



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
JANUARY 25, 2021**

A meeting of the Planning Commission was held on January 25, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, presented Zoom Meeting Room instructions on raising hands to speak on agenda items.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioner Duffy called roll of members present to determine a quorum. Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Jeff Barth responded present at the meeting.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:25 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

ITEM 1. Approval of Minutes – November 23, 2020

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or amendments.

A motion was made by Commissioner Randall and seconded by Commissioner Barth to approve the meeting minutes from November 23, 2020. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.



ITEM 3. CONDITIONAL USE PERMIT #21-01 to allow an Agriculturally-Related Operation – Butcher Shop on the property legally described as Tract 1, Funke’s Addition, SE1/4, Section 35-T101N-R48W.

Petitioner: Ronald G. Heller

Property Owner: same

Location: 48278 268th St. Located Approximately 3 miles east of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Tract 1, Funke’s Addition, SE1/4, Section 35-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 4.56 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow a butcher shop for agricultural producers and neighbors. The proposed use will be operated similar to a home occupation with a maximum of two employees. The narrative states that there are three other businesses located in the immediate vicinity of the subject property. The subject property has an available building eligibility for a single family dwelling. However, the property owner does not have a plan to reside on the site in the near term.

The proposed hours of operation for client pickups will be from 8 am to 5 pm, which will only be by appointment only. The petitioner expects less than three visits per day over the course of the week from clients. The narrative describes that the proposed use aims to serve farmers and other individuals with their animal butchering needs.

On January 13, 2021, staff visited the subject property and determined that the proposed use is appropriate for the surrounding area. There are other similar agricultural production support businesses within a half mile of the proposed site for a butcher shop. The applicant was provided with the property owner mailing information for Lyon County, Iowa addresses within 500 feet of the subject property in addition to Minnehaha County.

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 limited nature of the proposed use should not negatively impact the use and enjoyment of other property in the immediate vicinity. The planning commission previously approved a seed sales business about one-half mile to the west of the subject property. There is an existing cell tower to the north of the proposed driveway access to the site. The proposed building site will be located approximately 1,500 feet away from the existing tower to the north.



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

The area is primarily agricultural with a few residential acreages in the surrounding area. The development of surrounding farmland is dependent on the availability of building eligibilities. The proposed use will complement the agricultural production industry and provide other individuals with the ability to locally butcher their animals. Similar land uses supporting agricultural producers have been approved in the past by the Planning Commission.

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

The property owner will need to obtain approval from the Minnehaha County Highway Department for access onto County Highway 150. The proposed driveway shall be required to be hard surfaced up to fifty (50) feet north from the property line. All other necessary utilities will be provided as result of constructing the proposed warehouse buildings and operation of the butcher shop. Drainage facilities should be provided to ensure adequate management of storm water runoff from the proposed building and operation. According to the USGS 4 foot Contour Map, the natural topography slopes from the northwest to the southeast of the subject property.

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

The petitioner owns approximately 4.56 acres and included a few parking spots for clients in front of the proposed 30'x60' accessory building. At a minimum, three parking spots should be provided for the proposed business. The petitioner expects a maximum of three (3) visits per day averaged over the week from clients or customers.

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 for a butcher shop will produce certain odor, fumes, noise, and vibration from operation of equipment. Given the limited nature of the agriculturally-related operation, none of these issues should be at a level to constitute a nuisance. Staff suggests adding a condition requiring all equipment, supplies, and animal products be stored inside an enclosed accessory building. Animal hides and skins present issues related to odor as well as attracting wildlife. The petitioner must contain the entire operation within the enclosed accessory building to reduce potential public nuisance issues that may arise as a result of the butchering process.

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

There should be no significant negative impacts to the health, safety, and general welfare of the public with the operation of a butcher shop. The Envision 2035 Comprehensive Plan encourages this type of agricultural production support business. The proposed use should fit with the intent of the Plan. The subject property is located on a paved highway about a quarter mile east of the intersection at County Highway 111 and 150 within an area identified as Transition Area. The primary goal of this area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations.

Recommendation:



Staff finds that the proposed use is appropriate for the surrounding area and conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #21-01 with the following conditions:

1. That Conditional Use Permit #21-01 shall allow a butcher shop.
2. That the applicant shall adhere to the submitted site plan dated 11-18-2020.
3. That the operation obtains all South Dakota Animal Industry Board licenses and permits necessary for proper safety certification requirements.
4. That all trees used for screening be maintained in a live state.
5. All butchering activity, equipment, supplies, and animal products shall be kept within the enclosed accessory structure. This list includes the keeping of animal hides and skins.
6. That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. A building permit is required for the installation of any signage.
7. That the applicant shall obtain an approach permit from Minnehaha County Highway Department.
8. That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
9. That the Planning & Zoning Department reserves the right to enter and inspect the butcher shop 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

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendations for the Conditional Use Permit request.

Ron Heller, 26612 Caley Circle, Brandon, identified himself as the petitioner.

Commissioner Ode asked about wastewater and any boring done on the property to determine where the bedrock is located.

Mr. Heller explained that most of the bedrock is the to the north and east of the subject property. He continued to mention that he is aware of the State Department of Agriculture requirements for waste containment and willing to go above and beyond the requirements for wastewater treatment from the proposed use. Mr. Heller plans to construct a 10'x'10' shed to contain animal waste in the meantime when a rendering service comes for pickup.

Mr. Heller asked about the statement suggesting the applicant to hard surface up to feet from the front property line.

Mr. Heinold explained that the statement was a suggestion for the Planning Commission to consider adding a condition requiring a hard surface driveway up to 50 feet from the front property line. He further explained that the Zoning Ordinance requires properties zoned commercial or industrial to hard surface driveways if located on paved highways. He added that the subject property for the proposed use is zoned A-1 Agricultural District and the Planning



Commission would have an option to add a condition requiring a hard surface driveway from the County Highway. Mr. Heinold mentioned that the Seed Sales business was not required to hard surface the driveway.

RJ Wright, 48198 267th St., mentioned that he raises cattle in the area and supports the proposed use. Mr. Wright explained that he has not seen any issues with the existing agriculturally-related support businesses and believes that the proposed use is appropriate for the surrounding area. He continued to mention that the community has issues related to the consolidation of the meatpacking industry.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Randall to **approve** Conditional Use Permit #21-01. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-01 – Approved



ITEM 4. CONDITIONAL USE PERMIT #21-02 to transfer one (1) building eligibility from Tract C, Heiberger Addition to Tract 1, Tetonka Addition; all in NW1/4, Section 5-T103N-R51W.

Petitioner: Tetonka LLP

Property Owner: same

Location: Located Approximately 4 miles southwest of Colton

Staff Report: Scott Anderson

General Information:

Legal Description - NW1/4, Section 5-T103N-R51W

Present Zoning - A1 Agriculture

Existing Land Use - pasture

Parcel Size - 85 acres

Staff Report: Scott Anderson

Staff Analysis: The subject property is located approximately 4 miles southwest of Colton and 1 mile east of Clear Lake. The surrounding properties are in agricultural uses with a few non-ag residences. The petitioner proposes to transfer a eligibility from an area south to the north along 250th Street. The applicant transferred two other building eligibilities into the same area in 2008.

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.**

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of a building eligibility does not increase the number of dwelling units allowed in this section. Access has been reviewed by the Township and no shared driveway is required. The siting of a 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 eligibilities. The presence of two building eligibilities allows for the potential for sharing a driveway access. This should be encouraged at the permitting process.

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 a no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location on pasture land will prevent the conversion of crop land into residential use 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 #21-02 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.

Public Testimony

Scott Anderson, County Planning Director, presented a brief summary of the staff report and recommendation for the conditional use permit request.

Commissioner Mohrhauser, asked if the other two building eligibilities have the Right-to-Farm Notice Covenant on them. Scott Anderson stated that the other two properties have not started a building permit process which is the time the covenant would be filed. Commissioner Mohrhauser further asked if the parcels will have a shared driveway. Scott Anderson responded that the decision on driveways will be up to the Township.

Commissioner VanDerVliet asked how does the housing eligibility work with the wetland mitigation bank. Scott Anderson responded that the petitioner may be better to answer the question.

Jeff Oyen, 46919 255th Street, noted that the property will have its own permit, and informed the commission that this portion of the property is not part of the wetland bank.



Mark Anderson, 25005 462nd Ave., mentioned some concerns about impact of a septic system on the wetland and habitat for wildlife in the surrounding area. Mr. Oyen explained that the septic installer is required to conduct a percolation test prior to obtaining a septic permit. He continued to mention that the proposed single family dwelling should not impede wildlife in the area.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Ralston to **approve** Conditional Use Permit #21-02. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed with 6 votes in favor of the motion and 1 vote against the motion. Commissioner VanDerVliet voted against the motion.

Conditional Use Permit #20-02 – Approved



ITEM 5. CONDITIONAL USE PERMIT #21-03 to transfer one (1) building eligibility from the W 580.8' S 300' N 990' W 1/2 NW 1/4 (EX S 200' W 435.6' THEREOF & EX H-1 & RY) to Lot 3, Streich's Addition N990 W1/2 NW1/4; all in Section 34-T101N-R48W.

Petitioner: William Radio

Property Owner: William & Deborah Radio

Location: Located Approximately 3 miles east of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Streich's Addition, N990', W1/2 NW1/4, Section 34-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5.14 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to transfer one (1) building eligibility from the W580.8' S300' N990', W1/2 NW1/4 (Ex. S200' W435.6' Thereof & Ex. H-1 & RY) to Lot 3, Streich's Addition, N990', W1/2 NW1/4; all in Section 34-T101N-R48W. The petitioner included the recorded plat for Lot 3 that shows legal access to 267th Street with a 30 foot access easement on the east end of the subject property.

There are no concentrated animal feeding operations within one mile of the subject property. The nearest operation is located approximately one and a half miles away to the east.

On January 13, 2021, staff visited the subject property and determined that the proposed location for a single family dwelling is appropriate for the surrounding area.

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 addition of a single family dwelling should not negatively affect the use and enjoyment of other residential properties in the immediate vicinity. There should be no significant negative impact to property values in the immediate vicinity with the proposed single family dwelling.

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

The surrounding area consists primarily of single family dwellings in the northwest quarter of the section with a farm field to the east of the subject property. The future development of vacant land is entirely determinant upon the availability of building eligibilities.

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



The proposed building site has legal access to 267th Street with an approximately 30-foot access easement to the east. All other necessary facilities will be provided as a result of constructing the single-family dwelling. There are concerns that the addition of a new house will add negative effects to the existing water drainage issues. The USGS 4 foot contour map shows much of the drainage flowing across the subject property to the southwest as well as to the north along the east fence line. Staff suggests that a drainage plan be required prior to a septic system and building permit being issued for the single family dwelling. The drainage plan should detail the type, intensity, and flow of storm water for all phases of the proposed home construction. There should also be mitigation measures identified by a registered engineer to manage storm water runoff from the site in the drainage plan.

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

The subject property contains approximately 5.14 acres that will be accommodate enough parking to satisfy the needs of a residential home.

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 residential use of the property should not result in offensive odor, fumes, dust, noise, vibration, and lighting issues. Any nuisances that may arise will be investigating upon receiving a complaint in the County Planning & Zoning Department.

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

The addition of a single family dwelling should not negatively affect the health, safety, and general welfare of the public. The Envision 2035 Comprehensive Plan states that Density Zoning must be followed for preserving residential density in each section. Density Zoning will be upheld with the proposed transfer of building eligibility.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #21-03 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of building permit for the single family dwelling.
2. That a driveway or culvert permit be obtained from Split Rock Township prior to the issuance of a building permit.
3. That a drainage plan shall be submitted to the Minnehaha County Planning Department detailing the type, intensity, and flow of storm water from the subject property prior to obtaining a building permit for the single family dwelling.

Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request. He recommended changing condition #3 to read That a drainage plan certified by a registered professional engineer shall be submitted to



the Minnehaha County Planning Department detailing the type, intensity, and flow of stormwater from the subject property prior to obtaining a building permit for the single family dwelling.

Bill Radio, 26718 481st Ave., explained that he bought the property in question thirty years ago with a building eligibility attached. Mr. Radio stated that he would like to stay in the area and is not able to construct a house on the current lot due to site issues. He continued to mention that the area has seen a couple wet periods in the last two years that brought similar issues in other areas as well. Mr. Radio agrees to hiring an engineer for a drainage study on minimizing the effects of the proposed driveway and house.

Commissioner Ode asked if there was a basement that had to be filled in due to being flooded.

Mr. Radio explained that the house to the southwest of Lot 3 had to fill in the basement and that water goes through his yard before turning to go under 481st Ave.

Commissioner Ode questioned how much surface water from the east will affect the area.

Mr. Radio explained that a drainage study would need to be completed to know the effect on the area with a new house. He continued to mention that there is a low area on Lot 3 that would be a good site for the house and that he doesn't foresee any issues with surface water runoff from adjoining properties. Mr. Radio stated that they plan to construct on slab house with no basement.

Commissioner Ode asked the petitioner if he had any concerns with the rock quarry.

Mr. Radio mentioned that they have lived there for the past thirty years and that the only issue was losing a shallow well. He added that they hope to bring in rural water for the new house.

Tim Nicolai, 48110 Skyview Circle, owns property to the south of the proposed transfer of building eligibility location. He continued to mention that there is hard rock all along the access easement and that they do have water issues all the way around the surrounding area. Mr. Nicolai explained that they had to replace their septic system two years ago from a house being built on a hill draining water onto the drainfield.

Mr. Nicolai stated concerns about the culvert under 481st Ave. being 1 foot higher than the groundwater that causes water to pool on the land around it. He continued to mention that water will drain onto his new mound system from the proposed house site. He also questioned what will happen to the existing accessory building if there is no building eligibility on that parcel. He reiterated that this will cause issues for a lot of people if it is not done right.

Jeff Kribell, 48097 Red Rock Dr., asked about the plan for the existing house along 481st Ave.

RJ Wright, 48198 267th St., owns the farmland to the east of the proposed transfer location and mentioned concerns about how to keep the water moving across the land.



Mr. Radio explained that he doesn't want to make any of the drainage problems worse with a new house. He continued to mention that it is difficult to know how the drainage will be affected without a study. He stated that the existing house would be sold so that they can build a new house. He added that the easement would be determined by a surveyor.

Commissioner Ode questioned the responsibility of maintaining the easement access to the property.

Mr. Radio explained that they would be responsible to maintain the driveway to 267th St. He also questioned what he could do with the building eligibility if he is unable to build on this lot.

Mr. Heinold explained that the building eligibility is listed as conditional use, which requires action by the Planning Commission to either make the building eligibility available on the current property or a transfer of building eligibility to an adjacent property with the same owner.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Discussion

Commissioner Barth mentioned concerns about not having a drainage plan to review at this time.

Mr. Heinold explained that the Planning Commission could defer the item and the applicant can come back with a drainage plan for the Planning Commission as well as the public to review.

Commissioner Ode explained that there is moisture and it all goes through this area. He would like to see a drainage study completed prior to taking any action on this request.

Commissioner Barth added that these issues should be addressed before the applicant can obtain a building permit.

Commissioner Mohrhauser questioned if we could defer or ask for a drainage study first.

Mr. Heinold explained that the Planning Commission could defer the item for a few months or however long it would take for the applicant to get a drainage study of the project area.

Scott Anderson explained that a drainage study is warranted in this case due to the public concerns and would be better for everyone to see the impact that the proposed single family dwelling would have on water flow in the surrounding area prior to the next Planning Commission meeting.



Action

A motion was made by Commissioner Barth to **defer** Conditional Use Permit #21-03 until the March 22, 2021 Planning Commission meeting. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-03 – Deferred until the March 22, 2021 Planning Commission



ITEM 6. CONDITIONAL USE PERMIT #21-04 to allow a Manufactured House on the property legally described as Tract 1, HHW Addition, NW1/4, Section 32-T101N-R52W.

Petitioner: Sara & Nick Ellsworth

Property Owner: same

Location: 26738 455th Ave. Located Approximately 10 miles south of Humboldt

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1, HHW Addition, NW1/4, Section 32-T101N-R52W

Present Zoning – A1-Agriculture

Existing Land Use – Vacant Acreage

Parcel Size – 8 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to place a manufactured home for a primary residence on a recently platted residential acreage lot. The placement of a manufactured home on a lot outside of a designated manufactured home park, requires a conditional use permit.

Section 12.06 includes several requirements for the placement of manufactured homes. This placement request is the first request made since amendments were made to replace the requirement of a perimeter foundation wall with the more typical skirting seen on other manufactured homes. Although the ordinance requirements have been changed, the Planning Commission may consider conditions for neighborhood character and continuity.

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 subject property is located adjacent to SD Hwy 19 south of Humboldt about 10 miles. The area is largely composed of agricultural lands with farmsteads and very few non-farm acreage sites. A residential acreage of any kind, manufactured home or stick built, may create conflict of agricultural practices and residential expectations. A Right-To-Farm covenant will be required prior to a building permit being issued for the proposed manufactured home. The Right-to-Farm covenant informs property owners of some of the realities of living on a rural site. The low density of residential properties in the area will reduce much of the concerns of a manufactured home being different than a typical stick framed house.

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

Wellington Township is largely agricultural and will likely remain agricultural in nature for the foreseeable future. There is some possibility that an additional residential dwelling will affect plans for agricultural operations such as a CAFO because of setback requirements. The



placement of a manufactured home will not likely change the character of future growth in the area.

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

The petitioner will be required to extend any required utilities for the proposed residential dwelling. An on-site septic system permit must be obtained for the property. The placement of a manufactured dwelling will cause minimal affect to the drainage of the property. The petitioner will be required by the DOT to obtain a driveway permit for any new access or any access changed from agricultural to residential.

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

The site is large enough to accommodate residential 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.

A typical residential use will not create any offensive odor, fumes, dust, noise, vibration, or lighting. The property must be maintained in accordance with the public nuisance ordinance.

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

The zoning ordinance includes requirements to minimize the negative aesthetics associated with a manufactured home. The requirements include minimum width, roof pitch, and standard building materials. A manufactured home can be an affordable housing option for the owner. With general requirements and low density of the area, the placement of a manufactured will not negatively affect the health, safety, or general welfare of the public.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #21-04 with the following conditions:

- 1.) A building permit must be obtained prior to the placement of the mobile home.
- 2.) Each section of mobile home must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.
- 3.) The manufactured home must comply with all requirements of Article 12.06 (C) of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4.) Prior to the issuance of a building permit, a Right-to-Farm Notice Covenant must be filed on the deed with the Register of Deeds.

Public Testimony

Kevin Hoekman, planning staff, presented a brief summary of the staff report and recommendation.

Sara and Nick Ellsworth, 1500 S. Rock Creek Drive, were present for questions. Commissioner Ode asked why the couple wants to move out into the county and if smells or dust bother them. They responded that they wanted more land and did not mind the smells.



Bill Kasten 45722 258th Street, was concerned that a new house in the area will be a problem when animals are placed nearby in the future.

Action

A motion was made by Commissioner Ode to **approve** Conditional Use Permit #21-04 with conditions. The motion was seconded by Commissioner VanDerVliet. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-04 – Approved



ITEM 7. CONDITIONAL USE PERMIT #21-05 to allow Dismantling Salvage Vehicles, Store & Sell Auto Parts Online, and Sell Used Vehicles on the property legally described as Lot 2, Block 3, Haug’s 2nd Addition, SE1/4, Section 12-T102N-R50W.

Petitioner: Volodymyr Shkinder

Property Owner: Haug Development LLP

Location: 25778 Dawson Ave. Located Approximately 2.5 miles north of
Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 2, Block 3, Haug’s 2nd Addition, SE1/4, Section 12-T102N-R50W

Present Zoning – I1 Light Industrial

Existing Land Use – warehousing

Parcel Size – 1.2 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to use the described property for several automotive related uses including salvaging vehicles for parts and selling used vehicles. Both of these uses require a conditional use permit.

The property is located within the industrial district northwest of the Crooks/Renner Interstate Exit. The petitioner submitted a site plan that shows the lot layout and building locations. Most of the work is intended to take place within the building with some outside storage in between two warehouses.

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 proposed use could have some impacts on the use and enjoyment of other properties in the area. Many of the visual impacts can be reduced by placing outdoor storage between the two existing buildings and perhaps including a fence in areas where the storage is visible from other properties.

The property is within a developed industrial park where many neighborhood properties also have outdoor storage of materials, equipment, and vehicles. The proposed use is generally compatible with other light-industrial uses such as contractor shops and automotive repair shops. A similar use was approved in 2019 in the same industrial park. Conditions can be placed on the use to limit negative affects on surrounding properties.



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

The neighborhood industrial park is nearly fully developed. In addition, much of the proposed work will take place within an enclosed building. The uses of the building are generally compatible with the area, and neighboring properties will likely continue as currently operating.

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

The property is already largely developed with an existing building with utilities. The property is fronted by both Cottonwood Avenue and Dawson Avenue. Cottonwood Avenue is a hard surfaced road and Dawson Avenue is surfaced with gravel. The petitioner is leasing the building on the side of the property towards Dawson Avenue. Staff has determined that the current driveway access to the two buildings are sufficient for the property.

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

The parking requirements are met with gravel parking in and around the building. The loading and unloading of vehicles and equipment shall not be placed within the 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 property is located in an industrial zoned area. Most of the activity of the property will take place within the enclosed building. Outdoor storage should be limited to the least visible space on the property such as in between the two existing buildings. In addition outdoor storage can be limited to intact vehicles to prevent haphazard outdoor storage and maintain some aesthetics of the building. A 6 foot tall fence could be added to the property on the south side to block the view of the outdoor storage. In addition, conditions can be placed on the storage of fluids to requires indoor storage and proper containers can be placed to reduce potential for leakage and environmental concerns of automotive fluids.

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

The Envision 2035 Comprehensive Plan indicates that the industrial areas in the county should be encouraged to develop in a cohesive and attractive manner. In addition, when done correctly, the recycling of automotive vehicles and parts is an important part of the lifecycle of a vehicle and to save resources such as steel and salvageable parts. Staff finds the proposed use compatible with the other industrial uses within the area.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #21-05 with the following conditions:

- 1.) This permit is to allow the salvage, repair, and sales of automobiles on the property.
- 2.) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) Outdoor storage of vehicles shall be limited to the space between buildings. No vehicle parts shall be stored outdoors.



- 4.) A 6 foot opaque fence shall be placed south of the outdoor storage.
- 5.) No stacking or piling of vehicles, materials, parts, and similar items higher than 6 feet tall from the ground, unless the vehicle is taller than 6 feet without stacking.
- 6.) That all new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) No loading or unloading shall take place in the right-of-way at any time.
- 8.) Operating hours shall be limited to 7:00 am to 8:00 pm Monday through Saturday and 9:00 am to 6:00 pm on Sunday. Except work that takes place entirely within an enclosed structure.
- 9.) The operator shall allow unrestricted entry, after proper notice to the owner or operator, during regular business hours for inspection by the state of South Dakota, Minnehaha County, and local fire department officials.

Public Testimony

Kevin Hoekman, planning staff, presented a brief summary of the staff report and conditions. Commissioner Ode asked staff to clarify what some outdoor storage. Kevin Hoekman pointed to recommended conditions #3 and 5 which limit outdoor storage.

Volodymyr Shkinder, 4909 N. Pennsylvania Avenue were present with Pavel Shkinder to help translate. The shop started by selling vehicle parts online through ebay. He wants a dealer license to allow more options of where to purchase vehicles and sell the occasional vehicle as people are asking for them. He stated that there is not much added traffic as sales are online and work is within the building.

Commissioner Barth asked the petitioner if the understand the County has concerns with deterioration of the property into a junkyard. The petitioner responded that all parts are stored inside and the vehicle bodies are taken to a steel recycler. Commissioner Barth asked staff if the conditions are enough to enforce the property. Kevin Hoekman responded that there are 9 conditions that can be used for enforcement and other conditions can be placed on the property too.

Discussion

Commissioner Ralston noted there is capacity for enforcement, and there is similar operation within the industrial park.

Action

A motion was made by Commissioner Ralston to **approve** Conditional Use Permit #21-05 with conditions. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-05 – Approved



ITEM 8. CONDITIONAL USE PERMIT #21-06 to allow Campground, Camp Store, and Bath House on the property legally described as E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (Ex. H-1 & Ex. Tr. 1, Alvine’s Addition), Section 36-T101N-R51W.

Petitioner: Francis D. Phillips

Property Owner: same

Location: 26767 466th Ave. Located Approximately 3 miles west of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (Ex. H-1 & Ex. Tr. 1, Alvine’s Addition), Section 36-T101N-R51W

Present Zoning – A1-Agriculture

Existing Land Use – Amusement Water Park

Parcel Size – 55.25 acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request is to allow a campground located with Wild Water West water park. The campground is planned to be located on the south side of the water park and hold approximately 90 camper sites with several tent sites. Operation of the camp ground is planned during summer months roughly correlating with the water park season. The petitioner has stated that the campground season may start earlier and last longer than the water park based on demand. There is a plan to have a staff person on the grounds at all times during the camp season. The portion of the property proposed for a campground is still zoned A1 Agriculture. Campgrounds are allowed in the A1 Agricultural zoning district with approval of a conditional use permit.

The petitioner has submitted detailed site plans, and narrative to support the request. The plans have incorporated many of planning staff suggestions and requests including storm shelters, bathrooms, and dump stations for campers. The campground will likely begin in part and expand over time. A new large steel building will be constructed to operate as a camp store, check in, community center, and bathroom facilities. As the campground expands an additional bathhouse will be constructed to also operate as a storm shelter. The petitioner has stated that camping cabins may be desired in the future of the camp ground. An example cabin was included with the submitted materials. Cabins are a common addition to camp grounds, but should be limited to avoid the property turning into a makeshift motel.

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 campground is located in conjunction with an existing recreational amusement park. Agricultural land is located to the north and west of the site. A rural residential subdivision



is located across the highway to the east. To the south is a mix of rural acreage sites with a commercial area composed of event centers and a photo studio.

The addition of camping sites will add the use of the property from an entirely daytime use to a portion of the property used for overnight camping. As nighttime uses increase on the site, the potential for nighttime noises and disturbances goes up. Most noises on the site will likely be voices of people at the campsites and perhaps some individuals playing music or other outdoor equipment. If a staff member or host is available during the night, the risk of nuisance activities should be minimized as disturbances can be addressed in the moment by the one site host. The highway will be able to accommodate significant traffic.

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

There is not much potential for future development for some time. A few residential building eligibilities exist south of the site; otherwise most of the residential and commercial areas around the park have been developed. It will be many years before city growth will be near the area. A campground requires minimal infrastructure, and future use of the property can easily transform a campground into other uses. The proposed use will not likely affect the current or future agricultural uses in the area.

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

The petitioner is planning on having driveways and camping pads of gravel and crushed asphalt.

It will be up to the petitioner to supply electricity to any camping site. The petitioner has engineered a septic system to handle bathrooms and the dump station. The system has been approved by the state of South Dakota for a commercial septic system. The drainage of the site will remain largely unchanged. Water from the site ultimately drains to a channel on the south side of the property.

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

The use may lead to extra traffic to the water park; however, parking will be incorporated with the campsites. The water park already has a large parking area with a large overflow capacity.

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 campsites will not likely create any odor fumes vibration or lighting which could be a nuisance. The petitioner has listed that dust control will be applied as needed and that garbage containers will be available. Camping is not typically considered a noisy activity, but it is possible that sounds of people and activities will carry over to other properties. Staff does not expect sounds to be loud enough to create a nuisance for neighboring property owners. A staff member or host should be available on the site at all times during the camping season in order to manage unruly campers to minimize disturbances.



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

The proposed campground will function as an accessory to an existing commercial water park. Placing a commercial campground adjacent to a commercial amusement park is a compatible expansion of use. No additional farm land will be removed from production if the campground is approved.

The petitioner has included a description of a proposed storm shelter for safety during severe weather. The bathroom facilities are planned to double as a storm shelter. The petitioner suggests 300 people capacity based on FEMA standards of 5 square feet per standing person. This suggestion is based on capacity of roughly 3 people per campsite. Staff finds this request acceptable as it is likely not everyone will use the storm shelter even when encouraged to do so.

The Planning Commission may consider qualifying measures for the storm shelter such as meeting the International Code Council requirements for a Community Storm shelter (this will require code review and possible engineering), or a simpler designation as a block or concrete walled structure similar to what is used at State Parks.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #21-06 with the following conditions:

1. The permit is to allow the operation of a private campground for recreational camping from May 1st through September 30th.
2. The use shall be limited to a maximum of 100 camper sites with hookups and 10 cabins. Tent sites are to be determined by the operator.
3. Cabins shall be limited to a maximum of 480 square feet in size and shall not include a kitchen.
4. A campground host or employee must be available on site at all times while the campground is occupied with any campers.
5. No storage of recreational vehicles is allowed outside of operational camping season of May 1st through September 30th.
6. A minimum of one dump station shall be available for campers to dump wastewater prior to leaving the campground. All onsite wastewater systems shall be constructed and operate in conformance with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.
7. A minimum of one source of potable water must be provided to campers.
8. Any campfires must happen within a firepit designed to contain the spread of the fire.
9. The campground must have an available bathroom stall for each male and female gender for every 30 (or part thereof) campsites or cabins without facilities.
10. The campground must have 15 square feet of storm shelter for each campsite and cabin within the park.
11. The County Planning Department reserves the right to enter and inspect the property at any time, provided prior notice is given to the property owner to ensure that the site is proper compliance with the 1990 Revised Zoning Ordinance for Minnehaha County.



Public Testimony

Kevin Hoekman, planning staff, presented the staff report and recommended conditions.

Fran Phillips, General Manager of Wild Water West, was present for questions. Commissioner Barth asked if contact was made with the neighbors regarding the request. Mr. Phillips noted that letters were sent out and nobody contacted him regarding the request. Commissioner Ode asked if there will be water issues with the current lay of the land. Mr. Phillips explained that he applied for this request in 2006 and did a lot of work to fix those issues after that initial request. He noted that septic issues have been addressed too.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #21-06 with conditions. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-06 – Approved



ITEM 9. CONDITIONAL USE PERMIT #21-07 to transfer two (2) building eligibilities from the W1/2 SW1/4 and 100' RY ROW to the NE1/4 NW1/4, Lot 2 Benson's First Addition (Ex. Tr. 1, Lufco Addition); Section 21-T102N-R51W.

Petitioner: LUFCA Inc.

Property Owner: Warren Luke

Location: Located Approximately 0.5 miles west of Hartford

Staff Report: Scott Anderson

General Information:

Legal Description – The W1/2 SW1/4 and 100' RY ROW to the NE1/4 NW1/4, Lot 2 Benson's First Addition (Ex. Tr. 1, Lufco Addition); Section 21-T102N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – pasture

Parcel Size – 122 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 1/2 mile west of Hartford along Highway 38. The property where the eligibility is now located is adjacent to the city limits of Hartford. It is likely that this property will someday be annexed into Hartford and developed. The applicant is requesting to move the building eligibility to the north, which would give a future lot access off of Highway 38. It would also group a number of residential homesite together. The City of Hartford has reviewed the CUP request and has no issues with it.

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.

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 building eligibilities does not increase the number of dwelling units allowed in this section. The requested location for the eligibilities places it near other residentially used property. Access would have to be approved by the SD Department of Transportation. The siting of a 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 eligibilities. The presence of two building eligibilities allows for the potential for sharing a driveway access. This should be encouraged at the permitting process.

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 a no effect on the health, safety and general welfare of the public. Placing these building eligibilities in this location on pasture land will prevent the conversion of crop land into residential use and locate the building eligibilities 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 #21-07 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 SD Department of Transportation must be obtained for the location of the driveway before a building permit is to be issued.

Public Testimony

Scott Anderson presented a brief summary of the staff report and conditions.

Warren Luke, 46260 265th Street, own the subject property for about 50 years, but Hartford has grown more urban so the livestock is no longer compatible. He has been working with the city for future development. He noted the farm would like the farm moved further north and west



Action

A motion was made by Commissioner Ode to **approve** Conditional Use Permit #21-07 with conditions. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-07 – Approved



ITEM 10. CONDITIONAL USE PERMIT #21-08 to allow Self Service Motor Vehicle Display and Sales on the property legally described as Tract 1, Ode’s Second Addition and N272’ S344’ E234’, W1/2 NE1/4, Section 32-T102N-R48W.

Petitioner: Split Rock Square, LLC

Property Owner: same

Location: 1600 W. Holly Blvd. West Brandon area

Staff Report: David Heinold

General Information:

Legal Description – Tract 1, Ode’s Second Addition and N272’ S344’ E234’, W1/2 NE1/4, Section 32-T102N-R48W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Outdoor Storage

Parcel Size – 2.85 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow Self Service Auto Sales and Display on the southeast corner of the subject property. The site was previously approved to allow storage units and outdoor storage. On December 22, 2020, staff conducted a site inspection and there were vehicles on display with for sale signs. There is a small area outside of the screening fence with a sign that reads “Park N Sell Your Vehicle”.

On January 6, 2021, staff contacted the City of Brandon to review the conditional use permit request. The City of Brandon has no issues with the proposed use for selling cars on this lot.

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 for limited vehicle sales and display to the small area outside the fence should not cause any significant negative effects on the use and enjoyment of other property in the immediate vicinity. The subject property is bounded by the City of Brandon city limits on all sides. There are other similar commercial and industrial uses on the north side of Holly Boulevard.

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

Currently, there is a mix of light industrial, farmland, residential, and commercial within the surrounding area. The future growth and development of the surrounding area will be determined by the City of Brandon. The land to the north of Holly Boulevard includes a mix of storage units, warehouses, and other light industrial businesses. The land to the south of Holly Blvd. is primarily single family and multi family residential with a small commercial area. The



proposed use for vehicle sales and display should not negatively affect the growth of the farmland to the east of the subject property.

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

The driveway has already been installed off of Holly Boulevard with a concrete surface. The proposed vehicle sales and display area has a recycled asphalt driving surface. The attached site plan indicates that this area will be concrete. There is a detention pond located on the north side of the outdoor storage area for storm water runoff capture from the hard surface lot. All other utilities have been provided that are necessary for the two land uses.

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

The petitioner has provided space for approximately eight (8) vehicles to be parked outside the screening area. The parking lot shall maintain a minimum setback of fifteen (15) feet from the front property line.

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 will be no offensive odors, fumes, dust, noise, or vibration from parked cars for sale. All lighting on the property shall be directed downward onto the property to prevent light pollution off site.

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

The subject property is located within the Transition Area as identified by the Envision 2035 Comprehensive Plan for Minnehaha County. Goal 4 states to promote the orderly development of unincorporated land that will likely be annexed into a municipality in both the short and long term. The result of this goal is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The subject property is located directly adjacent to the City of Brandon city limits on all sides. The Comprehensive Plan for the City of Brandon shows a mix of light industrial and commercial north of Holly Blvd. in this area. The proposed use for motor vehicle sales and display will be an appropriate transition from the existing municipal development to the west and southeast.

Recommendation:

Staff finds that the proposed use is appropriate for the surrounding area and conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #21-08 with the following conditions:

1. That Conditional Use Permit #21-08 shall allow Self Service Motor Vehicle Display and Sales.
2. The site shall conform to Section 2 (1) of Ordinance MC 33-04 Declaration and Abatement of Public Nuisances. All vehicles must be both fully licensed and operational in the display area.
3. All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface shall be installed by August 31, 2021.



4. The parking lot shall maintain a minimum setback of fifteen (15) feet from the front property line.
5. All outside lighting shall be of shoe-box style directing lights directly downward onto the property.
6. That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. A building permit is required for the installation of any signage.

Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request.

Lee Schelling, 204 Elm Circle, Brandon, identified himself as the petitioner and asked for questions.

Commissioner Ode questioned if there was a concern about vandalism with “Park N Sell” and inquired about security cameras on the property.

Mr. Schelling explained that this is a community service to Brandon residents and people would park at their own risk. He continued to mention that a form would first need to be signed. He added that there are already security cameras on the property.

Cindy Wegehaupt, 204 S. Heritage Rd., asked how long vehicles would be parked in the car sales area. She stated concerns with the existing outdoor storage use, the need for a proper landscaping plan, and that the proposed use for car sales will add more eyesores to the area.

Mr. Schelling explained that people pay by the week to park their vehicle for sale and that there won't be vehicles parked in this space long term.

Mrs. Wegehaupt questioned if people pay multiple weeks then they can park their vehicle forever.

Mr. Schelling explained that people would have to pay twenty dollars a week, or eighty dollars a month. He continued to mention that people can pay thirty dollars a month to store a vehicle inside the fenced storage area. He added that there have not been any issues with people leaving vehicles for sale on a long term basis.

Mrs. Wegehaupt asked if there are any plans to add landscaping in front of the chain link fence with slats to make the site fit into the neighborhood better.

Mr. Schelling stated that there are no plans to add any landscaping in the front yard setback at this time.

There was additional discussion about adding landscaping to make the site fit into the neighborhood better.



Mrs. Wegehaupt questioned if the area where the vehicles for sale will be parked is paved.

Mr. Schelling explained that the vehicles are currently parked on recycled asphalt.

Mrs. Wegehaupt asked how many cars will be allowed in the car sales lot.

Mr. Schelling mentioned that there could be a maximum of four vehicles along the front setback line. He stated that there probably wouldn't be any room to park vehicles behind the front row.

Mrs. Wegehaupt reiterated that the proposed use for selling four cars does not fit with the surrounding area and should be located somewhere else more appropriate for car sales.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Barth explained that change happens and that the property is located in the unincorporated area not city limits. He does think the applicant could make it look nicer.

Action

A motion was made by Commissioner VanDerVliet to **approve** Conditional Use Permit #21-08. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-08 – Approved



ITEM 11. CONDITIONAL USE PERMIT #21-09 to transfer one (1) building eligibility from the NE1/4 NW1/4 to Tract 5, Gunderson Farms Addition, N1/2 NE1/4: all in Section 27-T103N-R50W.

Petitioner: Kristin Swanson

Property Owner: same

Location: Located Approximately 2.5 miles north of Crooks

Staff Report: Scott Anderson

General Information:

Legal Description – NE1/4 NW1/4 & Tract 5, Gunderson Farms Addition, N1/2 NE1/4, all in Section 27-T103N-R50W

Present Zoning – A1 Agriculture

Existing Land Use – pasture/Ag

Parcel Size – 133.17

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2.5 miles to the north of Crooks at the intersection of County Highways 122 and 137 (254th St. and 470th Ave.). The property is a “T” shaped parcel except for an existing platted farmstead located in the northeast area of the parcel. The parcel includes one available building eligibility on the NE ¼ NW ¼. The petitioner is requesting to assign that Conditional Use building eligibilities to the NE ¼ of NE ¼ of the section for the intent to use it in the near future. The noted location of the building site would be between the existing platted farmstead and the highways on existing high ground pasture land.

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of a building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibility places it near other residentially used property and further from existing CAFOs to the south of the site. Access would have to be approved by the County Highway Department. The siting of a 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. The applicant may wish to consider for the potential for sharing a driveway access. The County Highway Department may require a shared driveway approach.

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

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

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

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location on pasture land will prevent the conversion of crop land into residential use 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 #21-09 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 county highway department must be obtained for the location of the driveway before a building permit is to be issued.

Public Testimony

Scott Anderson, planning staff, presented a brief summary of the staff report and conditions. Nobody was present for or against the proposed transfer.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #21-09 with conditions. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-09 – Approved



ITEM 12. CONDITIONAL USE PERMIT #21-10 to make one (1) building eligibility available on property legally described as W1/2 W1/2 NW1/4 (Ex. Lots 1 & 2, Peterson's Tract 1), Section 26-T103N-R49W.

Petitioner: Dan Frantz

Property Owner: same

Location: Located Approximately 5 miles southeast of Baltic

Staff Report: David Heinold

General Information:

Legal Description – W1/2 W1/2 NW1/4 (Ex. Lots 1 & 2, Peterson's Tract 1),
Section 26-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 19.50 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to make one (1) building eligibility available on the property legally described as the W1/2 W1/2 NW1/4 (Ex. Lots 1 & 2, Peterson's Tract 1), Section 26-T103N-R49W. The current building eligibility is recorded as conditional use because the second dwelling requires conditional use permit approval. On December 20, 2004, the property owner combined the two adjoining parcels into one for tax purposes. The official building eligibility record allotted each of the two parcels a building eligibility when Density Zoning was adopted in Minnehaha County.

There are no concentrated animal feeding operations within one mile of the subject property. The nearest cattle area is approximately two and a half miles away to the southeast.

Conditional Use Permit Criteria:

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

There should be no negative impact on the use and enjoyment of other properties in the immediate vicinity with the addition of a single family dwelling. There are several homes within one mile of the subject property.

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

The proposed single family dwelling will not negatively affect the normal and orderly development of surrounding vacant farmland. The future development of the surrounding area is dependent upon the availability of building eligibilities and desires of landowners.



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

The subject property lies adjacent to 476th Street, which the applicant will need to obtain approval from Sverdrup Township for a new driveway access to the proposed house. All other necessary facilities will be provided as a result of constructing the single family dwelling.

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

The proposed site has enough land area to accommodate the necessary amount of parking space for a single family dwelling. No parking is allowed in the township road 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 residential use of the property should not result in offensive odor, fumes, dust, noise, vibration, and lighting issues. Any nuisances that may arise will be investigated upon receiving a complaint in the County Planning & Zoning Department.

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

The addition of a single family dwelling should not negatively affect the health, safety, and general welfare of the public. The Envision 2035 Comprehensive Plan states that Density Zoning must be followed for preserving residential density in each section. Density Zoning will be upheld in making the building eligibility available for use at the proposed location.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #21-10 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 the single family dwelling.
2. That a driveway or culvert permit be obtained from Sverdrup Township prior to the issuance of a building permit.

Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request.

Dan Frantz, 25432 476th Ave., identified himself as the petitioner for the request and mentioned that they would like use the existing open shelterbelt area to build a new house. He added that they would use the same driveway as the existing house on this property for access.

Brett Sherrill, 25431 476th Ave., mentioned that he lives directly across the street from the proposed home site and mentioned some concerns about what kind of house will be built.

Commissioner Ode questioned if there would be any issue with a home built in Madison.

Mr. Sherrill mentioned that he would have no issues with a stick built home transferred to the proposed location.



Don Riley, 25447 476th Ave., questioned the type of house that will be constructed within the shelterbelt. He continued to mention that there are a variety of different styles of homes already all along 476th Ave.

Dan Frantz explained that the proposed single family dwelling will be stick built and also added that there are trees all the way around the property.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

No hands were raised in the Zoom Meeting Room.

Discussion

Commissioner Randall mentioned that the proposed use for a single family dwelling fits with the surrounding area and does not conflict with agricultural operations.

Action

A motion was made by Commissioner Randall to **approve** Conditional Use Permit #21-10. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-10 – Approved



ITEM 13. CONDITIONAL USE PERMIT #21-11 to allow Monthly, One-Day Outdoor Market from May to October on the property legally described as Lots 1 thru 6, Block 4, Rowena Original and ICR Abandoned ROW, SE1/4 (Ex. Pt. Located South of and Adjacent to Tract 1, Split Rock Feeds Addition & Ex. Tract 1, ICRR Addn.); all in Section 26-T101N-R48W.

Petitioner: Tesa Taylor

Property Owner: Samuel Assam

Location: 48271 Hwy. 42 Located Approximately 3.5 miles east of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lots 1 thru 6, Block 4, Rowena Original and ICR Abandoned ROW, SE1/4 (Ex. Pt. Located South of and Adjacent to Tract 1, Split Rock Feeds Addition & Ex. Tract 1, ICRR Addn.); all in Section 26-T101N-R48W

Present Zoning – C-Commercial

Existing Land Use – Commercial store and vacant surrounding parcels

Parcel Size – 11.71 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner currently operates an antique and craft store in the unincorporated village of Rowena. Over the last couple summers, outdoor sales events have been held on the surrounding parcels of land around the store. The planning department received complaints regarding parking along the streets of Rowena and on neighboring properties during these events. Staff informed the property owner that a Conditional Use Permit would be required to continue outdoor vender events.

The request is to allow reoccurring outdoor market around an existing business. The submitted narrative explains that the outdoor market will happen one day a month during May through October. Each event will have about 12 to 15 venders. The petitioner indicates on the submitted site plan that venders will be set up around the existing store. Parking is shown to be located on much of the remaining land with access to and from the parking areas from Douglas Avenue.

Staff has a few concerns which can likely be addressed with conditions. Parking must be adequate to accommodate a large influx of vehicles and clear signage should be used to direct traffic safely in and out of the property. Adequate bathroom facilities must be provided. And the hours of operation should be restricted close to the requested hours to limit potential nuisances.

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 properties involved with this request are all zoned for commercial development. There are several residential lots north of the site along Douglas Avenue. Across SD Highway 42 are more



residential dwellings and a commercial convenience store and casino. The primary concern that has been raised regarding past events at the site is that parking happens most everywhere along the highway, on neighborhood streets, and in neighboring driveways. Problem parking may be impossible to fix entirely, but allowing for adequate parking spaces on the property and directing traffic with signs or personnel can go a long way in encouraging parking in the designated areas. Other potential nuisances are largely limited to the short duration of the requested activity. If approved, the village of Rowena will expect to have an influx of people on 6 Saturdays per year.

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

The village of Rowena is a mix of residential and commercial uses. Many of the existing parcels already have structures and uses placed on them. The parcels of the event space are mostly vacant land which can be easily developed with structures and uses. Temporary, monthly events will not prohibit any future development of the property.

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

The property already has utilities for the commercial storefront. Drainage will not change from the current contours of the property. The properties already have several access driveways. The primary driveway for the proposed events is on Douglas Avenue. Vehicles should be encouraged to use the driveway off of Douglas Avenue to limit the number of access points and turning traffic. Staff is concerned that bathroom facilities within the building will not be enough to accommodate all the people who attend the sales events. In addition, having only indoor bathrooms at an outdoor event may lead to confusion of usability for attendees. Portable toilets can be used on the site for additional facilities. The International Building Code has a variety of requirements for toilets per person based on type of occupancy of a building. Based on a mercantile occupancy, staff recommends that a minimum of one portable toilet should be available for all attendees and vendors in addition to any facilities located within the structure.

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

Parking has been a primary concern of neighbors of the previous monthly events. The petitioner parking plan indicates parking north and west of the vender area. Staff calculates that those two parking areas can accommodate approximately 60 customer vehicles with two rows of cars and 12 feet wide parking areas that tend to happen when no lines are painted. The properties involved with the proposed events are large enough to accommodate many vehicles if vehicles are properly directed. Staff would like to see clear delineation of parking and driving lanes by using cones, flags, rope, directional signs, and similar items.

A general parking requirement of the zoning ordinance is to have a minimum of one parking space per 300 square feet of retail space. If the outdoor market has the approximate equivalent of 25,000 square feet of floor space, 84 off street parking stalls would be required. Off-street parking should be available for a minimum of 84 customer vehicles. At a 12 feet wide parking space, 1,008 linear feet of parking area will be required.



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 will not likely create odor, fumes, dust, vibration, or lighting. Noise may be created with additional vehicles and people coming and going from the property. Noise will be largely limited to operating hours during one Saturday per month.

Another form on nuisance has been reported on the property in relation to the antique and craft store. There has been outdoor storage of items which may be intended for reuse, sale, or dismantling into usable parts, but the items appear as abandoned property and junk. The outdoor storage or display of items should be prohibited except during the monthly events of outdoor vendors.

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

This property is zoned for commercial use. The petitioner is requesting to use the property for commercial sales outside of an enclosed structure on a once per month basis. Monthly events may allow for the best viable use of commercial space as permanent buildings may not generate enough interest to remain occupied. In addition, regular occurring events such as outdoor vendor fair can create a form of identity in small communities, especially in an area where retail commercial uses are not common. The recommended conditions for this proposed use should reduce nuisances and encourage smooth operations of the reoccurring event.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #21-11 with the following conditions:

- 1). This conditional use permit is to allow reoccurring monthly outdoor retail events. Only one event is allowed per month, and must take place during daylight hours on a Saturday.
- 2). Outdoor storage or display of product or materials is prohibited except during the day of an outdoor event.
- 3). A minimum of 1,000 lineal feet of off street parking spaces must be available for customers. Parking must be clearly delineated with markers and signs such as flags, cones, rope, signs, and similar items.
- 4). One portable toilet must be made available outside of the permanent structure. The portable toilet must be located a minimum of 50 feet from any property line.
- 5). The Planning & Zoning Department reserves the right to enter and inspect the daycare at any time, after proper notice, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.

Public Testimony

Kevin Hoekman, planning staff, presented the staff report and conditions. Commissioner Randall corrected condition #5 for an error in the use of the project.



Tesa Taylor 103 W US Hwy 18, Davis, SD, was available for questions. Commissioner Barth asked if parking can be accommodated. Mrs. Taylor noted that she is a new tenant with the property and wishes to have fewer vendors with the use. She requested that condition #2 be changed to allow some outdoor storage since she stores items in a fenced in area. She said that the area is cleaned up from the previous tenant.

Commissioner Duffy asked if signs will be posted along the highway to prevent parking on the road. She said that she did an event in October and barricaded portions to prevent highway parking.

Commissioner Ode asked if a no parking sign could be placed on Douglas Avenue along the residential property. He asked if it could be a condition of approval. Tesa Taylor said that would be fine.

Kevin Hoekman added that changes to the conditions can be added and amended at the time of motion.

Action

A motion was made by Commissioner Ode to **approve** Conditional Use Permit #21-11 with conditions as amended. The motion was seconded by Commissioner VanDerVliet. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-11 – Approved with amended conditions as follows:

- 1). This conditional use permit is to allow reoccurring monthly outdoor retail events. Only one event is allowed per month, and must take place during daylight hours on a Saturday.
- 2). Outdoor storage or display of product or materials is prohibited except during the day of an outdoor event or while located behind a privacy fence.
- 3). A minimum of 1,000 lineal feet of off street parking spaces must be available for customers. Parking must be clearly delineated with markers and signs such as flags, cones, rope, signs, and similar items.
- 4). One portable toilet must be made available outside of the permanent structure. The portable toilet must be located a minimum of 50 feet from any property line.
- 5). The Planning & Zoning Department reserves the right to enter and inspect the use at any time, after proper notice, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.
- 6). During events, “no-parking” signs must be placed along Douglas Avenue in front of residential properties north of SD Highway 42.



ITEM 14. CONDITIONAL USE PERMIT #20-51 to allow a Private Campground on the property legally described as County Auditor Tracts 1 & 2 (Ex. Lot 1 Tract 1), Section 10-T101N-R48W.

Petitioner: Tod Quiring (Precision Capital SD, LLC)

Property Owner: same

Location: 2012 S. Splitrock Blvd. Located Approximately 0.5 mile south of Brandon

Staff Report: Kevin Hoekman

General Information:

Legal Description – County Auditor Tracts 1 & 2 (Ex. Lot 1 Tract 1), Section 10-T101N-R48W

Present Zoning – A1 Agriculture

Existing Land Use – Race tract for Recreational

Parcel Size – Approximately 45.53 acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request was brought before the Planning Commission at the November 23rd regular meeting. Since that meeting, the petitioner has reworked the plans and located the proposed campground outside of the floodplain, and on the parcel north of what was initially requested. The legal description for the property was updated as well as the notices for neighboring property owners.

The proposed campground is located behind the Huset’s Speedway racetrack, and it is planned to operate in conjunction with the race track. The area proposed for camping is planned to be located near the north entrance of the racetrack and north of the race day parking. The new location is outside of the floodplain.

The petitioner has submitted a narrative, site plan, and a draft emergency management plan to support the application. The narrative describes that the camping sites will have electricity available for 65 recreational vehicles of various sizes.

At the November Planning Commission meeting, staff brought up several specific concerns regarding the request. Some of the concerns have been addressed in the revised site plan and narrative. Below is a brief list of the concerns from the last staff report with further explanation of how the concern has been addressed or can be addressed with conditions of approval.

No available sewer dump station – The revised narrative lists that a dump station and potable water will be provided.

The campground doesn’t appear to have any full time staff, campground host, or security on site – The revised narrative includes that a on-site attendant will be available at all times while the campground is occupied.



There is no plan presented for severe weather. Typical campgrounds this large will have a storm shelter available for tornados and high winds – The narrative includes the beginnings of an “Emergency Action Plan.” Having a plan is a good way to keep staff informed of procedures and options of how to react to a variety of scenarios. There is still no plan for storm sheltering of guests. Staff finds that a pre-designated storm shelter should be required for greater protection than an unanchored camper.

Staff suggests that 15 square feet of storm shelter be required for each camper site. This recommendation is based on the FEMA requirement of 5 feet per person for a standing storm shelter and the assumption of 3 people per camper. This calculation method will allow for minor adjustments to the number of camping spaces.

The Planning Commission may consider qualifying measures for the storm shelter such as meeting the International Code Council requirements for a Community Storm shelter (this will require code review and possible engineering), or a simpler designation as a block or concrete walled structure similar to what is used at State Parks.

The entire proposed campground is located within the floodplain – The revised plan places the campground outside of floodplain. Locating the campground outside of the regulatory floodplain does not eliminate flood risk, but the risk will be reduced compared to the previous proposal.

Conditional Use Permit Criteria:

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

The proposed use is located next to the Huset’s Speedway race track and near the southern edge of the City of Brandon. Across Split Rock Creek is largely agricultural land, and a few residential uses are located nearby along South Dakota Highway 11. The campground area is separated from the neighboring residential property with a fence.

The proposed use will likely be used in conjunction with racing activities and events at the race track. A campground is a less intensive use than the existing race track, and the use would likely fit well as an accessory use to the racetrack. The relative seclusion of the area will protect many of the residential properties in the area from direct influence from the campground. The site is already well positioned to hold additional traffic; although vehicles towing campers will likely turn into and out of the property at a slower rate than a single vehicle. The slower turning rate may cause issues with traffic along Highway 11.

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

The future development of the area will likely be led by the growth of the City of Brandon. The future land use plan for the City of Brandon includes much of the area around Split Rock Creek (including the subject parcel) as “Park/Openspace”. Huset’s Speedway and the land across SD Highway 11 is indicated to become commercial land use. The proposed use would have little



effect on the commercial use or neighboring open spaces planned by the City of Brandon. The agricultural land in the area will not be affected by the proposed use.

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

The property owner will be responsible for extending any needed utilities to the proposed campground. New access roads for the proposed campground will be accessed from existing driveways onto SD Highway 11. Drainage on the site will largely remain the same with the exception of gravel that is proposed to be used to level driveway access and camper pads.

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

The property is large and much of the flat area is used for parking in relation to race track. Parking for each campsite will be incorporated within the campsite, and the property is large enough to accommodate overflow 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 proposed campground will work in conjunction with the existing race track. The use will not likely increase potential nuisances above the race track for race night activities. However, racing and other activities generally take place one or two nights a week, where camping may increase the use of the property on off-race nights. Camping facilities generally don't create significant odor, fumes, dust, noise, vibration, or lighting. Having a staff member on site will assist in reducing nuisances and be able to be first response for dangerous weather or unruly patrons.

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

Many of the concerns regarding the health and safety risks have been addressed with the revised proposal. Conditions can be placed on the permit for enforcement of the new proposal. The proposed campground will be working in conjunction with an existing commercial recreation area, and no new land will be used for the request.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #20-51 with the following conditions:

1. The permit is to allow the operation of a private campground for recreational camping from May 1st through September 30th.
2. The use shall be limited to a maximum of 100 camper sites. Expansion of the campground above the 65 sites depicted on the site plan must take place outside of the floodplain.
3. A campground host or employee must be available on site at all times while the campground is occupied with any campers.
4. No storage of recreational vehicles is allowed outside of operational camping season of May 1st through September 30th.
5. A minimum of one dump station shall be available for campers to dump wastewater prior to leaving the campground. All onsite wastewater systems shall be constructed and operate in conformance with the Minnehaha County On-Site Wastewater Treatment



Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.

6. A minimum of one source of potable water must be provided to campers.
7. Any campfires must happen within a firepit designed to contain the spread of the fire.
8. The campground must have an available bathroom stall for each male and female gender for every 30, or part thereof, campsites or cabins without facilities.
9. The campground must have 15 square feet of storm shelter for each campsite and cabin within the park.
10. The County Planning Department reserves the right to enter and inspect the property at any time, provided prior notice is given to the property owner to ensure that the site is proper compliance with the 1990 Revised Zoning Ordinance for Minnehaha County.

Public Testimony

Kevin Hoekman, planning staff, presented a brief summary of the staff report and conditions.

Lanny Auringer, Innovative Design 2700 W. 3rd Street, was present for questions. Commissioner Ode clarified with Lanny that the campground will be open whenever an event is held at the race track.

Action

A motion was made by Commissioner VanDerVliet to **approve** Conditional Use Permit #20-51 with conditions. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-51 – Approved



Old Business

Scott Anderson, County Planning Director, provided the Planning Commission with an update on the Conditional Use Permit Review required for Conditional Use Permit #11-08. The applicant is meeting all conditions listed in the conditional use permit for sand & gravel mining, which are currently still in operation.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Ode and seconded by Commissioner VanDerVliet. A roll call vote was taken and the motion was approved unanimously. The meeting was **adjourned** at 10:05 p.m.