



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
November 22nd, 2021**

A meeting of the Planning Commission was held on November 22nd, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

Scott Anderson and Mason Steffen – County Planning

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Ralston recused himself from the hearing on the consent agenda as he is the petitioner for Item 2. Commissioner Duffy read each item on the consent agenda, and Item 6 was requested to be moved to the regular agenda.

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

ITEM 1. Approval of Minutes – October 25th, 2021

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Randall to **approve** the meeting minutes from October 25th, 2021. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #21-72 to transfer one (1) building eligibility from the NW¹/₄ SE¹/₄ to the NE¹/₄ SE¹/₄ all in Section 4 T102N-R50W Benton Township.

Petitioner: Mike & Holly Ralston

Property Owner: Same

Location: Along 469th Avenue, approximately ½-mile north of 257th Street

Staff Report: Mason Steffen

General Information:

Legal Description – NE¹/₄ SE¹/₄ Section 4 T102N-R50W Benton Township

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 40 Acres

Staff Report: Mason Steffen

Staff Analysis: On November 5th, 2021, staff conducted a site visit of the sending and receiving parcels for the proposed building eligibility transfer. The two properties are located approximately 1-mile west of Crooks, with the sending parcel being landlocked in the middle of the section and the receiving parcel being along 469th Avenue. Additionally, there is an existing Beef Cattle CAFO located a ¼-mile southwest of the sending parcel, so moving the eligibility to the NE¹/₄ SE¹/₄ of the section will move the future dwelling further from the CAFO. The land use on the sending parcel is a mix of cropland and pasture, and the current land use on the receiving parcel is cropland. By moving the eligibility closer to the existing township road, it will preserve more of the farmland in the quarter-section. Finally, on the sending parcel about 15 of the 40 acres are within the floodplain of Willow Creek, and the entire receiving parcel is out of the floodplain.

Conditional Use Permit Criteria:

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

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. The additional residential use will not significantly affect the surrounding properties.

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

This transfer of a building eligibility does not increase the number of building eligibilities in the quarter-section. Additionally, the transfer moves the eligibility off of a landlocked parcel, and onto a parcel that is adjacent to a township road. 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.

The petitioner will need to obtain the applicable driveway permits from Benton Township in order to have access onto 469th Avenue. In addition, the petitioner will be required to obtain all necessary utilities for the property. A single-family dwelling will have minimal effect on drainage in the area.



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

Two off-street parking spaces are required for a single-family residence. The off-street parking requirement will be met once a single-family residence is constructed.

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

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing this building eligibility in the proposed location will move the future dwelling closer to the township road and allow for more of the section to remain productive farmland and pasture.

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 #21-72 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) Any applicable driveway permits must be obtained from Benton Township for the location of the driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Randall to **approve** Conditional Use Permit #21-72 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 3. CONDITIONAL USE PERMIT #21-73 to exceed 3,600 square feet of accessory building space (requesting 5,900 square feet) on the property legally described as Tract 2 (Ex. Tract 3) Jacob's 2nd Addition NE¼ Section 25 T101N-R51W Wall Lake Township.

Petitioner: Tim McCleish

Property Owner: Same

Location: 46557 266th Street, approximately 3 miles west of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 2 (Ex. Tract 3) Jacob's 2nd Addition NE¼ Section 25 T101N-R51W Wall Lake Township

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 7.14 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is wanting to construct a 50 feet by 80 feet accessory building on his property. The proposed building will be in addition to existing accessory building on the property. The total approximately foot print of the building is 5,900 square feet, and that is the amount the petitioner is requesting. A Conditional Use Permit is required for larger accessory buildings when a property is located within a subdivision of 4 or more properties.

The petitioner has submitted a scale site plan and building plans for the proposed structure. The proposed building is indicated to be located behind the existing accessory building on the property and about a far away from the road as the building could be on the site. At the site visit staff took note of many existing mature trees on both the petitioner property and the closest neighbor to the west. It should also be noted that the property directly west received a CUP to build a larger accessory building of a total area of 5,776 square feet.

Conditional Use Permit Criteria:

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

The property is located on a gravel township road with one direct neighboring residential property and agricultural cropland around the rest. The property has many mature trees which will block views from the road and several neighbors. The building as it is shown on the site plan will not affect the use and enjoyment of neighboring properties.

The building must be used for personal use only. No commercial or business use will be allowed.



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

The surrounding property is mostly agricultural cropland with several residential acreages. The section where the parcel is located has two building eligibilities left to develop. It is not likely the surrounding area will significantly change, and the construction of the proposed larger accessory building will not affect any potential development.

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

The property is already developed with a driveway and utilities. The accessory building will not affect drainage in the area.

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

The proposed building will not increase the need for parking on the property.

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

The proposed use will not create any offensive odor, fumes, dust, noise, or vibration. Any lighting on the building should be pointed downward to prevent glare to neighboring properties.

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

The proposed use is similar in style with other properties in the area. It will not diminish the health, safety, or general welfare of the public.

Recommendation: Staff recommends **approval** of Conditional Use Permit #21-73 with the following conditions:

- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 5,900 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5) That all outdoor lighting shall be of a fully-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) That a building permit is required prior to construction of the accessory building.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Randall to **approve** Conditional Use Permit #21-73 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 4. CONDITIONAL USE PERMIT #21-74 to transfer one (1) building eligibility from Tract 2 Neuharth's Addition to Tract 1 Neuharth's Addition (Ex. Lot A) all in the SE ¼ Section 2 T104N-R52W Buffalo Township.

Petitioner: Terry & Barbara Neuharth

Property Owner: Same

Location: North of 245th Street, directly east of Buffalo Lake

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Neuharth's Addition (Ex. Lot A) SE¼ Section 2 T104N-R52W Buffalo Township

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 46.20 Acres

Staff Report: Mason Steffen

Staff Analysis: On November 5th, 2021, staff conducted a site visit of the sending and receiving parcels for the proposed building eligibility transfer. The sending parcel is an irregularly shaped parcel that generally follows the path of Buffalo Creek as it flows into Buffalo Lake. Also, this parcel is almost entirely within the floodplain, and is difficult to access from 459th Avenue. The receiving parcel is located to the south of the sending parcel along County Highway 104, and is not within the floodplain. In addition, the receiving parcel is located in between two existing residential acreages. So, the proposed transfer will concentrate all but one of the building eligibilities in this quarter-section to along the County Highway. Finally, approval will need to be obtained from the County Highway Department for the location of the new driveway, especially since there are already three accesses on this ½-mile stretch of County Highway 104.

Conditional Use Permit Criteria:

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

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. The additional residential use will not significantly affect the surrounding properties, and will be located closer to two existing residential acreages.

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

This transfer of a building eligibility does not increase the number of building eligibilities in the quarter section. Also, the proposed transfer will move the eligibility off of a parcel that is mostly in the floodplain and difficult to access, and allow for agriculture to continue on this parcel. Finally, the siting of a building eligibility on the proposed receiving parcel 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.

The petitioner will need to obtain the applicable driveway permits in order to have access onto the property before a single-family dwelling can be constructed. In addition, the petitioner will be required to obtain all necessary utilities for the property. A single-family dwelling will have minimal effect on drainage in the area.

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

Two off-street parking spaces are required for a single-family residence. The off-street parking requirement will be met once a single-family residence is constructed.

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

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing this building eligibility in the proposed location will move the future dwelling closer to the county highway, and off of a parcel that is mostly in the floodplain.

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 #21-74 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) Any applicable driveway permits must be obtained for the location of the driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Randall to **approve** Conditional Use Permit #21-74 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 5. CONDITIONAL USE PERMIT #21-75 to transfer two (2) building eligibilities from Tract 2 Knochenmus Addition SW¹/₄ Section 5 T101N-R48W Split Rock Township to the W¹/₂ NW¹/₄ (Ex. Bakker's Addition & Ex. H-1) Section 8 T101N-R48W Split Rock Township.

Petitioner: Rock Mills Inc.

Property Owner: Same

Location: ¼-mile east of the intersection of E Maple Street & N Six Mile Road

Staff Report: Mason Steffen

General Information:

Legal Description – W¹/₂ NW¹/₄ (Ex. Bakker's Addition & Ex. H-1) Section 8 T101N-R48W Split Rock Township

Present Zoning – A1 Agriculture

Existing Land Use – Pasture

Parcel Size – 62.76 Acres

Staff Report: Mason Steffen

Staff Analysis: The sending parcel for the building eligibilities is a 1.58-acre parcel that was platted in June of 2021 for the purpose of transferring these building eligibilities to the receiving parcel. In addition, one of the building eligibilities being transferred requires a conditional use permit in order to be utilized even if it was left on the 1.58-acre parcel. So, if these building eligibilities are transferred to the receiving parcel, this building eligibility would automatically be made available without the need for another conditional use permit.

On November 5th, 2021, staff conducted a site visit of the sending and receiving parcels for the proposed building eligibility transfer. Both the sending and receiving parcels are mostly undeveloped pasture land, but the area surrounding these parcels is becoming increasingly residential in use. Additionally, due to the increase in residential use in the area there should not be any concern with moving additional building eligibilities into the NW¹/₄ of Section 8 in Split Rock Township. Finally, even though residential development has grown significantly in the area, the receiving parcel is still zoned for agriculture, so a right-to-farm notice covenant should be required due to this reality.

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 area surrounding the subject property has become increasingly residential in use, and this will likely continue for the foreseeable future. So, having two building eligibilities on this 60-acre property will not affect the enjoyment and use of the surrounding properties. In addition, a right-to-farm notice covenant should be required in order to notify potential owners to the realities of being located in an area that is still zoned for agriculture.



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

The properties are located in the transition area between the city of Sioux Falls and the rural county. The predominant use of agriculture in this area will likely not continue into the near future due to rapid residential development, so the use of these building eligibilities will have little impact on the future development of the area.

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

The petitioner will be required to obtain all necessary utilities for the property. The petitioner will need to obtain the proper driveway permits before a single-family dwelling can be constructed. The future single-family dwellings will have minimal effect on the drainage in the area.

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

Two off-street parking spaces are required for each single-family dwelling. The off-street parking requirements will be provided for once the single-family dwellings are 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. The property will have to comply with the public nuisance ordinance.

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

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. Placing these building eligibilities on the proposed location will allow for the potential of having access onto the paved N Six Mile Road, and allow for better development of this transitional area.

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 #21-75 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) Any applicable driveway permits must be obtained for the location of the driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Randall to **approve** Conditional Use Permit #21-75 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 6. CONDITIONAL USE PERMIT #21-76 to allow a Public Utility Facility on the property legally described as Dybvigs Tract 1 E½ NE¼ Section 31 T104N-R49W Dell Rapids Township.

Petitioner: Caley Hanigan

Property Owner: L. Bruce Nelson

Location: Approximately ¾-mile northwest of Baltic

Staff Report: Kevin Hoekman

General Information:

Legal Description – Dybvigs Tract 1 E½ NE¼ Section 31 T104N-R49W Dell Rapids Township.

Present Zoning – A1 Agriculture

Existing Land Use – Pasture

Parcel Size – 27.03 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is working with multiple companies on a gas line project connecting several dairy farms in the area to natural gas pipelines. This location will allow connection to the existing pipeline underground. The facility will require above ground structures including several buildings greater than 120 square feet in size. Because several buildings are larger than 120 square feet in size, the project is considered a public utility facility, and a conditional use permit is required prior to construction.

The petitioner has submitted several detailed site plans and building plans for several buildings. The site plans show where the property lines are proposed, where fencing and landscaping will be located, and where the interior buildings and equipment will be located, and how the land will be shaped to flatten out the parcel for easier development.

The proposed use is currently located outside of the mapped floodplain despite its low laying land and proximity to the Big Sioux River. FEMA is in progress of updating flood maps in the area including Minnehaha County. The location of the proposed public utility facility will be located within the pending FEMA floodplain area. The applicant is aware of potential flooding and the site is planned to be elevated several feet in order to prevent flood water concerns for the facility.

Conditional Use Permit Criteria:

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

The property is located in an agricultural productive area. Two farmsteads are located nearby. One of the farmsteads is owned by the current property owner. The application for the public utility facility includes a landscaping plan to surround the facility with a fence and two rows of trees for screening. Traffic to the location will be minimal once construction is complete.



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

The area is mostly agricultural land. Much of the land to the east is floodplain and to the west is a large hill which blocks views. It is not likely new development will take place in the floodplain and new residential uses to the west will not likely see the facility because of the topography.

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

The property will be accessed from the township road. The site will be graded to cut some of the hill and fill in some dirt on the low side to the east. This cut and fill is designed to prevent flooding of the site. Water will be directed to the southeast where water already flows from the site.

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

The site will need limited parking for routine maintenance of the facility. There is enough space on the site to accommodate off street parking.

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

The proposed use will not create any nuisance odor, fumes, dust, noise, vibration, or lighting. If security lights are used, then they should be directed downward to prevent overspill and glare onto neighboring property.

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

The proposed use is infrastructure to connect natural gas production from local dairies into pipelines which will deliver gas for home and business use. The area is sparsely populated with the closest residence approximately 500 feet away.

Recommendation: Staff recommends **approval** of Conditional Use Permit #21-76 with the following conditions:

- 1) That the substation be entirely enclosed in a minimum six (6) foot high fence, gated and locked.
- 2) All lighting must be fully cutoff and directed downward to prevent glare from spreading off the property.
- 3) That a minimum of two (2) off-street parking spaces (minimum of 9' x 18' in size) shall be provided, surfaced with gravel, concrete or asphalt, and be maintained in such a manner that no dust will result from the continuous use.
- 4) That erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 5) That the applicant shall adhere to the landscaping plan submitted with the application. All landscaping shall be maintained in a live state and all noxious weeds shall be controlled by the operator.
- 6) That the applicant shall obtain a building permit prior to any construction commencing on the site.
- 7) That a Sign Permit shall be obtained prior to the installation of any sign.



- 8) All structures and equipment must be elevated above the current and projected base flood elevation.
- 9) That the applicant obtains and keeps current any required S.D. Public Utilities permits.

Public Testimony

Scott Anderson, of county planning staff, presented a brief overview of the staff report and recommendation to the commission.

Commissioner Ode asked Scott if there was a more definitive answer on the number of buildings that would be on the site. Scott explained that on the site plan there are three buildings, but that the petitioner could be more specific.

The petitioner, Caley Hanigan, along with representatives from Brightmark Energy were present and available for questions. They explained that there will be three buildings on the Northern Natural Gas portion of the property. These three buildings will measure 8'x16', 12'x20', and 16'x20' and will be used for the measurement and control of the natural gas. Additionally, they stated that they do not have any definitive plans for the Brightmark portion of the property, but that there will be buildings on this portion as well.

Commissioner Ode then asked if they had an estimate as to what the projected flood elevation would be for the east side of the property. The representatives stated that they would be raising the east side by three feet, and that the FEMA maps show this will be above the flood elevation. Commissioner Ode then followed up to ask if the FEMA maps that were referenced were for the 100-year flood elevation. The representatives stated that yes the three feet of fill would keep them out of the projected 100-year floodplain.

Commissioner Ode next asked if there will be any potential odors from the site once it is in operation. The representatives explained that the natural gas in the pipeline is deodorized, and that the pipeline is rated for at least 800 pounds of pressure, so there should be no leaks. Finally, they explained that they would be measuring the chemical constituents of the natural gas when it enters the facility as well as when it leaves the facility.

No one from the audience spoke for or against the item, and so public testimony was closed.

Action

Commissioner Ralston stated that he believes the staff recommend conditions are adequate, and the petitioner has acknowledged the concern with the floodplain, so he views it as a benefit to the community. A motion was made by Commissioner Ralston and seconded by Commissioner Ode to **approve** Conditional Use Permit #21-76 with staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



ITEM 7. CONDITIONAL USE PERMIT #21-71 to allow Outdoor Commercial Storage on the property legally described as Tract 1 Funke's Addition SE¼ Section 26 T101N-R48W Split Rock Township.

Petitioner: Alex Halbach

Property Owner: Rex Gulickson

Location: Southwest corner of Rowena

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Funke's Addition SE¼ Section 26 T101N-R48W Split Rock Township

Present Zoning – C – Commercial

Existing Land Use – Cropland

Parcel Size – 2.00 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to have outdoor storage on the above site with lights and full surround fence with a gate. An outdoor storage yard requires approval of a conditional use permit in a commercial zoning district. The parcel is located on a gravel surfaced road which runs along the west side of Rowena between SD Highway 42 and 267th Street. The subject property is located within the Red Rock Corridor Overlay District which requires several increased development standards compared to the Zoning Ordinance at large.

The petitioner has submitted a brief narrative description of the project and a detailed site plan. The narrative explains that the property will be used for paid storage of boats, campers, trailers, and similar items. The property will be illuminated and have a fence surrounding all outdoor storage. The site plan indicates 77 parking spaces measuring 12 feet by 35 feet which line the perimeter of the property.

Since the property is located within the Red Rock Corridor Overlay District, several increased development standards will apply to the parcel. The enhanced standards primarily include increased buffer yards between properties and required tree plantings within the buffer yard. The standards are addressed in the current site plan. The proposed use of the property should be simple to arrange to meet the standards with administrative approval.

The first standard which will be required is that all lighting must be directed downward and fully cutoff. This will prevent light from glaring into neighboring properties.

As a commercial property in the Red Rock Corridor, a 30 feet wide buffer yard must be placed between the land use and the residential used property to the east of the site. The 30 feet buffer yard will be required to include 8 trees per 100 linear feet of property line. Since the property line on the east side of the parcel is approximately 140 feet long 12 trees must be placed in the buffer yard. the aerial imagery of the site shows that some trees may be existing on the property now. These existing



trees can act as the required planting as long as they meet the quantity requirement of 8 trees per 100 feet. Staff suggests that the proposed chain link fence include screening slates along the east side of the property to aid in the buffer of the residential and commercial use.

The Red Rock Corridor also requires a buffer yard of 15 feet between any new commercial development and any existing commercial development. This 15-foot buffer yard must be placed along the north side of the property line. Five trees must be planted for every 100 feet of buffer yard. since the north property line is just short of 500 feet long, 25 trees must be planted in the buffer yard.

This item was heard by the Planning Commission on October 25, 2021. It was continued at that meeting in order to allow the applicant additional time to address the drainage with Split Rock Township and nearby property owners.

Conditional Use Permit Criteria:

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

Outdoor storage is a low impact use and similar to what already exists in the area. Lighting should be limited to cut off fixtures and the slatted fence should prevent headlights from shining in neighboring residential uses.

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

Rowena has recently been expanding this sort of personal storage uses around the perimeter of the village. Residential uses will not likely expand in the area. And commercial uses will likely slowly continue to expand as more traffic travels SD Highway 42.

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

The property is accessed from Ledge Rock Avenue which is a gravel road. The use will increase impermeable ground on the site through gravel or other surfacing materials. The slope of the land will direct water to the southwest and towards water ways to the west. The petitioner will be responsible to extend any needed utilities to the site.

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

Off street parking for the site is not applicable since the entire property will act as a parking lot for storage. Since the property is accessed from a gravel road, the surface of the outdoor storage may be gravel to comply with surfacing requirements.

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.

Fencing, buffer yards, and required tree plantings will reduce many potential nuisances of the site. Cutoff lighting must be used to prevent glare on neighboring properties.



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

Rowena is a rural service area within the comprehensive plan. Expanding commercial use is expected.

Recommendation: Staff recommends **approval** of Conditional Use Permit #21-71 with the following conditions:

- 1) This conditional use permit is to approve outdoor storage on the described property.
- 2) A revised site plan must be approved by Planning Staff to meet all requirements of the Red Rock Corridor Overlay District. The site plan must be approved prior to construction of the fence.
- 3) The fence along the east property line must include screening slats through the entire length.
- 4) All lighting must be fully cutoff and directed downward to prevent glare from spreading off the property.

Public Testimony & Discussion

Scott Anderson, of county planning staff, generally explained the staff report and stated that he had talked to the petitioner and they explained to him that they have not been able to get a meeting with Split Rock Township in order to discuss the road. Therefore, Scott stated that the staff recommendation would be to defer action on the request to the January 24th, 2022 meeting in order to give the petitioner time to meet with the township.

Brian Smit, of 4900 S Kalen Place, Sioux Falls, SD, was present at the meeting. He explained that he is the petitioner's representative, and that he has spoken with Marvin Manifold who is a supervisor for Split Rock Township. In addition, he explained that they are on the agenda for the December township meeting to discuss potential options for Ledge Rock Avenue. He also explained that there is currently no ditch on the east side of Ledge Rock Avenue, and that he was told that the township has not recognized the road even as minimum maintenance. Additionally, he stated that the preferred solution would be to clean out the ditch on the east side of the road, but since there is rock close to the surface they may need to build up the road to township regulations instead. Finally, he stated that the petitioner and the property owners to the east have come to an arrangement where they would deed the petitioner the 33-feet of the vacated road on the east side of the property, as long as the current trees on this portion are removed and the additional screening requirements for the Red Rock Overlay District are met.

Richard Funke, of 48249 267th Street, Brandon, SD, is the adjacent neighbor to the south of the subject property, and he came to the podium to address the commission. He explained that he and the other property owners in the area have no issues with the proposed use of the property as long as the drainage concerns are addressed by the petitioner. He also explained that he has owned property in this area for 70 years and that the ditch on the east side of Ledge Rock Avenue has simply silted-in over the years, and that it should be relatively easy to clean out. Finally, he stated that Ledge Rock Avenue has been a point of contention with the township for years, and that the township attorney has stated to him that they accept Ledge Rock Avenue as a road.



Rick Everist, of 350 S. Main Avenue, Sioux Falls, SD, is the adjacent property owner to the west of the subject property, and he was next to address the commission. He stated that he agreed with everything that Richard Funke had said, and he believes that the request is simple as long as the drainage is fixed.

Discussion

Commissioner Duffy asked Scott Anderson if they should defer the item again to the next meeting. Scott explained that he thinks the best thing to do would be to defer the item to the next meeting on January 24th, 2022, which would give the petitioner an additional two months to address the drainage with the township.

Action

Commissioner Ode made a motion to **defer** Conditional Use Permit #21-71 to the **January 24th, 2022** meeting. The motion was seconded by Commissioner VanDerVliet. The motion passed unanimously with 5 votes in favor of the motion, and 0 votes against the motion.

Old Business

Scott Anderson, of county planning staff, explained to the commissioners that Rezoning #21-03 that was initially heard at the October 25th, 2021 planning commission meeting, would be heard at the county commission meeting on November 23rd, 2021.

Scott also explained to the commissioners that the terms for both Commissioner Randall and Commissioner Mohrhauser will expire on December 31st, 2021. Additionally, Scott stated that the county had put out a public service announcement for people to apply to be a planning commissioner, and that the deadline for application is December 10th, 2021. Finally, he invited both Commissioner Randall and Commissioner Mohrhauser to reapply for a new term if they so choose.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner Randall. The motion was approved unanimously. The meeting was adjourned at 7:34 p.m.