



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
MEETING MINUTES**

**SEPTEMBER 25, 2023**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS  
September 25, 2023**

A joint meeting of the County and City 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: Bonnie Dufy, Becky Randall, Mike Ralston, Ryan VanDerVliet, Doug Ode, Adam Mohrhauser, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Tom Schwebach, Virgil Klein, Steve Hoff, and Kurt Peppel.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning  
Maggie Gillespie – Office of the State's Attorney

Bonnie Duffy presided over the meeting. The meeting was called to order at 7:00 p.m. The Dell Rapids Planning Commission was chaired by Tom Schwebach.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment.

Bruce Burkhart, 24607 481<sup>st</sup> Avenue, commended the Planning Commission and the County for adopting a CO2 pipeline ordinance.

Dan Nelson, Valley Springs, thanked the County for pipeline ordinance, and that the pipeline companies will come back.

**ITEM 1. Approval of Minutes – June 26, 2023**

No action was taken on the minutes because the Dell Rapids Planning Commission did not receive a copy in the packet.



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**ITEM 2. CONDITIONAL USE PERMIT #23-45 to allow a Recycling Facility for Concrete & Asphalt on the property legally described as Tract 1 Pliska's Addition (Ex. E280' S400' & Ex. Lot 1) W½ SE¼ Section 12 T104N-R50W Burk Township.**

Petitioner: Joseph Wolles

Property Owner: Same

Location: 47178 Lindy Circle

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 1 Pliska's Addition (Ex. E280' S400' & Ex. Lot 1) W½ SE¼ Section 12 T104N-R50W Burk Township

Present Zoning – I-1 Light Industrial

Existing Land Use – Farmland/Non-Conforming Dwelling

Parcel Size – 15.55 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

This request is to store reclaimed concrete and asphalt on the property for crushing and stockpiling for aggregate and gravel type uses. The request is being processed as a recycling facility within the I1-Industrial zoning district since material will be brought to the site and repurposed for another use. Material on the site will not be buried as a rubble dump, but rather stockpiled above ground.

The applicant submitted a site plan with a brief written narrative. The site plan is simple showing the stock pile located on the portion of the parcel closest to the road and outside of the area planted for agricultural crops. A red line is drawn immediately north of the road where a fence and gate is proposed. This fence will need to be placed further north to be located out of the right-of-way. Staff measured the distance from the road to the north side of the cul-de-sac using the online GIS. Although not exact, the right of way extend north of the road approximately 85 feet.

The narrative explains several basics of the plan. Traffic to the site will be limited and not open to the public. A gate will be placed on the property with a sign for no dumping. Silt fence will be placed on the northeast side of the proposed concrete pile. The petitioner also describes that concrete will be stored as rubble as long as three years before crushing takes place.

The Planning Commission should be aware that the petitioner has a conditional use permit for the neighboring property to the east of the proposed concrete storage. The conditional use permit is for light manufacturing of welded iron products. The petitioner has not fully complied with conditions of approval for that use. The petitioner was informed of noncompliance with storage within the floodplain and no screening trees along the south side of the property. There was also some time where concrete rubble was stored on the manufacturing property without prior permits.



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Planning staff has some concerns regarding future meeting of conditions of approval based on past interactions between staff and the petitioner. In addition, when staff visited the site for this request, concrete was already piled on the site before the Planning Commission considered the request for concrete storage and recycling. The piles of concrete placed on the manufacturing site were very large, and if the proposed use is similar, then the site plan is likely inadequate. Concrete will take up most of the south portion of the property is similar to past piles.

This property has an approved non-conforming dwelling. At the site visit, staff noticed an above ground swimming pool. No permit has been obtained for the swimming pool. If the swimming pool is to remain, it should be permitted before further expansion of the property is allowed. This should be a condition of approval.

Justin Weiland, the past City Administrator, was able to submit comments regarding the proposed concrete storage site before he resigned. Justin raised concerns over unsightliness in a high profile area for Dell Rapids, and he raised concern about environmental factors that could make it into the Big Sioux Watershed. Dell Rapids is working on sewer extension in the area, therefore Justin noted that the use could be approved on a temporary basis such as five years. This kind of solution was approved for a similar stockpiling and sales of crushed materials to the southeast of this site in 2019. With a sunset, the Planning Commission may review the conditions of approval at a reapplication for the materials storage. If conditions are not being followed, or if development in the area changes significantly the Planning Commission may reconsider at that time.

**Conditional Use Permit Criteria:**

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

The property is located within an industrial subdivision with a mix of businesses. The west property line abuts Interstate 29. South of the property is a property recently approved to store and use aggregate material for landscaping uses. East of the property owned by the petitioner. It is used for iron welding and manufacturing. The proposed use will be similar to surrounding land uses in the subdivision. Care should be taken to avoid potential problems such as weeds and accumulations of materials other than concrete and asphalt.

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

The industrial park where the proposed concrete stockpile will be located is mostly developed. However, the industrial park is always changing. The City of Dell Rapids explained that more growth in the general area may be coming as the city pursues sanitary sewer expansion. If the proposed use is approved with a sunset of 5 years, then the concrete stockpile can be reevaluated if another conditional use permit application is received and as the development in the area changes.

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

The property is located at the end of Lindy Circle. A portion of a gravel surface is present to serve the neighboring property. Staff recommends that a driveway is created between the street



and the proposed gate. The driveway shall be made of gravel or crushed concrete to prevent mud and dirt from getting dragged into the paved road.

The petitioner indicates in the site plan that silt fence will be placed to prevent silt and debris from flowing downhill. The proposed use will not require any new facilities.

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

The property is large enough to accommodate off street parking. There will be no reason to store vehicles on the property either. Staff recommends a condition of approval that no storage of vehicles or trailers, and no storage of materials other than concrete, asphalt, and gravel be allowed on the site. This will help prevent the neighboring use from creeping onto the proposed stock pile area.

**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 has potential to create nuisance, especially in the form of weeds and noise during grinding. Grinding will be done occasionally and in an industrial park with one non-conforming residential use. The neighboring uses will not significantly be affected by noise on the site. There should be a condition of approval regarding maintaining weeds on the property so they do not become a nuisance.

The proposed use will likely use used only during daylight hours. No lighting should need to be placed on the property. If lighting is used on the property for security or other reasons, it should be directed downward to prevent glare off the property. This is especially important with the interstate highway being located next to the site.

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

The proposed use will stockpile rubble concrete to be ground and reused as a gravel product. This sort of recycling is good to prevent landfilling large volumes of concrete. Conditions can be placed on the property to reduce potential harms to the health safety and welfare of the government.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #23-45 with the following conditions:

- 1.) This permit is for the stockpiling of gravels, crushed asphalt, and crushed concrete for the purpose of recycling into useable gravel product.
- 2.) No hazardous materials, litter, rubbish, garbage, equipment, vehicles, parts, manufactured items, or similar materials may be stored on the site.
- 3.) No vehicles, trailers, or equipment shall be stored on the site.
- 4.) A silt fence or other approved erosion control must be installed as shown on the site plan. The erosion control device must be maintained in working condition at all times that materials is stored on the property.
- 5.) An access gate and a no dumping sign must be placed on the property to help prevent outside dumping.
- 6.) Weeds must be controlled and cleared from the property.



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- 7.) Any lighting placed on the property shall be directed downward and fully cutoff in order to prevent spillage of light off the property.
- 8.) The materials stockpiling and recycling must cease by December 31, 2028.
- 9.) The pool placed on the property in association with the non-conforming dwelling must be properly permitted or removed by November 1, 2023.
- 10.) That the Planning & Zoning Department reserves the right to enter and inspect the site, 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, planning staff, presented the staff report and recommendation.

Commissioner Peppel asked if there was routine inspections or complaint actions to have staff inspect the property. Kevin Hoekman responded that inspections are largely done by complaint basis. Commissioner Peppel commented that silt fence is only a temporary solution for erosion. A berm would work better long term.

Commissioner Duffy asked for the petitioner and for any public comment and there was none.

Commissioner Peppel suggested amending the conditions to require a three feet tall berm as an erosion control in condition number 4, and to amend condition number 1 to remove asphalt as an allowed material for storage.

Commissioner Hoff motioned for the Dell Rapids Planning Commission to amend condition number four to require a three feet tall berm for erosion control and to amend condition number 1 to remove asphalt as an allowed material for storage at the site. Commissioner Klein seconded the motion. The motion passed unanimously.

Commissioner VanDerVliet made the same motion for the Minnehaha County Planning Commission to amend condition number four to require a three feet tall berm for erosion control and to amend condition number 1 to remove asphalt as an allowed material for storage at the site. Commissioner Randall seconded the motion. The motion passed unanimously.

**Action**

Commissioner Kippley made motion for the Minnehaha County Planning Commission to approve conditional use permit #23-45 with amended conditions. Commissioner Randall seconded the motion. The motion passed unanimously.

Commissioner Klein made the same motion for the Dell Rapids Planning Commission to approve conditional use permit #23-45 with amended conditions. Commissioner Peppen seconded the motion. The motion passed unanimously.

**Conditional Use Permit #23-45 – Approved with following conditions:**

- 1.) This permit is for the stockpiling of gravels and crushed concrete for the purpose of



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- recycling into useable gravel product.
- 2.) No hazardous materials, litter, rubbish, garbage, equipment, vehicles, parts, manufactured items, or similar materials may be stored on the site.
  - 3.) No vehicles, trailers, or equipment shall be stored on the site.
  - 4.) A three feet berm must for erosion control must be installed as shown on the site plan for silt fence. The three feet berm must be maintained in working condition at all times that materials is stored on the property.
  - 5.) An access gate and a no dumping sign must be placed on the property to help prevent outside dumping.
  - 6.) Weeds must be controlled and cleared from the property.
  - 7.) Any lighting placed on the property shall be directed downward and fully cutoff in order to prevent spillage of light off the property.
  - 8.) The materials stockpiling and recycling must cease by December 31, 2028.
  - 9.) The pool placed on the property in association with the non-conforming dwelling must be properly permitted or removed by November 1, 2023.
  - 10.) That the Planning & Zoning Department reserves the right to enter and inspect the site, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

**Old Business**

None.

**New Business**

None.

**Adjourn**

The same motion was made for the City by Commissioner Peppel and seconded by Commissioner Hoff. The motion passed unanimously.

A motion was made for the County to **adjourn** by Commissioner Ralston and seconded by Commissioner Ode. The motion passed unanimously.

The meeting was **adjourned** at 7:18 p.m.