the following conditions:

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

Public Testimony & Discussion

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

Jeffrey Martens, the petitioner, was present and available for questions. He explained that the purpose of the transfer was to have the building eligibilities available along the road as needed for retirement planning.

Connie Gasper-Bohl was present to better understand where the building eligibilities were



coming from and that she would not lose a building eligibility. She stated that she now understands and she is ok with the proposal.

Action

A motion was made by Commissioner Randall and seconded by Commissioner Ralston to **approve** Conditional Use Permit #22-83. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-83 – Approved



ITEM 4. CONDITIONAL USE PERMIT #22-82 to allow a Bed & Breakfast Establishment of the property legally described as Part of Tract 11 Lying Adjacent & Tract 2 Lots 15 & 16 Voigts Subdivision Section 21 T101N-R51W Wall Lake Township.

Petitioner: Lando & Jessica Anderson

Land Owner: Same

Location: 46224 West Shore Place

Staff Report: Mason Steffen

General Information:

Legal Description – Part of Tract 11 Lying Adjacent & Tract 2 Lots 15 & 16 Voigts Subdivision Section 21 T101N-R51W Wall Lake Township.

Present Zoning – RR Rural Residential

Existing Land Use – Residential

Parcel Size – .26 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to operate a short term rental operation, such as those seen on Airbnb and VRBO, out of the existing home on the property. Minnehaha County, as of now classifies such a use as a bed and breakfast establishment, which requires a conditional use permit. The petitioner has stated that they have operated the business for several years on the property without issue, and that they have only recently become aware that they needed a conditional use permit for the use.

The petitioner has also submitted a detailed narrative for the operation explaining the number of guests allowed in the rental, their process for maintaining the property, how the property will remain secure, and several of the rules that guests must follow. Some of the rules explained in the narrative include quiet hours, rules for guest parking, and rules regarding the sanitary sewer system. In addition, the narrative explains that the house is secured by outdoor cameras that monitor the property at all times, as well as a Ring doorbell that can monitor any movement at the front door. The petitioners have also installed an automated lock on the front door, so that the entrance code for the dwelling can be delivered to guests electronically and so that the code may be changed for every new group of guests. Finally, the petitioners have stated that they specifically cater to families, and that they, along with Airbnb and VRBO, can screen any potential guests before approving their stay.

On November 8, 2022, staff conducted a site visit of the subject property and the surrounding area. The subject property is located on the west side of Wall Lake, along West Shore Place, which is a road used by approximately 30 houses on this portion of the lake. Additionally, the subject property has two concrete pads adjacent to the home and accessory building that will provide at least five off-street parking spaces for the operation. A majority of the lots along this road are existing single-family dwellings, and the use of a bed and breakfast establishment within the existing dwelling should not have a major impact to the surrounding area with the proper conditions. Also, given that the petitioner has a very clear set of rules and has operated



the bed and breakfast for years without issue, the proposed operation should not have an overly negative impact on this subdivision.

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.

The property is located within a residential subdivision of houses and cabins along Wall Lake. Short term rentals, such as this proposal, are generally compatible with residential sites because traffic is low and the number of guests are limited. Also, this use is easily converted back into a single-family dwelling if the property owner wishes to stop operating the bed and breakfast establishment.

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

Currently, there are very few undeveloped lots within the subdivision along West Shore Place. Therefore, any new development in the area will mostly include additions to, or replacements of single-family dwellings. Finally, given that the proposed operation will operate similar to a conventional single-family dwelling that can easily be convert back to a conventional single-family dwelling at any time, the proposed operation should not impact any development in the surrounding area.

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

The property has two accesses off of West Shore Place, one for the dwelling and one for the accessory building, and these paved concrete driveways will be used for off-street parking. Also, given that the property is already developed with a single-family dwelling, all the necessary utilities are already present on the site.

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

The operation will have at least five off-street parking spaces provided, which will be adequate for the proposed number of guests. There are no loading requirements for this type of operation.

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

The petitioner has given a list of rules that the guests must follow when using the bed and breakfast establishment. Some of these include reminding the guests of the limitations of the Wall Lake Sanitary Sewer System, as well as imposing quiet hours. Additionally, the property owner will have the ability to screen potential guests before approval is given, and the property owner will be able to monitor the property remotely through the installed cameras. Finally, any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property.

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

Since the proposed use is similar to that of an ordinary single-family dwelling, the effect on the public should be minimal. In order to protect the guests who stay at the bed and breakfast, the



house must have functioning smoke and carbon monoxide detectors as required by the building code as adopted by Minnehaha County. Additionally, the petitioner should maintain a list of all guests who stay at the bed and breakfast. This list shall be maintained and available for law enforcement if needed.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-82 with the following conditions:

- 1.) That the house must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 2.) That the proprietor must obtain any applicable South Dakota Sales Tax that is required.
- 3.) That the proprietor must obtain the required Lodging License with the South Dakota Department of Health.
- 4.) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.
- 5.) That the establishment shall be limited to a total of twelve guests of the same family at one time.
- 6.) That no parking will be allowed within the right-of-way of West Shore Place at any time.
- 7.) That the Planning & Zoning Department reserves the right to enter and inspect the bed and breakfast establishment 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 staff recommendation.

The petitioners, Lando and Jessica Anderson, were present and available for questions. Lando brought up condition number five and the requirement that twelve guests must be from the same family. He explained that nonrelated people stay at their establishment often, and he provided the example of four unrelated pheasant hunters renting the house for their last booking.

Mason Steffen explained that the intent of the condition is a way to prevent a situation where the house becomes a party house. Staff discussed the condition and agreed that multiple families does not necessarily make the house a party house and that the condition can be changed.

Commissioner Mohrhauser asked why there are different occupant limits on different bed and breakfast proposals. Mason Steffen explained that the occupant limits are often determined by the number of bedrooms.

Action

A motion was made by Commissioner Randall and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #22-82 with amending the recommended conditions to remove the “of the same family” requirement on condition number five. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



Conditional Use Permit #22-82 – Approved with the following conditions:

- 1) That the house must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 2) That the proprietor must obtain any applicable South Dakota Sales Tax that is required.
- 3) That the proprietor must obtain the required Lodging License with the South Dakota Department of Health.
- 4) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.
- 5) That the establishment shall be limited to a total of twelve guests at one time.
- 6) That no parking will be allowed within the right-of-way of West Shore Place at any time.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the bed and breakfast establishment 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.



ITEM 5. CONDITIONAL USE PERMIT #22-84 to expand the Mobile Home Park on the property legally described as the E½ NW¼ (Ex. H-1 & H-2 & Ex. Muchow's Tracts 1 & 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 – E½ NW¼ (Ex. H-1 & H-2 & Ex. Muchow's Tracts 1 & 2)

Section 1 T103N-R50W Lyons Township.

Present Zoning – RR Rural Residential

Existing Land Use – Mobile Home Park/Cropland

Parcel Size – 56.42 Acres

Staff Report: Mason Steffen

Staff Analysis: Approximately the south 35 acres of this property was rezoned from the A-1 Agricultural District to the RR Rural Residential District in June of 2022. The existing Coachman's Manor mobile home park on the north portion of the property has existed since before the current zoning regulations for Minnehaha County. This conditional use permit request would allow the property owner to expand this mobile home park, and add approximately 115 mobile home sites to the property. Finally, the existing access to this property is shared with two other properties, and the uses on these properties are a single-family dwelling and a commercial manufacturing operation.

During the rezoning process, several issues with the park expansion were brought up by staff and the commission. These included the fact that the current wastewater pond for the park is located within the water source protection area, and that there would only be one access to the entire park. The petitioner has submitted several documents to address these issues, including a site plan that indicates the new wastewater pond for the entire park will not be in the water source protection area. They have also explained that the new wastewater pond will be a modern two-cell lagoon system that will use gravity sewer connections to direct the wastewater to the pond, and that the wastewater pond will be closed off from the park by a fence. Furthermore, this new lagoon system for the entire mobile home park will need to be approved by the State Department of Agriculture and Natural Resources, prior to construction of the wastewater pond. The petitioner has also worked with the Minnehaha County Highway Department and South Dakota Department of Transportation to determine the best course of action for the access to the property. A study of the area was performed by HDR Engineering and was forwarded to the Planning Department from the County Highway Department. Within this study there is a recommendation that the posted speed limit on the highway in this area be reduced to 40 mph, so that a left turning lane can be installed into the mobile home park from the east. This recommendation will be added as a condition of approval for this request, and these proposed highway alterations will need to be completed prior to development of the park expansion. Planning staff has also sent this specific site plan to the County Highway Department for



comments, and did not receive any additional comments regarding this request.

In the past there has also been issues in the current mobile home park with campers being used as permanent dwellings, and mobile homes being moved onto the property without the proper building permits. Therefore, conditions should be placed on the expansion in order to insure that all mobile homes placed on the property meet the required HUD standards for mobile homes, and that any and all work completed on the property meets the requirements of the building codes for Minnehaha County. As a reference, a typical single-wide mobile home will usually range from 750 to 1,000 square feet, which gives an approximate building permit range of \$110 to \$150 per mobile home.

The submitted site plan also indicates that the road access that will be constructed within the expansion and connect to the existing mobile home park will only be twenty feet wide. The Minnehaha County Zoning Ordinance requires all roadways within mobile home parks to be at least twenty-four feet wide when there will be no on-street parking. In reviewing the site plan, it appears that each new mobile home site will have an off-street parking location approximately 18' x 31' in size, and therefore no on-street parking should be needed. Additionally, the site plan indicates that the petitioner will be constructing a community building/storm shelter, a playground, and a maintenance shop in the northern portion of the park expansion. On the site plan the storm shelter is listed as a 20' x 40' building which would provide only 800 square feet of storm shelter. However, given the number of mobile home sites within the expansion, the park should have at least 1,725 square feet of storm shelter based on the International Building Codes. This number is calculated by using a standard of fifteen square feet of storm shelter for each new mobile home site.

On November 8, 2022, staff conducted a site visit of the expansion site and existing mobile home park. Since the rezoning in June, there have been updates to the roads within the existing park, and all of the major potholes have been repaved. During this visit there were also several campers being used as dwellings within the existing park, which highlights the importance of having conditions prohibiting recreational vehicles within the park expansion. Finally, the proposed expansion site seemed adequate to handle the number of proposed mobile home sites, as long as the proper grading is performed on the subject 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 area surrounding the subject property is currently a mix of different land uses including the existing mobile home park, a few single-family dwellings, a commercial operation, and farmland. The effect on the current permitted uses in the area should be minimal with the proper conditions placed on the park expansion; including the hard surfacing requirements, the updated wastewater pond, the speed limit reduction and the required left-turning lane. Finally, these improvements will also benefit the current park and other properties in the area by reducing traffic congestion and odor/pollution concerns.



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

Given that the subject property was rezoned to the Rural Residential Zoning District earlier this year, allowing an expansion of the existing mobile home park onto land that was specifically rezoned for this use should not overly effect the vacant property in the area. Additionally, the expansion of the park to the south, on property already owned by the petitioner, will likely not impact the ability of other vacant land in the area to remain as farmland or be developed into commercial/industrial properties.

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

The petitioner will need to work with Minnehaha Community Water and Sioux Valley Electric in order to provide the necessary water and electrical services to the park expansion. The wastewater management on the property will be updated to flow to the new wastewater treatment pond within the park expansion, and this new wastewater pond will not be located within the water source protection area. Additionally, all access roads constructed within the park expansion will need to be at least twenty-four feet wide, as well as be hard surfaced. Finally, the petitioner will also need to provide the necessary storm shelter for the proposed park expansion, which according to the International Building Codes would be at least 1,725 square feet.

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

Each mobile home site will be provided with a paved off-street parking pad approximately 18' x 31' in size, which will satisfy the off-street parking requirement for each new dwelling. There are no loading requirements for the individual mobile home sites or for the park as a whole.

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 wastewater pond for the park will be a modern two-cell lagoon system that will help to mitigate any potential offensive odors. Prohibiting recreational vehicles from being used as dwellings in the park will also limit the concerns with improper sewage disposal, as well as limit the concerns with improper mobile home placements. All outdoor lighting installed on the property should also be designed to prevent any light pollution from extending beyond the property boundaries. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property.

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

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 has been rezoned to the Rural Residential Zoning District, should not interfere with any future development at the Baltic exit.

Recommendation: Staff finds that the proposed request conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Conditional Use Permit #22-84 with the following conditions:



- 1) That the property shall adhere to the submitted site plan, and that the wastewater pond may not be located within the water source protection area.
- 2) That the wastewater pond must be approved by the State Department of Agriculture & Natural Resources, prior to construction of the new wastewater pond.
- 3) Prior to development, the property owner shall be responsible for constructing a left turn lane off of County Highway 114. Construction plans for a left turn lane must be submitted to the County Highway Department for review and approval prior to construction of the left turn lane.
- 4) That all roads within the mobile home park shall be required to be hard surfaced, and that the roads must meet the minimum requirements of Section 12.06 (A) (4). of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5) That all mobile homes must obtain a building permit prior to being placed on the subject property, and that any additional construction on the property will also require a building permit.
- 6) That all mobile homes within the park must meet all of the requirements of the Manufactured Home Construction and Safety Standards (HUD Code).
- 7) That no recreation vehicles, as defined in Section 26.02 (683) of the 1990 Revised Zoning Ordinance for Minnehaha County, be placed within the park expansion.
- 8) That all mobile home sites within the park be numbered and follow a conventional numbering system. Each mobile home's number must be displayed on the mobile home and easily visible from the road for emergency service vehicles.
- 9) That the mobile home park must provide at least 1,725 square feet of storm shelter, and that all storm shelters must meet all of the requirements of the 2021 International Building Codes.
- 10) That all outdoor lighting shall be designed to prevent the direct spillage of light beyond the property boundaries.
- 11) That the Planning & Zoning Department reserves the right to enter and inspect the property 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

Mason Steffen, of County Planning Staff, presented the staff report and recommendation to the commission.



Commissioner Randall asked staff where children would be picked up for school by school buses within the park expansion. Mason Steffen explained that the current bus stop for the park is located near the mail boxes at the intersection with the county highway, and that as of now that would remain the bus stop for the park. Commissioner Randall then asked for clarification if there will only be one access road to the mobile home sites at the bottom of the expansion. Mr. Steffen stated that yes there will only be the one access road to the mobile home sites at the southern edge of the park. Commissioner Randall also asked that given there will be mobile homes that border farmland, will the mobile home sites be required to file a right-to-farm notice to notify the people living in the mobile homes of this reality. Scott Anderson, the County Planning Director, stated that the right-to-farm notice covenant is only a requirement in the A-1 Agricultural District, and given that this property is zoned RR Rural Residential the right-to-farm notice would not be a requirement. Commissioner Randall finished by asking if the storm shelter requirement was only calculated for the park expansion and not the existing mobile home park. Mason Steffen explained that the 1,725 square feet of storm shelter that is listed within the conditions only includes the mobile homes sites within the park expansion, and does not include any of the existing mobile home sites.

Commissioner Duffy stated that she also has concerns with the storm shelter requirements and that when a storm arrives people should not have to stay in their mobile homes for shelter. Commissioner Duffy also asked staff if the petitioner was aware of the storm shelter requirement. Mason Steffen responded to say that the petitioner had been sent the staff report explaining the storm shelter requirement, and that he had not heard anything from the petitioner since.

Glen Boomsma, of Breit & Boomsma Law Office in Sioux Falls, SD, was present at the meeting and represented the land owner. Mr. Boomsma reiterated several points mentioned by staff including the highway alterations and traffic study, the new wastewater pond being a modern upgrade, and the improvements made to the existing park. Mr. Boomsma also stated that the park expansion will add affordable housing to the county, and that this area will see growth into the future. Mr. Boomsma finished by saying that any technical questions that the commission may have on the project can be asked to Nick Johannsen, who was the engineer that has been working of the plan for the park expansion.

Nick Johannsen, from Ehrhart Griffin & Associates of Sioux Falls, SD, came to podium and was available for questions from the commissioners. Mr. Johaunsen stated that they have been in contact with Minnehaha Community Water, and that they have the necessary water available for the park. Additionally, Nick Johannsen stated that the size of the storm shelter on the site plan was an estimate, and that they are willing to go through the process to provide the necessary storm shelter.

Paul Sundermann, of 47045 249th Street, addressed the commission with his comments on the proposed mobile home park expansion. Mr. Sundermann stated that he has owned Sundermann Manufacturing in the location next to the mobile home park since 1987, and that he is indifferent to the proposed request. Additionally, Mr. Sundermann explained that his only concern with the expansion is the bus stop for the property. Paul stated that he routinely tells his truck drivers to



avoid delivering to his property in the morning when children are waiting for the bus, so that there is less potential for an accident to occur. He also stated that the park expansion will add additional traffic and additional children to the mobile home park, and that he would like to see the issue with the bus stop addressed.

Commissioner Duffy then asked Paul Sundermann if there is a spokesperson for this area that can work with the school district to address the concerns with the bus stop. Mr. Sundermann stated that as long as he has been in the area the bus stop has always been at the intersection with the county highway.

Glen Boomsma returned to the podium to address some of the questions with the proposal. Mr. Boomsma stated that a version of the right-to-farm notice covenant could be added to the lease that renters would sign before moving their mobile home onto the property. Additionally, he stated that they are not opposed to making the storm shelter large enough to accommodate the existing park, as well as the park expansion. Then Glen Boomsma stated that the petitioner has been in contact with the Baltic School District Superintendent, and that they would not be opposed to finding a better pick up and drop off location for the children.

Then Commissioner Mohrhauser asked if the storm shelter building could be used as a bus stop for the children, since this would allow for a safer pick up location and provide shelter if needed. Glen Boomsma stated that they could discuss this possibility with the school district, and if the school bus drivers would be willing to drive into the park then this option could potentially be feasible.

Commissioner Randall stated that the suggested proposals for the bus stop sound good, but she is unsure if the bus drivers would be willing to drive into the mobile home park for pick up. Commissioner Randall then asked Mr. Johausen if they could engineer a location at the top of the park, so that the bus drivers would not have to drive so far into the park. Mr. Johausen explained that on the site plan where they have identified a potential office building could work as a bus stop where a school bus could pull in and back out, and would still provide a safer location for the children.

Discussion & Action

A motion was made by Commissioner VanDerVliet to **approve** Conditional Use Permit #22-84 with the staff recommended conditions. The motion was seconded by Commissioner Mohrhauser for the sake of discussion.

Commissioner Randall asked the commissioners if the conditions needed to be updated to require a larger storm shelter building. Scott Anderson explained that condition number nine already addresses the 1,725 square feet of storm shelter required for the expansion, and that the existing park is a grandfathered use that does not require storm shelter. Scott Anderson then suggested that the commission could increase the required storm shelter size in condition number nine to accommodate the existing park, which would require 2,550 square feet of storm shelter.



Commissioner Duffy stated that she believes the plan brought by the petitioner is a good plan, and that the bus situation should be worked out between the property owner and the school district. Commissioner Duffy also commented that the school district will need to figure out the best way for the buses to get in and out of the property, and that the conditions already on the permit are substantial.

Then Commissioner Ralston commented that given the history of this mobile home park you never want to take a bad situation and make it worse, but that in this case he sees this as an opportunity to make an unfortunate situation better. Commissioner Ralston also stated that he would like to see condition number nine changed to require 2,550 square feet of storm shelter.

A motion was made by Commissioner Ralston to **amend the approval motion** and change condition number nine from 1,725 square feet to 2,550 square feet. The motion was seconded by Commissioner Mohrhauser. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-84 – Approved with the following conditions:

- 1) That the property shall adhere to the submitted site plan, and that the wastewater pond may not be located within the water source protection area.
- 2) That the wastewater pond must be approved by the State Department of Agriculture & Natural Resources, prior to construction of the new wastewater pond.
- 3) Prior to development, the property owner shall be responsible for constructing a left turn lane off of County Highway 114. Construction plans for a left turn lane must be submitted to the County Highway Department for review and approval prior to construction of the left turn lane.
- 4) That all roads within the mobile home park shall be required to be hard surfaced, and that the roads must meet the minimum requirements of Section 12.06 (A) (4). of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5) That all mobile homes must obtain a building permit prior to being placed on the subject property, and that any additional construction on the property will also require a building permit.
- 6) That all mobile homes within the park must meet all of the requirements of the Manufactured Home Construction and Safety Standards (HUD Code).
- 7) That no recreation vehicles, as defined in Section 26.02 (683) of the 1990 Revised Zoning Ordinance for Minnehaha County, be placed within the park expansion.



- 8) That all mobile home sites within the park be numbered and follow a conventional numbering system. Each mobile home's number must be displayed on the mobile home and easily visible from the road for emergency service vehicles.
- 9) That the mobile home park must provide at least 2,550 square feet of storm shelter, and that all storm shelters must meet all of the requirements of the 2021 International Building Codes.
- 10) That all outdoor lighting shall be designed to prevent the direct spillage of light beyond the property boundaries.
- 11) That the Planning & Zoning Department reserves the right to enter and inspect the property 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.



Old Business

None.

New Business

Scott Anderson, the County Planning Director, presented a memo and concept for a potential ordinance amendment regarding vacation home rentals. The intent was to give direction as to how to move forward with the zoning ordinance amendment process.

Commissioner Randall commented that max occupancy of two per bedroom might be a little small as it is common to see dual bunk beds in bedrooms. She added that the required parking seems like a lot and maybe could be reduced to one per two or three guests. Commissioner Randall finished by asking if there could be something about the availability of owner, and how the vacation homes would be different from Ag. Tourism.

Scott Anderson responded that he could look into having a contact list for Metro Communications for emergencies. He also stated that he did not recall any lodging allowed in Ag. Tourism, but will look into that before the next meeting.

Commissioner Duffy and Scott Anderson discussed that the item should be brought to the January meeting for old business for more discussion and have an ordinance ready for the February hearing.

The following individuals were present and commented on the ordinance proposal: Albert Huizing V, Christian Lauder, Dan Wilson, Ken Lambert, Adam Sieff, Larry Luetke, and Dave Quam.

Comments raised included raising the two people per bedroom minimum, decreasing the parking minimum, what is included in the review process, onerous cost and two year review, redundancy of review, classification of vacation home rental, difference of Sioux Falls market, need for CUP, registration, and less restriction is better.

Adjourn

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet. The motion was approved with 5 votes in favor and 0 votes against the motion.

The meeting was adjourned at 9:14 p.m.