



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
September 25, 2023**

A meeting of the Planning Commission was held on September 25, 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, Adam Mohrhauser, Ryan VanDerVliet, and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & 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 7:28 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

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

ITEM 1. Approval of Minutes – August 28, 2023

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from August 28, 2023. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #23-46 to exceed 2,400 square feet of accessory building area (requesting 6,400 square feet) on the property legally described as Tract 1A Hanten's Addition NW¼ NW¼ Section 27 T101N-R48W Split Rock Township.

Petitioner: Austen Hanten

Property Owner: Same

Location: 26622 481st Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1A Hanten's Addition NW¼ NW¼ Section 27 T101N-R48W Split Rock Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 2.87 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This property is located north of the intersection of SD Highway 42 and SD Highway 11 and near the Iverson Crossing subdivision. The property is slightly less than three acres in size, and the petitioner is requesting to construct an 80 feet by 80 feet building behind the single family dwelling. Since the property is within a subdivision, a conditional use permit is required to exceed 2,400 square feet of accessory building. There are no existing accessory buildings on the property, so the total square footage of accessory building area is 6,400 square feet.

The size of the property is large for the subdivision and lies adjacent to a commercial zoned property with a horse stable. Few structures in the area are as large as the requested 6,400 square feet. The commercial horse stable to the south and the industrial buildings one half mile east of both have larger buildings, but this will be the largest single residential structure in the area. A nearby property to the northeast of the request, was approved for a total accessory building area of 8,752 square feet, but that approval included several buildings for agricultural type uses on a nearly ten acre lot.

The site plan locate the proposed building in the northeast side of the property. The closest property owner to the north is a relative of the petitioner. Drainage on the property flows east down a shallow slope and into a pasture.

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 residential subdivision with commercial zoned land to the south and agricultural land to the east. The proposed 80 feet by 80 feet building will be the largest



residential building in the area. The petitioner has two rows of trees planted on the west side of the property, and the site of the building will be in the rear of the property. The placement of the building in the rear yard and existing trees should help reduce visual concerns of the property from most nearby residential lots. The petitioner should be aware that commercial use or storage is not allowed in a residential accessory building. The building itself will have little effect on neighboring properties.

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

The area subdivision is mostly built, and only a couple vacant lots exist. Future development will likely be a few houses and buildings throughout the community. Most likely, future development will take place after annexation into the city of Sioux Falls.

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

The property is already developed. Driveways and utilities exist on the property. The property owner will need to extend any required utilities for the proposed addition. Storm water will drain to the east of the property away from any single family dwellings.

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

The property is large enough to accommodate off street parking. The proposed accessory building will not create any further need 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 property must meet all standards of the public nuisance ordinance. The property is currently kept in good condition. No business will be allowed to operate out of the accessory building.

Any new lighting should be cutoff and directed downward to prevent light spillage onto neighboring properties.

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

The proposed accessory building will not negatively affect health, safety, general welfare of the public. The property owner should be aware that any structure 60 feet or wider requires engineering to be reviewed by the building inspector prior to the issuance of a building permit.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-46 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 6,400 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) The plans for construction must be engineered and submitted to the building inspector for approval prior to issuance of a building permit.
- 7) That a building permit is required prior to construction of the 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.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-46. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-46 – Approved



ITEM 3. CONDITIONAL USE PERMIT #23-47 to allow a Short-Term Rental on the property legally described as Lot 24 Country Gable Estates 2nd Addition Section 5 T101N-R48W Split Rock Township.

Petitioner: Stephanie Peterson

Property Owner: Same

Location: 8700 E Sunset Circle

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 24 Country Gable Estates 2nd Addition Section 5 T101N-R48W Split Rock Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 7.06 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to utilize a portion of her single family dwelling for short-term rental. Minnehaha County requires a conditional use permit for all vacation homes and short-term rentals with five requirements. The property is located within a residential subdivision between Sioux Falls and Brandon.

The petitioner submitted a brief narrative explaining the proposed short-term rental. The intent would be to utilize the one bedroom basement. The homeowner will be present during rental times. The short-term rental would complement the agricultural tourism approved on the property earlier this year. Bases on the narrative, the short-term rental would be limited to three guests at one time. Parking requirements for a one bedroom short term rental will be met.

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 will have minimal effects on neighboring properties. Any increase in traffic will be minimal with only one available bedroom and a maximum of three guests. It is likely that guests of the short-term rental will be utilizing the agricultural tourism approved on the property as well. The subject property is a large lot within the subdivision and it is largely surrounded by trees and a valley from most neighbors. Since the short-term rental is one bedroom and the landowner will occupy the upstairs portion of the house, unruly guests will be unlikely.

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

The subdivision in the area is largely completed with available buildable lots. Only a couple buildable lots remain to the north of the proposed short-term rental. The large parcel to the south will not likely be affected by the short-term rental because it will not likely be developed until annexation into a municipality. Allowing a short-term rental on the property may prompt other



dwelling in the area to do the same. Any other short-term rental will be required to have a conditional use permit to consider specific requests.

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

The proposed use will not require any new utilities or change any drainage on the property. The property is accessed from a shared driveway.

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

The petitioner describes that one off-street parking space will be available for the proposed short-term rental. The property is large enough to accommodate many off-street parking spaces.

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 use should not create any nuisances. The limited space and the property owner present on site will limit potential nuisance actors from renting the property. The short-term rental will not increase odor, fumes, dust, vibration, and lighting.

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

The proposed use will accommodate the homeowner to earn rental income while living in the single-family dwelling. The short-term rental will not negatively affect health, safety, or general welfare of the public. 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.

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.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-47 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 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.



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As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-47. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-47 – Approved



ITEM 4. CONDITIONAL USE PERMIT #23-48 to exceed 3,600 square feet of accessory building area (requesting 8,680 square feet) on the property legally described as the SW¹/₄ SW¹/₄ (Ex. Johnson Tract 1 & Ex. Aasen Subdivision) Section 31 T103N-R49W Sverdrup Township.

Petitioner: John & Heather Cody

Property Owner: Same

Location: 25576 472nd Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – SW¹/₄ SW¹/₄ (Ex. Johnson Tract 1 & Ex. Aasen Subdivision)

Section 31 T103N-R49W Sverdrup Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 13.80 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property owner is requesting to construct a 50 feet by 96 feet shed for machinery storage on the above described property. The building will be in addition to several existing buildings on the property for a total accessory building area of 8,680 square feet. The property is approximately 13.8 acres in size, and it is located within a subdivision of parcels.

The applicant submitted a site plan indicating the accessory building will be placed on the north side of the property approximately 40 to 50 feet from the property line. The listed use of the accessory building is to park machinery. The property is spall, however, the property is used for agricultural type cattle pasturing and confining.

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 an established residential subdivision. Many of the subdivision properties have established tree belts that block views of neighboring properties. The subject property is the largest lot in the subdivision, and the location of the proposed accessory building will be on the far side of the parcel. Some trees will be removed on the north side of the property, but trees will remain, and fewer dwellings are located to the north of the site. It is not likely that a large accessory building will have a negative effect on existing properties in the area.

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

The subdivision around this proposal is nearly built out with only one building site still available. Much of the remaining area is agricultural. The proposed accessory building will not likely effect future residential or agricultural development.



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

The property is already developed with a single family residence and accessory buildings. Utilities are already available. The direction of drainage to and from the property should not be affected with the proposed accessory building.

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

No new off street parking will be required as part of this proposal. The property is large enough to carry many vehicles.

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 building must remain accessory to the primary use of the property as a single family residence. Staff did not observe any nuisance at the site visit. The applicant must continue to maintain the property in good order.

All new light fixtures on the building should be fully cutoff to prevent spillage of light onto neighboring properties.

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

The health safety and welfare of neighboring properties will not likely be affected. The property may be small, but agricultural animal pasturing takes place on the property. The proposed shed will likely support the agricultural use of the property.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-48 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 8,680 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 outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) That a building permit is required prior to construction of the 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 Ralston and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-48. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-48 – Approved



ITEM 5. CONDITIONAL USE PERMIT #23-49 to transfer one (1) building eligibility from the SE¼ NW¼ to the NW¼ NW¼ all in Section 23 T101N-R51W Wall Lake Township.

Petitioner: Kenneth Mielke
Property Owner: Same
Location: 46423 265th Street
Staff Report: Mason Steffen

General Information:

Legal Description – NW¼ (Ex. H-1) Section 23 T101N-R51W Wall Lake Township
Present Zoning – A1 Agricultural
Existing Land Use – Farmland
Parcel Size – 159.93 Acres

Staff Report: Mason Steffen

Staff Analysis: This building eligibility is a conditional use building eligibility that requires a conditional use permit in order to be utilized. The petitioner is requesting to move the building eligibility from a landlocked quarter-quarter section of their property to a quarter-quarter section along the state highway. On September 8, 2023, staff conducted a site visit of the subject property for the proposed building eligibility transfer. The residential density in the immediate area is low with only a few residences within a half-mile of the proposed receiving location. Finally, given the low residential density, the proposed building eligibility transfer will not overly impact the surrounding property owners.

Conditional Use Permit Criteria:

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

A right-to-farm notice covenant 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 the proposed location will be adjacent to a state highway.

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

The subject property is located in the agricultural production area of the county where the predominant use of vacant land is agricultural. In addition, any development of this vacant land will be limited to the available building eligibilities on the land, and the transfer of this building eligibility will not impact any future development.

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

The petitioner will need to obtain the applicable driveway permits in order to have access onto the property before a single-family dwelling can be constructed. The petitioner will also be required to obtain access to all the 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 building eligibility transfer will have no anticipated effects on the health, safety and general welfare of the public. This building eligibility transfer will not increase the number of eligibilities within the section, and will allow for the preservation of more farmland, which conforms to the goals of the 2035 Envision Comprehensive Plan.

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 #23-49 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) The applicable driveway permits must be obtained from the proper road authority for the location of any new driveways, prior to a building permit being issued for a single-family dwelling.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-49. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-49 – Approved



ITEM 6. CONDITIONAL USE PERMIT #23-50 to transfer one (1) building eligibility from the SW¼ NE¼ to the W½ Vacant 467th Avenue Lying Adjacent & N1207.7' E1105.5' (Ex. H-1 & Ex. N150' E143') NE¼ NE¼ all in Section 30 T104N-R50W Burk Township.

Petitioner: Steven & Susan Welbig

Property Owner: Same

Location: 46689 248th Street

Staff Report: Scott Anderson

General Information:

Legal Description – W½ Vacant 467th Avenue Lying Adjacent & N1207.7' E1105.5' (Ex. H-1 & Ex. N150' E143') NE¼ NE¼ Section 30 T104N-R50W Burk Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmstead

Parcel Size – 30.16 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2 1/2 miles east of Colton, at the intersection of County Highways 110 and 467th Avenue. The applicant is requesting to move one building eligibility from the landlocked interior quarter to the northeast. The northeast of the northeast quarter of Section 30 will have access to the paved county highway, as well as 467th Avenue, which is an unmaintained section line road south of the highway. The area in which the building eligibility is now located is used as cropland.

On August 29, 2023, staff conducted a site visit. There is a Minnehaha Community Water water tower located at the intersection. The applicant's farmstead is located within the same quarter quarter section and contains a small number of cattle. It appeared to be less than 100 within a feedlot area. There is also a farmstead located across the street from the proposed site. It also has a small feedlot area that contained some cattle. It appeared that there were less than 100 animals in the feedlot area.

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 the building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibility places it out of the floodplain. Access



would have to be approved by the Minnehaha County Highway Department or Burk Township. The relocation and siting of one 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. Minnehaha County Highway Department or Burk Township will need to approve the location of any new driveway 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 the 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 #23-50 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 the Minnehaha County Highway Department or Burk 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 Ralston and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-50. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-50 – Approved



ITEM 8. CONDITIONAL USE PERMIT #23-52 to allow a Class One Major Home Occupation (Firearm Sales) on the property legally described as Lot 1 Irvines Addition NW¼ Section 13 T104N-R52W Buffalo Township.

Petitioner: Tyrel Ellsworth

Property Owner: Same

Location: 24620 459th Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 1 Irvines Addition NW¼ Section 13 T104N-R52W Buffalo Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 15.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to modify and sell firearms within an existing accessory building on the subject property. Since the home occupation will be operated within a detached accessory building, the petitioner is required to obtain a condition use permit for a class one major home occupation. The narrative states that the property owner will be the only employee for the operation, and that the business will operate in the evenings on weekdays and 8:00 am to 5:00 pm on Saturdays. Additionally, the narrative explains that the guns will be stored within a locked safe, and that the petitioner will be installing one sign on the north side of the accessory building.

On September 8, 2023, staff conducted a site visit of the subject property and the surrounding area. This property is located approximately five miles northwest of Colton, and there is only one other residential property within a half a mile of the property. The property is also located approximately two miles from the nearest paved road, but the traffic increase to the property for this operation will be minimal and should not overly impact the gravel township road. Given these conditions, the home occupation will have minimal impact on the surrounding properties.

Conditional Use Permit Criteria:

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

The proposed firearm sale home occupation should have a limited impact to the use and enjoyment of the surrounding properties. There is only one residence within a half mile of the property, and the proposed operation within an existing accessory building should have minimal impact on this property. Finally, since the owner of the property is the only employee of the operation, any additional traffic on the roads will be minimal, and should not impact the neighboring 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 within the agricultural production area and the predominant land use in the area is cropland and other agricultural uses. The development of this vacant land will be limited to the available building eligibilities, and given the nature of the area, any development of this land will be minimal. Therefore, the proposed home occupation will not significantly impact the development in the area.

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

The property has existing access off of 459th Avenue, due to the existing residential uses on the site. All the necessary utilities are in place within the existing building on site.

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

The petitioner has adequate space adjacent to the existing accessory building for several parking spaces due to the current residential use of the property. The driveway on the property is adequate for the deliveries and small number of daily visitors to the site for this occupation.

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 excessive vibration, glare, fumes, or odors should be expected from the proposed use of firearm sales. The business will be conducted entirely within an enclosed building, and will only be operated on weeknights and on Saturdays. Given these conditions, the potential for the home occupation in becoming a nuisance to the surrounding properties is minimal. The property will also need to conform to the county's public nuisance ordinance.

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

The site is located in the agricultural production area of the 2035 Envision Comprehensive Plan. This proposed home occupation on an existing residential acreage will not impact the agricultural production in the area. Additionally, due to the low impact and visibility of the proposed home occupation, the effect on the health, safety, and general welfare of the public should be minimal.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-52 with the following conditions:

- 1) That the occupation shall comply with all regulations of Section 12.0302(A) of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 2) That one on-premise sign shall be permitted and shall not exceed 32 square feet in size. A building permit must be obtained prior to installation, and the sign may not be located within the right-of-way.
- 3) That all firearms available as part of the home occupation shall be stored within a locked safe or locked room.
- 4) That the home occupation shall not be transferable to any other property owner.
- 5) That the Planning & Zoning Department reserves the right to enter and inspect the home occupation at any time, after proper notice to the owner, to ensure that the property is in



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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 Ralston and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #23-52. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-52 – Approved



Regular Agenda

ITEM 7. CONDITIONAL USE PERMIT #23-51 to allow a Rubble Dump (Tree Grinding Operation) on the property legally described as the N½ NW¼ (Ex. H-1 & R-1) Section 34 T101N-R51W Wall Lake Township.

Petitioner: Mueller Pallets LLC.

Property Owner: Same

Location: Located at the intersection of 267th Street & 463rd Avenue, approximately 1 mile south of Wall Lake

Staff Report: Mason Steffen

General Information:

Legal Description – N½ NW¼ (Ex. H-1 & R-1) Section 34 T101N-R51W Wall Lake Township

Present Zoning – A1 Agricultural

Existing Land Use – Vacant Farmstead/Pasture

Parcel Size – 78.78 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to operate a tree grinding operation as a rubble dump site on the subject property. The narrative explains that the site would be used to collect tress, tree branches, dimensional lumber, and other non-treated wood from the public in order to grind the wood and move to an off-site location. The hours of operation listed in the narrative are Monday through Friday from 7:00 am – 5:00 pm and Saturday from 7:00 am – 12:00 pm. The petitioner has explained that there will be a gated entrance to the property, along with a guard shack and security system, which will limit the concerns of any unlawful dumping occurring on the property. This request has also been sent to the county highway department for review, and they stated that they will not require a traffic impact study in order for this operation to utilize the existing access on the site. The highway department explained that this recommendation is based on the fact that this permit will sunset in ten years, and that if the traffic conditions change in this timeframe, then this operation can be reevaluated at that time.

On September 8, 2023, staff conducted a site visit of the subject property and surrounding area. The subject property is a seventy-eight acre property that is located at the intersection of 267th Street and 463rd Avenue. The site plan indicates that the operation will utilize approximately ten acres on the eastern portion of the property, which is currently a vacant farmstead. Additionally, the nearest non-agricultural use to the site is an electrical substation that is located approximately a quarter-mile west across the county highway. The nearest residential use is over a half mile to the southwest along 463rd Avenue. Allowing this operation on the site of a vacant farmstead will allow for a sustainable disposable site of natural wood products that will be located along a county highway. Finally, previously approved conditional use permits in the county for this type of land use have had sunset clauses that required new conditional use permits after ten years, and therefore this permit should have a similar condition in order to remain consistent with these previously approved permits.



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.

Almost all of the existing land uses in the immediate area are agricultural in use, and this will remain the case into the near future. The nearest existing residential use to the site is over a half mile away, and so the proposed operation should not overly impact the use and enjoyment of these residences. Finally, the property is accessed off of a county highway, in close proximity to its intersection with another county highway, and so any traffic increase to the area should not overly impact 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 operation is a vacant farmstead and the surrounding area is almost entirely agricultural land. The proposed wood grinding operation should not have an overly negative effect on the normal and orderly development of the surrounding vacant property, and any new development will be limited by the available building eligibilities in the area.

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

The site plan indicates that the operation will be accessed via an existing driveway onto the county highway that was previously used for the farmstead. The petitioner will be required to obtain an access permit from the county highway department in order to use the existing farmstead access for this operation. The site plan indicates that the petitioner will be providing the other necessary utilities for the operation including a sign, outdoor lighting, a fuel tank, and an outdoor toilet. Finally, the driveway into the operation will have a gated entry, which will limit concerns of unauthorized access and dumping of materials on the site.

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

With this type of operation, a majority of the traffic to the site will be for deliveries and pickup, and the applicant has provided a truck turnaround point within the proposed rubble dump site. The site plan also indicates that employee parking will be provided on the site, to the west of the proposed driveway, and the petitioner should provide at least two parking spaces per three employees on the maximum shift for the operation. Finally, the site is large enough to accommodate these parking needs and no parking shall be allowed within the public right-of-way.

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 grinding and processing of trees will create noise and dust that could have the potential to disturb single-family dwellings in the surrounding area. However, the nearest dwellings will be approximately a half mile to the southwest, and there are existing trees on the property that will help screen the operation. In addition, limiting the hours of operation will reduce concerns with any dust, noise, or light disturbances becoming nuisances to the surrounding properties. Finally, given the proximity of the site to the regional landfill, the traffic increase to the area from this operation will be minimal compared to the existing traffic conditions on the county highway.



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

The health, safety and general welfare of the public should not be negatively impacted by the proposed operation. This operation is located approximately half a mile west of the existing Sioux Falls Regional Landfill, and will provide citizens with a sustainable way to dispose of untreated wood products. The proposed operation is located within the agricultural production area of the 2035 Envision Comprehensive Plan. Since this operation will be operated on land that is currently a vacant farmstead, the proposed operation will not impact the agricultural production of the county, and therefore conforms to the goals of the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-51 with the following conditions:

- 1) That the property shall adhere to the submitted site plan.
- 2) That the process of grinding wood shall only take place during the hours of 7:00 am to 5:00 pm Monday through Friday and 7:00 am to 12:00 pm on Saturdays.
- 3) That only clean, untreated, unpainted, and unstained wood shall be accepted for processing. No other materials shall be accepted.
- 4) That the petitioner shall be required to apply for an access permit from the County Highway Department, prior to operations beginning on the property.
- 5) That all driveways within the operation shall be gravel surfaced. These areas must also be treated with a dust control agent, and maintained in a manner to limit the production of dust from the gravel surfaces.
- 6) That a building permit shall be required for any buildings built in conjunction with the tree grinding operation.
- 7) That one on-premise sign shall be permitted and shall not exceed 32 square feet in size. A building permit must be obtained prior to installation, and the sign may not be located within the right-of-way.
- 8) That the operation shall maintain a gate or a person on the site during drop off hours to prevent the dumping of non-wood products.
- 9) That no parking shall be allowed within the public right-of-way at any time.
- 10) That the operation will be allowed to operate under the conditions of this permit until September 30, 2033. The business owner will be required to obtain another conditional use permit before this date if they wish to continue operating at this location
- 11) That the Planning & Zoning Department reserves the right to enter and inspect the site 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 Randall asked planning staff if the driveway into the operation is required to be hard surfaced. Mason Steffen explained that the zoning ordinance only requires driveways to be



paved if they are zoned commercial or industrial and accessed off of a paved road. Therefore, he explained that since this property is zoned agricultural, a paved driveway is not required, but that the commission can include this as a condition of approval if they find it necessary.

Commissioner Ode asked planning staff how long the driveway extends into the site, and staff explained that the property extends a half mile from the highway to the south property line.

Commissioner Kippley asked staff if the sunset clause condition was added to this permit specifically, or if it had been a condition on the previous permits. Mason Steffen explained that the sunset clause has been a condition on each of Mueller Pallets requests. Commissioner Kippley then asked if the sunset clause is a standard condition for this type of operation. Mason explained that this is a standard condition that is based on precedent from other rubble dump operations that have been approved via conditional use permits.

Paul Tschetter, the petitioner's attorney, was present and addressed the commission with his comments on the operation. Mr. Tschetter explained that the concerns from the neighbors to the east should be less at this site, given that it is a half mile further down the road from the previous requests. Mr. Tschetter also stated that the traffic volume at this site is less than at the previous site east of landfill access, and that this is supported by the highway department's decision not to require a traffic study. He also commented that this proposed location is a good faith by the petitioner to work with the neighbors in the area on a location for this operation.

Commissioner Kippley asked Mr. Tschetter to explain how many of the existing trees on the site would remain after the operation is in place. Mr. Tschetter explained that the trees on the western side of the property would be kept, in order to be utilized as a windbreak from the prevailing northwest winds. He also commented that the trees on the eastern portion may not be maintain based on the conditions of the property, and that a majority of the trees in the middle of property will be removed from the site.

Mr. Tschetter then commented that the petitioner would also like the commission to consider amending condition number three to allow the petitioner to accept stained and painted wood. Mr. Tschetter explained that in order to accept these materials the petitioner would need to obtain an additional permit from the state of South Dakota. Finally, Mr. Tschetter stated that the petitioner has been circulating a petition in support of Mueller Pallets, and that this petition has received over 500 signatures.

Commissioner Kippley then asked Mr. Tschetter if the petitioner plans on operating at multiple locations in this area, and if not, do they have a preference between the two locations. Mr. Tschetter explained that the petitioner only needs one site to operate in the area, and that if this site were to be approved, then it would be the petitioner's intent to withdraw the previous request north of the landfill. He also stated that this site is the preferred site compared to the site north of the landfill. He also commented that this site has been a potential location for this operation for a while, but that it has taken the petitioner time to get in contact with the owners of this property.



At this time several citizens addressed the commission with their concerns regarding this operation being located at this site. These concerns included potential traffic and sightline issues on the county highway, the potential of dust becoming a nuisance to nearby properties, the potential fire hazards from the operation, and other related concerns. The list of citizens who spoke in opposition to this request are listed below:

Leeann Kriens, 26756 463rd Avenue Hartford, SD
Dan Brandt, 46408 267th Street Hartford, SD
Grant Edgecomb, 26685 Dayspring Circle Hartford, SD
Chet Hofer, 26662 465th Avenue Hartford, SD
Zach Marcus, 26748 463rd Avenue Hartford, SD
Glenn Fuerstenberg, 46524 267th Street Sioux Falls, SD
Diane Runge, 46473 267th Street Hartford, SD
Diane Edgecomb, 26685 Dayspring Circle Hartford, SD

Paul Tschetter then returned to the podium to address the concerns raised by the citizens. He stated that the traffic that will be travelling to this Muller Pallet location has already been travelling to the landfill since May 22, 2023. He also explained that the Mueller Pallets operation would decrease the truck traffic in the area because the trucks used by Mueller Pallets are five to six times larger than the trucks used by the landfill. Mr. Tschetter also commented that he believes the petitioner has addressed the concerns raised by the citizens, and that they meet the requirements for the conditional use permit to be approved. He further stated that he believes the traffic issues from the other site are addressed at this location, and that he trusts the highway superintendent's recommendation to not require a traffic study.

Commissioner Ode asked Mr. Tschetter to clarify how many employees will be on-site at the location. Mr. Tschetter stated that there will be approximately two to three employees on-site during business hours.

Mr. Tschetter was then asked to clarify the land lease issue that was brought up by one of the neighbors to the site. He explained that he sees that issue as a private land use matter that should not have an impact on this conditional use permit, and that petitioner will need to resolve that issue at a later date.

Commissioner Mohrhauser asked Mr. Tschetter to explain how often grinding will take place on the site. Mr. Tschetter explained that the operation will be open to the public for drop offs every day listed in hours of operation, but that the process of grinding wood on the site will only take place approximately six to nine days each month.

Commissioner Ode then asked if the petitioner would not grind wood on the site if the wind speeds were too high. Mr. Tschetter explained that the petitioner would only grind wood when the conditions are favorable, and that they plan on leaving many of the perimeter trees on the property in order to mitigate this issue.



Commissioner Kippley asked about the state of South Dakota permit that would allow for the processing of treated wood. Mr. Tschetter explained that the permit would be obtained through the State Department of Agriculture and Natural Resources, and that it would allow the petitioner to accept a wider variety of products. He also stated that the process for obtaining and maintaining this state permit has several requirements, and that it would act as another oversight on this operation. Commissioner Kippley then asked why this state permit process is only coming up at this meeting and was not mentioned earlier. Mr. Tschetter explained that the petitioner has had conversations with the state regarding this permit, and that this type of permit is not typically required for wood processors. However, he further stated that Mueller Pallets is optionally pursuing this permit in order to operate at the highest standard possible. Finally, Mr. Tschetter explained that this operation should not impact the waterway to the west of the site, or the agricultural production of this area.

Brian Smit, of 4900 S Kalen Place Sioux Falls, SD, explained that he is the commercial real estate agent for Mueller Pallets. Mr. Smit stated that the distance between this site and the nearest neighbor is further than the distance to the landfill from these residences. Therefore, he stated that any nuisances that could be produced from the Mueller Pallets site would already be impacting these neighbors by the tree grinding taking place at the landfill. Mr. Smit also commented that it is difficult to find property available in the county that has existing shelter belt trees and is over a half mile away from residences. Mr. Smit also confirmed that most of the perimeter trees on the site would remain in place in order to protect the site from wind. He also stated that if this operation is denied at this location, all the same traffic will still be travelling to the area because the landfill is the only other location to dispose of these products.

Commissioner Duffy asked planning staff if it is necessary for the commission to change condition number three. Mason Steffen explained that the commission could decide to amend this condition to allow the processing of treated wood with the requirement of a state permit. However, he explained that the proposed staff condition is based on the precedent of other tree grinding operations in the county.

Commissioner VanDerVliet stated that the biggest concern being raised is the traffic on the highway, but that the traffic to this operation is already on this road travelling to the landfill.

Commissioner Ode agreed with Commissioner VanDerVliet that the traffic is already in the area and that he is in favor of this operation.

Commissioner Ralston commented that he is in support of this request, but that he does not want to amend condition number three to allow for the receiving of treated wood at this site.

Action

A motion was made to **approve** Conditional Use Permit #23-51 by Commissioner VanDerVliet. The motion was seconded by Commissioner Ralston. A roll call vote was taken and the motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-51 – Approved



ITEM 9. REZONING #23-06 to rezone from the A-1 Agricultural District to the RR Rural Residential the Prairie View Estates Addition in the W½ NW¼ Section 36 T101N-R51W Wall Lake Township.

Petitioner: Isaac Decker

Location: Located in the southeast corner of the 465th Avenue & 267th Street intersection.

Staff Report: Kevin Hoekman

General Information:

Legal Description – Prairie View Estates Addition in the W½ NW¼ Section 36 T101N-R51W Wall Lake Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreages

Parcel Size – 34.22 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request involves six properties and as many property owners. The properties range in size from nearly four acres to over eleven acres in size. Most of the properties in the request have road access onto Lorraine Circle, a privately maintained cul-de-sac. The petitioner collected signatures of every property owner in the requested rezoning area.

The subject subdivision is located approximately three miles west of Sioux Falls at the intersection of 465th Avenue and 267th Street which is the highway extended from 41st Street in Sioux Falls. A mile to the west is the entrance to the regional landfill. The area includes many subdivisions of property of various sizes. The Country Villa Estates Addition is the largest of the subdivisions, and it is located directly northwest of the proposed rezoning site. The County Villa Estates Addition was platted prior to density zoning with approximately 61 residential lots.

This zoning request of properties from A1-Agricultural zoning to RR-Rural Residential zoning does not follow density zoning. The existing six lots became developable through a transfer of building eligibilities approved in 2002. Approximately 220 acres of land are preserved as farmland as a result of the transfer. It is possible that the property owner during the transfer of building eligibilities process would have developed more land if rezoning to Rural Residential was an option in 2002. The property owner who transferred the building eligibilities still owns the remaining agricultural farmland from where the building eligibilities came.

A major goal of density zoning is to limit development and preserve farmland. Although this rezoning request does not limit development, the request will not remove any agricultural land out of production. If approved the rezoning will result in increasing the density of a subdivision of residential dwellings.

The request is to rezone the properties from A1-Agricultural zoning district to the RR-Rural Residential zoning district. If approved, lots could be further subdivided into smaller lots with a



minimum lot size of one acre. One single family dwelling may be constructed on each one acre lot through a standard building permit process because of the zoning Rural Residential. It is unlikely that approval of this rezoning request will result in a density of one house per acre of land. Other lot requirements such as a minimum lot width of 125 feet, requirements for easements for property access, and areas of low laying wetland all would make it difficult to develop properties to the maximum extent of one house per acre.

If this rezoning request is approved new lots will be created, and new property access will be needed. Both the County Highway Department and Wall Lake Township require driveway permits prior to construction of a new access. The access policies of both the Highway Department and Township limit the number of driveways per mile of road. New accesses must meet the access requirements. New parcels may have to share access with neighbors to meet standards, or create new access driveways onto Lorraine Circle, a private road.

During the application process, the petitioner explained that he intended to split one of the parcels to allow an additional dwelling. This request is common throughout the county. If requested, the planning department explains density zoning and the process for rezoning. There are several examples of recent rezoning requests by single property owner requests being denied by the County Commission in order to preserve density zoning. In July of 2022, a similar rezoning request was denied adjacent to Songbird Acres between Sioux Fall and Hartford. Rezoning 22-06 would have allowed a 7.14 acre parcel to be divided into five lots across the street from an existing subdivision of approximately 50 lots ranging in size from 1.25 acres to 2 acres. Most recently, the County Commission denied a rezoning request in Logan Township on August 1st of this year. Goal #2 in the Growth Management section of Envision 2035 Comprehensive Plan states that the county should “discourage rural residential development in agricultural production areas.”

Planning Staff is concerned that approval of this rezoning request will lead to similar requests in the area and throughout the county. Subdivisions of large acreages using building eligibilities are common throughout Minnehaha County. County staff included with this report a page of examples of subdivisions similar to the Prairie View Estates Addition. The examples are a few similar subdivisions scattered throughout the county and not just near Sioux Falls.

Staff is recommending denial of Rezoning Request #23-06 based on the Envision 2035 Comprehensive Plan and past recommendations for similar properties. Planning staff is beginning the process to update portions of the comprehensive plan over the approximately the next 12 months. Amendments and updates to the comprehensive plan may result in new policies or programs to allow additional residential uses.

Recommendation: Staff finds that the proposed rezoning does not conform to the goals and policies of the comprehensive plan and recommends **denial** of Rezoning #23-06 to rezone the subject property from the A-1 Agricultural District to the RR-Residential District.



Public Testimony & Discussion

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

Commissioner Kippley asked planning staff to further explain the reasons for the denial recommendation, specifically because this subdivision is already developed and would not disrupt agricultural land. Kevin Hoekman explained that the recommendation is based on the existing 2035 Envision Comprehensive plan, as well as past recommendations and precedent from the planning commission. Mr. Hoekman also commented that planning staff is currently working on updating the comprehensive plan. Therefore, if the commission is looking to allow more dense development in certain locations then that should be included in the update to the comprehensive plan, prior to any rezonings being approved.

Scott Anderson, the County Planning Director, explained that his main concern is regarding building eligibilities and not devaluing these assets by approving several rezonings. Mr. Anderson also stated that this request could set a precedent of developers creating a subdivision with a limited number of building eligibilities, and then later requesting to add additional density by rezoning the land.

The petitioner, Isaac Decker of 4750 E 54th Street Sioux Falls, SD, was present and addressed the commission with his comments on this rezoning request. Mr. Decker explained that his family privately maintains Lorraine Circle, and that he is looking to build a second house on his parent's lot. Mr. Decker stated that he is requesting to build a house in the county because the present housing market in Sioux Falls is unattainable for his family. Mr. Decker then commented that he understands the need to limit development in the rural area, but that these requests should be evaluated on a case by case basis. Additionally, Mr. Decker stated that the main idea for his request is to be located near family, and he explained that several members of his extended family already live in the area. Finally, Mr. Decker explained that he believes this request is not contrary to the 2035 Envision Comprehensive Plan because the rezoning would not remove any land for the agricultural production of the county.

Commissioner Kippley asked the petitioner to explain their plan for the subdivision and how they would plan to subdivide the lots. Isaac Decker explained that each lot is owned by a separate property owner and that some have expressed interest in subdividing, but that others have no interest in subdividing. Mr. Decker then stated that given the existing conditions within the subdivision, the change to rural residential zoning, would not significantly increase the density in the subdivision.

Commissioner Kippley then commented that he is sympathetic to the case by case basis argument, but that he understands approval of this request is likely to trigger other similar requests. Next, Commissioner Kippley asked the petitioner to explain the petition that was signed by the neighbors. Mr. Decker explained that he had discussed this request with each of the land owners within the subdivision, and gave them a packet of information to review before they signed off on the petitioner to rezone their property.



Scott Anderson, the County Planning Director, clarified for the commission that the petition reference by Commissioner Kippley is an addendum to the rezoning application because each land owner in the subdivision was required to sign off on the proposed rezoning for their property.

Commissioner Ralston commented that he understands the desire of living in the rural area, and that he is sympathetic to this request. However, he also commented that he wants to approach this request logically based on land use. Therefore, Commissioner Ralston further stated that he is concerned about the precedent this rezoning would set, based on the fact that this subdivision was originally created with building eligibilities. Commissioner Ralston finally commented that he would like to approve this request because he believes the motivation in this case is genuine, but that based on the precedent it would set in the county he cannot support the request.

Action

A motion was made by Commissioner Ralston to **recommend denial** of Rezoning #23-06. The motion was seconded by Commission Ode.

Commissioner Kippley stated that he is also sympathetic to this request, and that fairness in regards to building eligibilities is the only issue holding him back from approving the request. Commissioner Kippley also commented that the character of this community and the surrounding area is largely rural residential. Then Commissioner Kippley stated that this rezoning could be an example in the county's conversation on the comprehensive plan update, and could also provide a location for where residential growth could be located. Finally, Commissioner Kippley explained that he thinks that a lot of the issues with the housing market are caused by a lack of supply, and that the county needs to find some place to allow for more housing.

Commissioner Randall stated that she respectfully disagrees with Commissioner Kippley that this request would not impact agricultural uses in the area. Commissioner Randall explained that every new subdivision and house makes it harder for agricultural operations to operate. Commissioner Randall also stated that even though right-to-farm notice covenants are required, it does not stop residential properties from complaining about agricultural uses.

Commissioner Kippley responded to Commissioner Randall and explained that because the subject properties are not actively farmed he is less concerned with that issue. However, Commissioner Kippley also commented that he understands that the denser a housing development becomes, the harder it is for agricultural uses to operate in the area.

A roll call vote was taken on the motion to **recommend denial** of Rezoning #23-06 by Commissioner Ralston. The motion passed with 5 votes in favor and 1 vote against the motion. Commissioner Kippley voted against the motion.

Rezoning #23-06 – Denial Recommended



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

SEPTEMBER 25, 2023

Old Business

Scott Anderson, the County Planning Director, provided an update to the planning commission regarding the items from the August planning commission meeting that were appealed to the county commission. Mr. Anderson explained that the county commission upheld the planning commission's decision regarding the recall and review of Conditional Use Permit #06-07 for the Garretson Gun Club. Finally, Mr. Anderson stated that Conditional Use Permit #23-43 for Mueller Pallets other tree grinding location was deferred to the November 7th, 2023 county commission meeting.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Ode. The motion was approved unanimously. The meeting was adjourned at 9:11 p.m.