



**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION  
July 24, 2023**

A meeting of the Planning Commission was held on July 24, 2023 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning  
Eric Bogue – States Attorney's Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:33 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. Item 3 was requested to be moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, & 4 by Commissioner Ode 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 – June 26, 2023**

As part of the consent agenda, a motion was made by Commissioner Ode and seconded by Commissioner Ralston to **approve** the meeting minutes from June 26, 2023. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



**Consent Agenda**

**ITEM 2. CONDITIONAL USE PERMIT #23-30 to exceed 3,600 square feet of accessory building area (requesting 8,260 square feet) on the property legally described as Tract 1 Johnson's Addition SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> & NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Section 7 T103N-R50W Lyons Township.**

Petitioner: Lucas Loen

Property Owner: Same

Location: 25144 466<sup>th</sup> Avenue

Staff Report: Mason Steffen

**General Information:**

Legal Description – Tract 1 Johnson's Addition SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> & NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Section 7 T103N-R50W Lyons Township.

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 14.51 Acres

**Staff Report:** Mason Steffen

**Staff Analysis:** The petitioner is requesting conditional use permit approval to allow 8,260 square feet of residential accessory building area on the subject property. Currently, there are five accessory buildings on the property, and the petitioner is proposing the removal of an older barn and the construction of a new 48' x 50' building. Since the proposed new building will have more square footage than the existing barn, the petitioner is required to obtain this conditional use permit.

On July 5, 2023, staff conducted a site visit of the subject property and the surrounding area. The property is almost entirely surrounded by farm ground, and the nearest existing residence in the area is approximately 1/4-mile to the south. Therefore, given the rural nature of this property, the proposed accessory building will be compatible with the existing uses that are predominant in the area. Finally, the addition of a new detached accessory building in the same general location as a previous barn will have minimal impact to the surrounding acreages.

**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 still primarily used for agriculture, and a majority of the neighboring property is farmland with very few residential



acres. There should also be no anticipated impacts to the normal and orderly development and improvement of surrounding vacant farmland or residential acreages. The proposed size of the accessory building is generally compatible with the uses predominant in the surrounding area, which is mostly farmland and large residential acreages.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of a new accessory building on the property, in the place of an existing building, should not have any negative 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 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. The proposed use will fit within the uses of other properties in the rural area.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #23-30 with the following conditions:

- 1) That the building location shall adhere to the submitted site plan.
- 2) That the total area of all accessory buildings may not exceed 8,260 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That the building shall not be used for commercial uses or as a dwelling at any time.
- 5) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) That a building permit shall be 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.



**MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES**

**JULY 24, 2023**

**Action**

As part of the consent agenda, a motion was made by Commissioner Ode and seconded by Commissioner Ralston to **approve** Conditional Use Permit #23-30. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

**Conditional Use Permit #23-30 – Approved**



**ITEM 4. PRELIMINARY SUBDIVISION PLAN #23-01 to allow the subdivision of Tracts 3 & 5 Harr's Addition in Section 30-T102N-R50W.**

Petitioner: Eric Willadsen

Property Owner: White Buffalo Ridge, LLC.

Location: Along SD Highway 38, approximately 1 mile southeast of Hartford

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 3 & 5 Harr's Addition SW¼ Section 30 T102N-R50W

Benton Township

Present Zoning – I1 Light Industrial

Existing Land Use – Vacant Lot

Parcel Size – 16.6 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The applicant submitted a preliminary plan for a light industrial development near the interstate Exit 390 east of Hartford. A preliminary subdivision plan is required when multiple lot are requested to be platted are or near the same time as each other. The Planning Commission reviews the plan and makes a recommendation to the County Commission. The County Commission may approve or deny the preliminary plan with a resolution. Once a preliminary subdivision plan is approved, either all of the lots, or a portion of the lots may be platted for approval by the Planning Director and Register of Deeds.

The industrial park where the subdivision is located is south of SD Highway 38, and it is quickly developing with new businesses and buildings. This preliminary plan proposes subdividing two undeveloped tracts of land into twelve lots.

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

The sizes of the lots within the proposed subdivision range in size from between 1.05 acres to 1.77 acres. The entire subdivision will utilize on-site wastewater disposal systems and will connect to Minnehaha Community Water. Industrial on-site wastewater disposal systems will require engineering and state DANR approval prior to obtaining county septic permits.

Access to ten of the lots within Tract 3 will be from a proposed cul-de-sac. The cul-de-sac is longer than the recommended 500 feet, but development of the property without a full street access onto the state highway would be difficult without a cul-de-sac. The proposed name for the cul-de-sac is White Buffalo Ridge Circle. This is named after the corporation which owns the land. The subdivision ordinance has a maximum length of name as twelve characters, including spaces. The proposed name has nineteen characters. The name of the road will need to change



prior to final platting to something shorter such as Buffalo Circle.

Prior to a final plat being approved, the applicant shall either construct the cul-de-sac to the County's road standards or post surety in an amount to cover the construction cost. A typical cross section road design has been provided. The radius of the cul-de-sac must meet minimum size for the turn around as required by the subdivision ordinance. The applicant will be required to purchase appropriate road signage from the County Highway department for street names and any other signage such as a stop sign and street names.

The cul-de-sac has a proposed gravel road surface. The cul-de-sac will be accessed onto 261<sup>st</sup> Street which is a gravel road. Since the road leading into the cul-de-sac is surfaced with gravel, the cul-de-sac may also be surfaced with gravel. The county subdivision ordinance allows the county to require hard surfacing if traffic is significant to require it. It will likely be a long time before 261<sup>st</sup> street is hard surfaced.

Maintenance of roads in and around the subdivision is a concern of the county, and the developer, buyers, and county should be aware of the many facets regarding roads. The main access to the proposed cul-de-sac will begin at SD Highway 38 and down 466<sup>th</sup> Avenue. 466<sup>th</sup> Avenue is a township road which has been paved with asphalt to 261<sup>st</sup> Street. The asphalt pavement was supplied by the gravel quarry near Skunk Creek as a condition of approval for the quarry. The quarry also constructed the portion of 261<sup>st</sup> Street from the intersection of 466<sup>th</sup> Avenue going east into the quarry. Staff confirmed with a Benton Township Supervisor that the township never built or maintained this portion of 261<sup>st</sup> Street, and the township does not plan to maintain it into the future. The applicant addresses the future maintenance of the cul-de-sac in the packet. The plan for the subdivision will be to set up a road district for maintenance and snow removal of the cul-de-sac. It is likely that any road district will also need to work with neighbors on 261<sup>st</sup> Street to maintain the road in the future when the quarry is done extracting gravel.

The two lots subdivided out of Tract 5 will be accessed by a mutual access easement. The easement will travel past the two lots and through to the north end of the cul-de sac. This has the potential to become the default direction for vehicle access to properties along the proposed cul-de-sac on Tract 3. This possibility is even greater if 261<sup>st</sup> Street is abandoned with no maintenance plan after the quarry activity is complete. The proposed 25 feet easement width is just wide enough to encompass two way traffic on two 12 feet driving lanes. This would not include any curb or ditch within the easement. It is possible traffic traveling through the easement will be a point of contention for the property owners who have to maintain the easement separate from the road district. The applicant could prevent this by not allowing the easement to fully reach the cul-de-sac. That decision is up to the developer. The county does not have a minimum width requirement for access easements.

**Recommendation:** Staff recommends **approval** of Preliminary Plan #23-01 with the following condition.

1). The name of the road must be changed to meet the 12 character limited format prior to final platting.



**MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES**

**JULY 24, 2023**

**Action**

As part of the consent agenda, a motion was made by Commissioner Ode and seconded by Commissioner Ralston to recommend **approval** Preliminary Plan #23-01. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

**Preliminary Plan #23-01 – Approval Recommended**



**Regular Agenda**

**ITEM 3. CONDITIONAL USE PERMIT #23-31 to exceed 1,600 square feet of accessory building area (requesting 3,240 square feet) on the property legally described as Lot 3A High Country Estates (Ex. N12' W99.91') Section 7 T102N-R49W Mapleton Township.**

Petitioner: Matthew Leiss

Property Owner: Same

Location: 25793 Country Lane

Staff Report: Mason Steffen

**General Information:**

Legal Description – Lot 3A High Country Estates (Ex. N12' W99.91') Section 7 T102N-R49W Mapleton Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – .64 Acres

**Staff Report:** Mason Steffen

**Staff Analysis:** The petitioner is proposing a 36' x 90' building that will be built to the south of the existing dwelling on the property. Given that this property is less than one-acre in size, the property is limited to 1,600 square feet of accessory building area, and therefore a conditional use permit is required for this request.

On July 5, 2023, staff conducted a site visit of the subject property and the surrounding area. The property is located in the eight-lot High Country Estates Subdivision, which is directly east of Renberg School. Additionally, this property has several existing shelter belts of trees that will help to screen the proposed building from the neighboring residences. Also, the site plan indicates that the building will be seven feet from the south property line, and eight and a half feet from the west property. Since the proposed building location will be in the required rear yard, and set back at least ten feet from the main dwelling, the side and rear yard setbacks may be reduced to three feet. This is defined in Article 12.07(C)(2) of the 1990 Revised Zoning Ordinance for Minnehaha County, and therefore the proposed building will meet all of the required setbacks. Finally, there are currently several vehicles parked on the property where the proposed accessory building will be located, and so this request would allow for the petitioner to properly store these vehicles indoors.

**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. Finally, the proposed



accessory building will allow the petitioner to store their vehicles within an enclosed structure, which will general benefit the surrounding properties.

**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 a residential subdivision with several similar sized acreages in the immediate surrounding area. However, there are no available building eligibilities within a half-mile of this property, and so the vacant land in the area will remain agricultural in use for the foreseeable future. Therefore, this proposed accessory building should have no anticipated impacts to the agricultural development on this vacant land, and the proposed size of the accessory building is generally compatible with this area.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of a new accessory building on the property should not have any negative 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. This proposed accessory building will also add additional parking and storage to the property, which will allow the petitioner to move existing vehicles on the property to within this enclosed building.

**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. The proposed use will generally fit within the uses of other properties in the rural area.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #23-31 with the following conditions:

- 1) That the building location shall adhere to the submitted site plan.
- 2) That the total area of all accessory buildings may not exceed 3,240 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That the building shall not to be used for commercial uses or as a dwelling at any time.



- 5) That all unlicensed motor vehicles on the site shall be stored within the accessory building upon the completion of the building.
- 6) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) That a building permit shall be required prior to construction of the accessory building.
- 8) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

**Public Testimony & Discussion**

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

Commissioner Mohrhauser asked planning staff if the petitioner owns a car dealership. Mason explained that when the petitioner applied for the conditional use permit it was mentioned that they own a car dealership in Sioux Falls, but that it would be best to ask the petitioner any additional questions. Commissioner Mohrhauser also asked if the cars on the property are related to the dealership does that make the use of the building commercial. Mason explained that as long as the cars are not being sold on-site, it would not be considered a commercial use, and it would just be the petitioner's private property.

The petitioner, Matthew Leiss of 25793 Country Lane, Renner, SD, was asked by Commissioner Mohrhauser if he owns a dealership. Mr. Leiss explained that he does own a dealership, but that this building will be used for his own personal car collection, and that his dealership license would not allow him to sell cars from this lot.

Dennis Seivert, of 25795 Country Lane, Renner, SD, addressed the commission with his concerns regarding the proposed building. Mr. Seivert explained that he was speaking on behalf of the entire neighborhood, and that they do not the proposed building constructed on this lot. Additionally, Mr. Seivert explained that the petitioner has already had issues with snow removal on the site due to lack of space, and that this building will cause more issues with water runoff that will flood neighboring properties. Finally, Mr. Seivert mentioned that the lighting and heat radiation from the building will impact the enjoyment of his property.

Commissioner Ode asked Mr. Seivert if he is okay with the cars being on the property instead of the building. Mr. Seivert explained that he was hoping the petitioner would remove the cars, and that he does not want the cars or the building on the property.

Jordan Dvorak, of 25789 Country Lane, Renner, SD, stated that he is concerned about the size of the building, which will be over two times larger than the house on the property. He also commented that the proposed building is out of place for this neighborhood, that it will impact his property values, and that he does not want the building to be approved.



Don Ahschlager, a Mapleton Township Supervisor, stated that the proposed size of the building is too large, and that he sees the 1,600 square foot limit as a more suitable size. He also explained that Country Lane is now a township maintained road, and that this past winter the petitioner did push snow across the road because there was not room on the property. Mr. Ahschlager then commented that rain and snow runoff will be a concern with this building, and that it will have an impact on the petitioner's driveway and the township road. Finally, Mr. Ahschlager explained that even though the building fits on the lot, it will impact the surrounding lots due to the size.

Matthew Leiss returned to the podium to address the neighbor's concerns regarding the building. Mr. Leiss explained that his dealership is in Sioux Falls and that there is no room on that lot to put a building for these cars. Mr. Leiss also reiterated that the cars that will be within the building are his own collector cars, and will not be used in conjunction with his dealership. Finally, Mr. Leiss stated that he would be willing to make the building smaller in order to work with the neighbor's concerns, and because he does not want to create drainage problems from himself or the neighborhood.

Commissioner Ode stated that he is concerned about the size of the building. He also commented that the petitioner and neighbors should work together to come to a compromise that allows for a smaller building to be built on the lot. Commissioner Ode then stated that the item should be deferred for a month in order to allow the petitioner and neighbors to work out what size what be acceptable.

Commissioner Randall agreed with Commissioner Ode that the item should be deferred one month, in order to allow the petitioner and neighbors to meet and try to come to an understanding on the building size.

#### **Action**

A motion was made by Commissioner Ode and seconded by Commissioner VanDerVliet to **defer** Conditional Use Permit #23-31 to the August 28, 2023 planning commission meeting. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

**Conditional Use Permit #23-31 – Deferred to August 28, 2023**



**ITEM 5. CONDITIONAL USE PERMIT #23-27 to allow a Short-Term Rental on the property legally described as the N25' Vacant Access Road Lying Between Tracts 6 & 33 & W½ Vacant Access Road & Tracts 5 & 6 Lot 7 Bowman's Subdivision Section 21 T101N-R51W Wall Lake Township.**

Petitioner: Jaki Thoms

Property Owner: Same

Location: 26559 East Shore Place

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – N25' Vacant Access Road Lying Between Tracts 6 & 33 & W½ Vacant Access Road & Tracts 5 & 6 Lot 7 Bowman's Subdivision Section 21 T101N-R51W Wall Lake Township.

Present Zoning – RR Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – .32 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to utilize the existing house on this property for short-term rental. Minnehaha County recently amended the zoning ordinance to include short-term rentals and vacation homes with approval of a conditional use permit in all zoning districts that include residential dwellings. This is the first request in the county since the ordinance amendment.

The location of this property is on the east side of Wall Lake. East Shore Place is the development road connecting approximately 20 houses and cabins on the east side of the lake. The petitioner owns a collection of five parcels adjacent to each other with two dwellings. This permit request is only for the house located at 26559 East Shore Place. The petitioner also owns the cabin on the property at 26557 East Shore Place. This property was approved last year to replace the cabin with a manufactured home, and allow a bed and breakfast establishment in the new manufactured home.

This request is similar to an application made by the same petitioner last fall for a bed and breakfast establishment at 26559 East Shore Place. The request was denied by the Planning Commission and appealed. The County Commission upheld the denial at the appeal hearing on October 18, 2022.

For this new request, the petitioner submitted a brief narrative and a presentation for the property. The narrative describes that the petitioners have worked to communicate more with the neighbors since the request last fall, and that the new request has an improved understanding of what is happening at 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 within a lakeside subdivision of houses and cabins. Short term rentals such as this proposal, are generally compatible with residential sites because traffic is low and the number of guests are limited. The ordinance limits the number of guests at the property to three people per bedroom. The use is also easily converted back into a single family dwelling if the property owner wished to stop having short-term rental guests. The property has dedicated parking areas so that no parking on the street is needed or allowed.

The neighboring property, owned by the petitioner, was approved for use for short-term rentals as a bed and breakfast establishment. The operation of the neighboring property for short-term rentals has not started. Adding the proposed house for use as a short-term rental will complement the approved use on the neighboring property.

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

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

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

The property shares a driveway with the cabin to the north; this is the cabin with approved CUP #22-72 for a bed and breakfast. Both sites have separate parking available for vehicles. Since there is an existing house, the utilities and drainage will not change with the proposed use.

The public hearings for the petitioner's request in 2022 included concerns regarding sanitary sewer and the need for updates in the Wall Lake Sanitary Sewer District. The proposed short-term rental will be located within an existing dwelling with an existing sanitary sewer hookup.

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

The ordinance requires one parking space per bedroom, and the house has two bedrooms. The property has a two stall garage and sufficient driveway space for off –street parking.

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

The activities of a short-term rental are similar to those within a single family dwelling. Neighbors raised concerns about noise and late night parties at the last CUP application hearing. The operator explained in the narrative that the AirBnB platform allows some screening of customers. The operator has the ability to deny customers who have a record of bad behavior. The presentation notes that cameras and noise monitors will be used to monitor and prevent noisy or illegal activity. In addition, limiting the quantity of patrons in the house to six will limit the potential for noise and parties.



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

The proposed use should have minimal to no negative effect on the public. Short-term rentals such as proposed, allow property owners to supplement income and utilize space that may otherwise not be needed or fully utilized. A short-term rental was approved in November 2022 through a conditional use permit on West Shore Place with no opposition.

To protect the guests who stay at the short-term rental, the house must have functioning smoke and carbon monoxide detectors as required by the building code as adopted by Minnehaha County.

In order to protect the public, the petitioner should maintain a list of guests who stay at the short-term rental. The list shall be maintained and available for law enforcement if needed. Contact information shall be provided to guests inside the short-term rental and a copy provided to the Planning Department according the ordinance requirements.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #23-27 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 shall maintain a guest list and make such list available at the request of law enforcement.
- 3) That all requirements of Section 12.17 Vacation Home Rental/Short Term Rental of the 1990 Revised Zoning Ordinance for Minnehaha County are followed at all times.
- 4) That no parking will be allowed within the right-of-way of East Shore Place at any time.
- 5) That the Planning & Zoning Department reserves the right to enter and inspect the short-term rental at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

**Public Testimony & Discussion**

Kevin Hoekman, of county planning staff, presented the staff report with recommendation.

Christian Lauter, 3775 High View Drive, Colorado Springs, CO, was available to present a few items and answer questions. He stated that he has been working with neighbors much more this time since the last request in the fall. He stated that he traveled to neighboring property owners with a statement of support. Twelve neighbors signed the letter of support. The closest neighbor to the north is part of the twelve. Christian Lauter explained that he manages property for a living and has worked with neighbors and complaints on properties in the past to resolve issues. He explained that he agrees with the five conditions of approval. Cameras and noise monitors will be used on the exterior of the house to monitor guests. They are ready to have property monitors available to respond to complaints if it is needed. He completed his statements by saying that the alternative to short-term rental is a long term rental. There is less control over what happens with



a long term rental. The rental use will allow the property to remain in the family to restore the property back to its best condition.

Commissioner Ode asked how often the people staying at the rentals have complained about someone down the street. Christian Lauter responded that down the street is rare; complaints are usually neighbor or shared wall complaints.

Tyler Childress, 47677 Slip Up Creek Road, stated that good operators make for good short term rentals. Long term and short-term rentals are a property right and should be supported.

Commissioner Mohrhauser stated that he is glad the petitioner is getting out to work with the neighborhood.

**Action**

A motion was made by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-27 with recommended conditions. Commissioner Randall seconded the motion. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #23-27 – Approved**



**MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES**

**JULY 24, 2023**

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion was approved unanimously. The meeting was adjourned at 9:30 p.m.