

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
September 28, 2009

A meeting of the Planning Commission was held on September 28, 2009 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Dick Kelly, Becky Randall, and Wayne Steinhauer. Don South, Mike Cypher and Mark Rogen were absent.

STAFF PRESENT:

Scott Anderson, Phil Kappen, Pat Herman and Ryan Streff -County Planning
Gordy Swanson - Office of the State's Attorney

The meeting was chaired by Vice Chair Susie O'Hara.

CONSENT AGENDA

At the request of staff, Item #7 was removed from the consent agenda and placed on the regular agenda. There being no other objections from the Planning Commission or audience, a motion was made by Steinhauer and seconded by Kelly to approve the consent agenda (Items #7 removed). The motion passed unanimously.

ITEM 1. MINTUES – August 24, 2009

A motion was made by Commissioner Steinhauer and seconded by Commissioner Kelly to **approve** the minutes. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #09-53 to allow a wind energy turbine farm.

Legal Description – Properties owned by Lawrence Allen, Lloyd Richardson, Gayle Klein, William Klein & Mark Klein in Section 19 of Dell Rapids Township & Section 24 of Burk Township legally described as:

S1/2 SE1/4 (Ex H-1 & the E1/2 SW1/4 (Ex H-1); the N1/2 SE1/4, SE1/4 NE1/4 & Govt Lot 2 in the SW1/4, all in Section 19-T104N-R49W; and the NE1/4 & the N1/2 SE1/4 of Section 24-T104N-R50W and the S 500' NE1/4; S 500' & W 300' NW1/4 in Section 19-T104N-R49W.

Location – 2 miles southwest of Dell Rapids
Petitioner / Owner- Ridge Energy, LLC / Lawrence Allen & Lloyd Richardson

General Information

Present Zoning - A-1 Agricultural
Existing Land Use - Agriculture
Parcel Size - 100+ Acres

Report by: Pat Herman

Staff Analysis:

This conditional use permit is to allow a six tower, 10 MW wind farm. Located two miles southwest of Dell Rapids, the farm is in an intensely agricultural part of the county. The surrounding land use is agriculture.

The petitioner's submitted site plan places three towers on the west side of 472nd Avenue. Two will share a driveway with the third having its own access. There will be a small substation at the entrance for the two towers. The remaining three towers will be located on the east side of 472nd Avenue and all share the same access driveway.

The six GE 1.5MW XLE wind turbines, including blades, will be 398 feet in height. The electrical lines will be interconnecting with runs along 472nd Ave., which are owned by Xcel Energy. The lines for each turbine will be buried in the access roads, all collecting at the substation to make the connection to Xcel's line.

The petitioner has stated that the tower access roads will be 16 feet wide and constructed on class 5 gravel. There will be approximately 7200 linear feet of roads built. This will allow sufficient access for service vehicles. During construction, the applicant is required to contact and meet any requirements from the township (either Burk or Dell Rapids) which maintains 472nd Avenue. Dust control will be provided as needed during construction.

As outlined in the Zoning Ordinance, Section 12.02 (C), the location of the towers will meet the required setbacks, restrict lighting to FAA requirements, and not exceed 65dB of noise at the property lines.

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.

With low density in this area, the towers will be located approximately 2000 feet from the nearest houses. The zoning ordinance requires the base of the tower to be set back 3X the height of the structure from any habitable structure. The Department of Equalization expects no change in the surrounding property values due to property value studies that have been conducted in areas which have wind farms.

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

Crop farming and livestock production will be unchanged by the addition of the wind towers. There will be a visual impact on the area.

The applicant is required to develop a soil erosion and sediment control plan to submit to the Planning Department. This plan must be submitted prior to the beginning of construction.

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

Neither Dell Rapids nor Burk Township require driveway permits. The applicant is required to notify and receive approval from all government agencies controlling the roads that will be used as "haul roads" for the construction of the wind farm.

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

The tower sites will only need to be accessed by maintenance personnel. There should be sufficient space at the base of the towers for 2 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.

Lighting at the top of the towers will be meet FAA regulations. The blades do create a “swooshing” sound when in motion. The required decibel level at the property lines will be met.

Each tower will be assigned an address number. The applicant is responsible for the purchase and posting of the address posts and signs through the planning department.

Recommendation

The area of the county in which the wind farm is to be constructed is rural with little residential development and the wind towers should have little impact on the agricultural land use. Staff finds the wind farm will be compatible with the agricultural production in this area and recommended approval with the following conditions:

- 1) The wind farm shall be constructed to the requirements of the Minnehaha County Zoning Ordinance Section 12.02 (C).
- 2) Building permits are required for the wind towers prior to construction.
- 3) The applicant shall purchase and post address signs for each tower as regulated by the Minnehaha County Rural Addressing Ordinance.

Action

Based on the staff report, a motion was made by Steinhauer and seconded by Kelly to **approval** Conditional Use Permit #09-53 with the conditions as stated. The motion passed unanimously.

This item was deferred from the August 24, 2009 meeting.

ITEM 3. CONDITIONAL USE PERMIT #09-51 to exceed 1200 sq. ft. of accessory building area.

Legal Description - Tract 7 Valley View Acres in Section 36-T102N-R48W
Location - 48378 Valley View Circle east edge of Brandon
Petitioner / Owner- Richard Gulseth

General Information

Present Zoning - A-1 Agricultural
Existing Land Use - Residential
Parcel Size - 5.85 acres

Report by: Phil Kappen

Staff Analysis:

The subject property is located along the eastern boundary of Brandon. The petitioner has two existing buildings of 2160 and 120 square feet and wishes to add an additional 1080 sq.ft. building for a total of 3360 sq.ft. of accessory buildings on the lot. To the east and south of the subject property are residential lots, to the west is the city of Brandon and to the north is agricultural land. The city's comprehensive plan designates this area for future single-family residential uses.

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 petitioner currently has the largest total of accessory buildings in the subdivision. The adjoining lots to the east and south have 1716 and 3746 sq.ft. respectively. The next lot to the east has a total of 1752 sq.ft. At the August meeting staff had reported an incorrect size on the size of the buildings on the south lot.

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

As this area is planned for single-family residences by the city, and since the lot is immediately adjacent to city limits, the placement of another large building on this site may not conform with the city's future plans for the area.

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

Access to the property is via Valley View Circle. The existing driveway would be used to access the lot.

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

There is ample space on the property for the parking that is typically associated with a single-family residence.

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 continued use of the property for a single-family residence, the only approved use, should not constitute inordinate impacts on the surrounding properties.

Recommendation

Staff finds that the proposed building conforms with the sizes of existing accessory buildings on other lots in the subdivision and recommended approval of conditional use permit #09-51 with the following stipulations:

- 1) The total area of all accessory buildings on the property shall not exceed 3360 square feet when measured from the exterior walls.
- 2) The building shall be used strictly for accessory uses to the existing use of the property and no commercial use or commercial storage shall be allowed.
- 3) All exterior lighting shall be of a full cutoff and fully-shielded design to prevent light spillage beyond the boundaries of the property.

Action

Based on the staff report, a motion was made by Steinhauer and seconded by Kelly to **approval** Conditional Use Permit #09-51 with the conditions as stated. The motion passed unanimously.

ITEM 4. CONDITIONAL USE PERMIT #09-58 to exceed 1200 sq. ft. of accessory building area – 2464 square feet requested.

Legal Description - Tract 1 Hutchinson's Addition SE ¼ SW ¼ in Section 36-T103N-R49W

Location – 47744 256th St. 6 miles southeast of Baltic

Petitioner / Owner- Craig Peterson

General Information

Present Zoning - A-1 Agricultural

Existing Land Use - Residential

Parcel Size - 1.81

Report by: Pat Herman

Staff Analysis:

The property is located in Sverdrup Township, approximately six miles southeast of Baltic. The site is located in a subdivided area which is surrounded by agricultural uses. As required by the Zoning Ordinance, the petitioner has applied for a conditional use permit to exceed 1200 sq. ft. of accessory building area.

There are two accessory buildings on the property, a detached garage of 240 sq. ft. and a 1200 sq. ft. wood shed. Both of these buildings will be removed and replaced by a 2464 sq. ft. accessory building. The petitioner's property is sandwiched between two lots which each have a larger existing accessory building – 2688 sq. ft. to the west and 3024 sq. ft. to the east.

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 size of this building will not affect property values or use of the surrounding properties. There are larger existing buildings in this small cluster of homes and the petitioner will be improving the property by removing older structures and replacing them with a new building.

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

The residential building eligibilities in this area have been used and a large building will have no bearing on agricultural production in this area.

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

The existing driveway will be used for access.

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

There is sufficient space to meet residential parking needs.

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.

There should be no odors, fumes, dust, noise, vibration or lighting to the degree that it would cause a nuisance.

The petitioner is required to call for a building inspection during which the outside perimeter measurement will be taken to ensure that it does not exceed 2464 square feet.

Recommendation

Staff finds that the requested accessory building square footage is consistent with other existing buildings in this subdivided area and recommended approval of Conditional Use Permit #09-58 with the following conditions.

- 1) Total accessory building square footage on this property shall not exceed 2464 square feet.
- 2) A building inspection is required.
- 3) No commercial activity is allowed in the building(s).
- 4) The petitioner shall obtain a building permit prior to the start of construction.

Action

Based on the staff report, a motion was made by Steinhauer and seconded by Kelly to **approval** Conditional Use Permit #09-58 with the conditions as stated. The motion passed unanimously.

ITEM 5. CONDITIONAL USE PERMIT #09-59 to exceed 1200 sq. ft. of accessory building area – 1800 square feet requested.

Legal Description - Lot 1 A Red Rock Estates N ½ SW ¼ in Section 31-T102N-R47W

Location – 48407 Beaver Valley Rd. ¼ mile east of Brandon

Petitioner / Owner- Deana Wulf

General Information

Present Zoning - A-1 Agricultural

Existing Land Use - Residential

Parcel Size - 1.0 Acre

Report by: Pat Herman

Staff Analysis:

The property is situated in the residential subdivision of Red Rock Estates. This development is located ¼ mile east of Brandon on Highway 109. As required by the Zoning Ordinance, the petitioner has applied for a conditional use permit to exceed 1200 sq. ft. of accessory building area.

The petitioner's have purchased a lot on Beaver Valley Road and are beginning construction on a single family dwelling. They are requesting approval for 1800 square feet of accessory building area. The accessory buildings in this residential subdivision range in size from 576 sq. ft. to the largest size at 3024 square feet. There is a 2112 sf. ft. building on the abutting property to the east.

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 size of this building will not affect property values or use of the surrounding properties. The requested size falls in the middle of the largest and smallest structures.

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

This subdivision has numerous accessory buildings which have not affected development in this area.

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

Access will be from Beaver Valley Road which is maintained by the property owners in the subdivision.

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

There is sufficient space to meet any single family parking needs.

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.

There should be no odors, fumes, dust, noise, vibration or lighting to the degree that it would cause a nuisance.

The petitioner is required to call for a building inspection during which the outside

perimeter measurement will be taken to ensure that it does not exceed 1800 square feet.

Recommendation

Staff finds that the requested accessory building square footage is consistent with other existing buildings in the subdivision and recommended approval of Conditional Use Permit #09-59 with the following conditions.

- 1) Total accessory building square footage on this property shall not exceed 1800 square feet.
- 2) A building inspection is required.
- 3) No commercial activity is allowed in the building(s).
- 4) The petitioner shall obtain a building permit prior to the start of construction.

Action

Based on the staff report, a motion was made by Steinhauer and seconded by Kelly to **approval** Conditional Use Permit #09-59 with the conditions as stated. The motion passed unanimously.

ITEM 6. CONDITIONAL USE PERMIT #09-61 replace a manufactured home with another.

Legal Description - SW ¼ NW ¼ (Ex Peterson Sub & Ex Evjen Addn) & the
W ½ SW ¼ (Ex H-2 & Ex Evjen Addn) of Section 34-
T103N-R49W
Location – 25571 475th Ave. 4.25 miles north of Renner
Petitioner / Owner- Wade Peterson

General Information

Present Zoning - A-1 Agricultural
Existing Land Use - Agricultural/Residential
Parcel Size - 90.67 Acres

Report by: Scott Anderson

Staff Analysis

The applicant has requested a Conditional Use Permit to place a manufactured home on the subject property. The applicant will be replacing an older 14 foot by 70 foot mobile home with a newer manufactured home. The newer manufactured home is a 1997 Liberty 27 feet by 44 feet. The applicant has provided pictures of the manufactured home for staff and Planning Commission review.

On September 14, 2009 staff conducted a site visit. The existing land use for the area consists primarily of agricultural uses. There are two existing farmsteads located within ¼ mile north of the subject property. In addition, there are over twenty (20) residential sites both located approximately ½ mile to the north along SD Highway 115. There had been an older home located on the property, which appeared to be in the process of being demolished. The applicant wants to replace the older home with a newer manufactured home.

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.

Placing a newer double-wide manufactured home on the subject property should not affect the uses already permitted in the area or property values.

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

The proposed Conditional Use Permit should not impact the agricultural/residential nature of the surrounding properties. The placement of a newer manufactured home will have minimal impact on the development and improvement of any vacant properties in the area. The primary use of the surrounding area is predominately agriculture in nature. There had been an older mobile home located on the property.

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

SD Highway 115 provides access to the site via a service road. No new roads will be needed to access the site. The property is served by a community water system and an on-site wastewater disposal facility.

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

The applicant must provide one (1) off-street parking space for the existing single-family residence. The property is currently vacant. Appropriate parking will need to be shown on the building permit application. Staff recommends that as part of the recommended conditions of approval, the application shall provide one (1) off-street parking space.

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 location of a newer manufactured home on the property as a permanent single-family residence should not create dust, noise, or fumes in any amounts that would constitute a nuisance.

Staff supports the request to place a newer manufactured home on the subject property. The applicant has indicated that the new manufactured home will have house-type siding and a peaked, non-reflective roof. The proposed manufactured home will blend into the existing housing stock of the area.

Recommendation

Staff recommended approval of Conditional Use Permit #09-61 to allow a double wide manufactured home to be placed on the subject property with the following conditions:

- 1) That a building permit be obtained for placement of the newer manufactured home and any accessory structures.
- 2) That only a manufactured home meeting all of the requirements of Section 12.06 (C) of the Minnehaha County Zoning Ordinance be allowed on the property.
- 3) That the parking requirements of one (1) space for the residence be provided as required in Article 15.01(A) of the Zoning Ordinance.

Action

Based on the staff report, a motion was made by Steinhauer and seconded by Kelly to **approval** Conditional Use Permit #09-61 with the conditions as stated. The motion passed unanimously.

ITEM 8. CONDITIONAL USE PERMIT #09-64 to allow the transfer of 1 residential building eligibility.

From – Proposed Tract 3 Schoenfelder’s Addition in the SE ¼ of Section 9-T101N-R51W

To - Proposed Tract 2 Schoenfelder’s Addition in the SE ¼ of Section 9-T101N-R51

Location – 46274 264th St. 3.5 miles south of Hartford

Petitioner / Owner- Robert Schoenfelder

General Information

Present Zoning - A-1 Agricultural

Existing Land Use - Residential

Parcel Size - 5 acres

Report by: Pat Herman

Staff Analysis:

The property is located in Wall Lake Township, approximately 3.5 miles south of Hartford. This area, abutting Highway 151, has many rural acreages surrounded by farm ground and wetlands. The petitioner’s 11+ acre parcel is located on 264th St., a dead end road.

There have been two dwelling units located on this site since before 1988, the date when density zoning was enacted. At that time, the parcel was allotted one eligibility. The petitioners wish to divide the parcel into two lots and have a residential building eligibility on each lot. The 2nd dwelling unit will be platted into a one acre parcel, thereby gaining a building eligibility. This request would then transfer that eligibility to the east half of the existing parcel.

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.

Transfer of the eligibility will not affect property values in the area. This will also not increase the number of dwelling units which exist in this area. This will separate to concentrated septic systems and improve the functionality of each system. A right-to-farm notice covenant is required.

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

The majority of the surrounding lots have used their residential building eligibilities. There are no CAFOs in the immediate area, and there will be no increase dwelling units. Located on a dead end street, this will not impact traffic flow.

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

A septic permit is required and Wall Lake Township will need to approve any new driveway location.

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

There is sufficient space to meet any single family parking needs.

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.

There should be no odors, fumes, dust, noise, vibration or lighting to the degree that it would cause a nuisance.

Recommendation

Staff finds that the request to transfer will not increase the number of dwelling units in this area and will keep the building eligibility in the same proximity as where the dwelling is currently located. Staff recommended approval of conditional use permit #09-64 with the following conditions:

- 1) The lot shall be platted and a right to farm notice filed on the deed prior to the issuance of a building permit.
- 2) A driveway permit is required from Wall Lake Township for any new access prior to the issuance of a building permit.

Action

Based on the staff report, a motion was made by Steinhauer and seconded by Kelly to **approval** Conditional Use Permit #09-64 with the conditions as stated. The motion passed unanimously.

REGULAR AGENDA

A motion was made by Cypher and seconded by Randall to approve the regular agenda, Item #7 added. The motion passed unanimously.

ITEM 7. CONDITIONAL USE PERMIT #09-63 to allow the transfer of 2 residential building eligibilities.

From – SE ¼ NW ¼ & SW ¼ NW ¼ of Section 29-T102N-R501W
To - SE ¼ (Ex Melins Trs & Ex Andresen's Addn) of Section 19-T102

50
Location – 3 miles east of Hartford
Petitioner / Owner- John Andresen

General Information

Present Zoning - A-1 Agricultural
Existing Land Use - Agricultural
Parcel Size - + 40 Acres

Report by: Scott Anderson

Staff Analysis

The applicant wants to transfer a landlocked eligibility from the SE ¼ NW ¼ and from the non-landlocked SW ¼ NW ¼, to the SE ¼ of Section 19 to allow for the development of two residential lots. The proposed building sites would be located on the east side of 467th Avenue.

On September 9, 2009, staff conducted a site visit. There are existing farms located around the subject property. There are four existing farms that have cattle located on the property. The proposed transfer would move two potential single family residences closer to these operations. Two of the operations are located to the west and not visible from the subject property due to the bluff running along Skunk Creek. Two of the cattle operations are located less than ½ mile to the east on 467th Avenue. Staff will recommend approval as the eligibility is not moving significantly closer to the two farmsteads to the south.

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 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 eligibilities does not increase the number of dwelling units allowed in this section.

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

Rural water is available in the area and a waste water system will be utilized. The applicant hasn't indicated whether the proposed building sites will share an approach between themselves or with any other residence. A new approach will have to be constructed onto 467th Avenue or Benton Avenue. Benton Township will have to

approve the location of the proposed driveway approach prior to a building permit being issued.

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

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.

Recommendation

Due to the fact that the applicant did not send out the required mailings, staff recommended that Conditional Use Permit #09-53 be continued to the October 26, 2009 meeting.

Action

Based on the staff's recommendation, a motion was made by Steinhauer and seconded by Kelly to **defer** Conditional Use Permit #09-63 to the October 26, 2009 meeting. The motion passed unanimously.

This item was deferred from the August 24, 2009 meeting.

ITEM 9. CONDITIONAL USE PERMIT #09-56 to exceed 1200 sq. ft. of accessory building area – 1668 sq. ft. requested.

Legal Description – Tracts 7, 8, 9, N1/2 Tr. 10, 30, 31, & 32 Lot 7 & Vac
Access Road lying between Tract 33 Lot 7 and E ½ Vac
Access Road lying adjacent, Bowman's Subdivision in
Section 21-T101N-R51W.

Location – 26567 East Shore Place, Wall Lake

Petitioner / Owner- L. F. Lanpher

General Information

Present Zoning - RR Rural Residential

Existing Land Use - Residential

Parcel Size - 1.30 Acres

Report by: Phil Kappen

Staff Analysis:

The subject property is located along the east edge of Wall Lake. Surrounding properties are all in residential uses. The petitioner has an existing 768 sq.ft. accessory building and wishes to construct an additional 900 sq.ft. building for a total of 1668 sq.ft.

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 requested building size is well within the range of sizes that are found on neighboring properties. Properties in the immediate vicinity have accessory buildings ranging in size from 1280 to 2560 square feet. The added building should pose no great impacts on the surrounding properties provided that only residential uses are made of the structure.

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

An additional 900 sq.ft. building should have little impact on any additional development in the area. The petitioner will be required to obtain a building permit and the required setbacks from property lines will be addressed at that time.

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

The area is within the Wall Lake Sanitary District and any further development would be required to connect to the sewer system. Access to the building will be via existing roads and driveways.

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

There is ample space on the property for any parking typically associated with a single-family residential use.

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

Any outdoor lighting should be of a full cutoff and fully-shielded design to reduce any

potential for impact on neighboring properties.

Recommendation

Staff finds that the proposed building conforms with the sizes of existing accessory buildings in the area and recommended approval of conditional use permit #09-56 with the following stipulations:

- 1) The total area of all accessory buildings on the property shall not exceed 1700 square feet when measured from the exterior walls.
- 2) The building shall be used strictly for accessory uses to the residential use on the site and no commercial use or commercial storage shall be allowed.
- 3) All exterior lighting shall be of a full cutoff and fully-shielded design to prevent light spillage beyond the boundaries of the property.

Public Testimony

Phil Kappen explained that this item was not placed on the consent agenda because he wanted to make the Commission aware of complaints that staff had received about a possible commercial business being run out of the existing garage at the property.

Petitioner Lori Lanpher (26567 East Shore Place) informed the Commission that she is not running a commercial business out of the existing garage. She stated that she is a sales representative and has two (2) racks of samples in the garage to bring to possible clients. She made it clear that she has never had a client come to her home.

Commissioner Steinhauer asked what staffs option was on this. He stated that if staff does not see a problem with the items stored he is okay approving the accessory building. He noted that this type of storage should not be allowed to be expanded in this location.

Mr. Kappen noted that issues which starts off small can turn into a very large issues real quickly if they are not addressed. He continued to note that if the two (2) racks of samples were all that were stored at the property and no other commercial equipment or storage was allow then he was okay with that. He reiterated that he just wanted to make it clear to the Commission and the petitioner what items are and are not allowed to be stored at the property.

All Commissioners agreed that the storage of two (2) sample racks at the property would be allowed as long as no other commercial equipment or storage was allowed.

Action

Based on the staff report and public testimony, a motion was made by Kelly and seconded by Randall to **approve** Conditional Use Permit #09-56 with the following conditions. The motion passed unanimously.

- 1) The total area of all accessory buildings on the property shall not exceed 1700 square feet when measured from the exterior walls.
- 2) The building shall be used strictly for accessory uses to the residential use on the site and no commercial use or commercial storage shall be allowed.
- 3) All exterior lighting shall be of a full cutoff and fully-shielded design to prevent light spillage beyond the boundaries of the property.

OLD BUSINESS

A. Commercial Vehicles

Phil Kappen gave a short presentation of the results he found with the survey he had distributed to the Commissioners and staff. He classified the vehicles by different weight classes to determine what types of vehicles would be allowed in each zoning district. From this information he was able to see what types of vehicles people would classify as commercial and non-commercial.

Commissioner Randall addressed her concern that road graders should be allowed at farmsteads because not all townships have a place to store their road graders. Commissioner O'Hara agreed that there would need to be an exception for the townships.

Commissioner Kelly stated that it will be hard to say that each and every vehicle with writing on the side is considered commercial. He concluded it might be feasible to allow people to drive their work vehicle to and from work regardless if it has writing on it or not. Mr. Kappen stated that the department is already using this practice and allows one (1) commercial vehicle (car, van, pickup, semi-tractor, step van) to be used as transportation to and from work. Mr. Kappen made it clear that a semi-tractor and its trailer are not considered to be a work vehicle.

B. Accessory Buildings

Phil Kappen asked if the Commissioners wanted to pursue different accessory building options. The Commission concluded that they might pursue this at another time as there seems to be just too many factors within the county's jurisdiction.

NEW BUSINESS

A. Briefing on Sioux Falls Comprehensive Plan

Sam Trebilcock, Transportation Planner for the City of Sioux Falls, gave a brief introduction to the new 2035 Comprehensive Plan. He explained items such as growth management, horizontal and vertical uses, and signage. Trebilcock explained that due to technical difficulty with Microsoft Power Point he was unable to show all the information he wanted so he will come back at a later date to give the complete presentation.