



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
January 27, 2020**

A meeting of the Planning Commission was held on January 27, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Ryan VanDerVliet, Doug Ode, Mike Ralston, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Donna Kelly – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:00 p.m. for Item 1, the 2020 Election of Chair and Vice-Chair.

ITEM 1. Election of Officers for 2020

Commissioner Barth made a motion to nominate Bonnie Duffy for Chair and was seconded by Commissioner Ode. The motion passed unanimously. Commissioner Ode made a motion to nominate Becky Randall for Vice-Chair and was seconded by Commissioner Ralston. The motion passed unanimously.

Commissioner Ralston made a motion to recess the County Planning Commission and was seconded by Commissioner Barth. The motion passed unanimously. The County Planning Commission meeting was recessed at 7:01 p.m.

Commissioner Duffy reconvened the County Planning Commission meeting at 7:06 p.m.

PUBLIC COMMENT.

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

Consent Agenda

Commissioner Duffy read each item of the consent agenda.

There were no objections from members of public on any of the items listed on the consent agenda.

A motion was made to **approve** the consent agenda by Commissioner VanDerVliet and seconded by Commissioner Ralston. The motion passed unanimously.

ITEM 2. Approval of Minutes – November 25, 2019

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Ralston to approve the meeting minutes from November 25, 2019. The motion passed unanimously.



ITEM 3. CONDITIONAL USE PERMIT #20-01 to exceed 3,600 square feet of total accessory building area – requesting 16,393 sq. ft. on the property legally described as Tract 1, Knutson’s Subdivision, S1/2 SW1/4, Section 11-T103N-R49W.

Petitioner: Bruce Vollan

Property Owner: same

Location: 47622 252nd St.

Located approximately 3 miles southeast of Baltic

Staff Report: David Heinold

General Information:

Legal Description – Knutson’s Tract 1, S1/2 SW1/4, Section 11-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 9.70 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow a total accessory building area of 16,393 square feet on an approximately 9.70 acre parcel. The proposed 54’x72’ accessory building will be located in the northeast corner of the property. The image, at right, shows the location of the proposed building as well as the existing buildings on the site.



The nearest residential property to the proposed building site is about a quarter mile away and includes several accessory buildings. The property, 47669 252nd St., has many large accessory buildings; however, it is part of a farming operation. The property at 25251 477th Ave. has approximately 5,000 square feet and located a half mile to the southeast of the subject property. The requested total building area will be comparable to the existing accessory building sizes and surrounding farmland.

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 surrounding properties are all used for agricultural purposes. There are no residential dwellings within a half mile of subject property. There should be no negative effect on the use and enjoyment of properties in the immediate vicinity with the use of the proposed accessory building for personal equipment storage.



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

The addition of a 54'x72' pole building for personal equipment storage and use may allow larger buildings on land with available building eligibilities, but this would be entirely dependent on the willingness of agricultural landowners to allow use of aforementioned development rights.

There are a few other properties with accessory building sizes exceeding the 3,600 square foot requirement for lots over 3 acres.

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

The petitioner already has all of the necessary facilities provided as a result of the existing single family home site and accessory buildings. The existing driveway will be extended to allow access to the proposed building site.

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

The petitioner has adequate parking areas for the personal use and storage due to the existing residential nature of the subject property. No parking will be allowed in the township road right-of-way at any time.

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

No commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, general welfare of the public will not be negatively affected by the construction of the proposed accessory building for personal use and storage. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing agriculture use of land in the surrounding area.

Recommendation:

Staff finds that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-01 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 16,393 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the building does not exceed 3,888 square feet measured from the outside perimeter.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses



or commercial storage will be allowed at any time.

6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.

7.) That a building permit is required prior to construction of the accessory building.

8.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #20-01 with staff recommended conditions by Commissioner VanDerVliet and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #20-01 – Approved



ITEM 4. CONDITIONAL USE PERMIT #20-02 to transfer one (1) building eligibility from the NE1/4 SW1/4 to the SE1/4 SW1/4; all in Section 15-T103N-R48W.

Petitioner: Andrew Harr

Property Owner: Marvin Manifold Trust

Location: Located approximately 3.5 miles west of Garretson

Staff Report: Kevin Hoekman

General Information:

Legal Description – TRACT 2 JOHNSON'S ADDN SW1/4 15-103-48 EDISON TOWNSHIP

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 82.33 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting a transfer of a building eligibility to allow the eligibility to be used along 253rd Street, approximately 3.5 miles west of Garretson. The transfer will bring the eligibility next to an existing eligibility in the quarter quarter section. The property owner does not own any other contiguous land to the described parcel. The petitioner included in the questionnaire that there is no plans to begin construction at this time and the transfer is for future use.

The petitioner stated on the application questionnaire that the new location for the building eligibility will allow for better access along the township road. The petitioner is not opposed to a shared driveway which would reduce entry points to roads and reduces potential conflict areas for traffic pulling in and out of the driveway. Edison Township requires a permit for new driveways prior to the construction of the driveway.

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 petitioner writes in the application questionnaire that the transfer will not affect nearby agricultural operations. Staff visited the site and confirmed that there are no constructed CAFOs nearby. The petitioner should be aware that a neighboring property owner received a zoning permit for a Class D nursery swine in 2018. The permit is now expired, but the neighboring property owner may meet requirements for a new zoning permit prior to the construction of a single family dwelling. It should also be noted that one building eligibility is currently available on the petitioner's property, and one of the two building eligibilities can be use at any time.



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

The area is generally composed of agriculture cropland and scattered farmsteads. Many building eligibilities in the area remain available for use. The general character of the area will likely remain agricultural, and the future presence of two dwellings on the property may lead to conflict between residential and agricultural uses. If a dwelling is built, the neighbor who has previously applied for a Class D CAFO may be required to find a new location for a future operation if the operation is still wanted.

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

The property is accessible from the township road 253rd Street. A permit is required from the township for any new driveway. A shared driveway should be required to develop the two building eligibilities to reduce conflicting access points onto the section line road. The petitioner will be required to extend and obtain any necessary utilities for the future dwellings. Drainage will be addressed when the site is developed. Runoff generally travels to the southwest towards an intermittent stream. A portion of the southwest corner of the lot is located within a regulatory floodplain.

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

A single family dwelling requires one off street parking space. Off-street parking will be met when a single family dwelling is constructed. No loading requirements exist for a single family dwelling.

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 have minimal potential to create offensive odor, fumes, dust, noise, vibration, or lighting. Any future property owner will be required to maintain the property in accordance with the Public Nuisance Ordinance.

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

The proposed transfer of building eligibility maintains density zoning and clusters the two eligibilities on the lot near each other. The two building eligibilities next to each other will allow better use of extending utilities and road access. The comprehensive plan encourages clustering of building eligibilities where appropriate.

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 #20-02 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 all single family dwellings.
- 2.) Lots must be platted for each dwelling prior to building permits being issued.



- 3.) The two potential building sites must obtain a driveway permit from Edison Township prior to construction of a dwelling. The two building sites must have a shared driveway access onto 253rd Street.

Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #20-02 with staff recommended conditions by Commissioner VanDerVliet and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #20-02 – Approved



ITEM 5. CONDITIONAL USE PERMIT #20-03 to transfer two (2) building eligibilities from the E1/2 SW1/4 & NW1/4 SE1/4 to the S1/2 E1/2 SW1/4; all in Section 26-T104N-R49W.

Petitioner: Stephen Scholten

Property Owner: same

Location: Located approximately 3.5 miles southeast of Dell Rapids

Staff Report: David Heinold

General Information:

Legal Description – E1/2 SW1/4 & NW1/4 SE1/4, Section 26-T104N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture/Farmstead

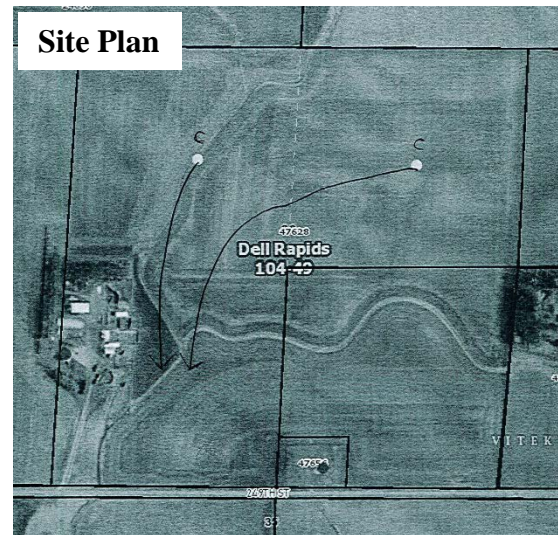
Parcel Size – 120 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to transfer two building eligibilities to the S1/2 E1/2 SW1/4 in Section 26. The image, at right, shows that the two proposed single family home sites will be located along 249th Street.

There are no concentrated animal feeding operations in the surrounding area. The nearest cattle yard is located about three-quarters of a mile to the northwest of the proposed residential home sites. In addition, the petitioner has a small feedlot on the subject property. The requested transfer of building eligibilities locations will be near a few existing single family residential dwellings along the township road.



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 surrounding area is primarily agricultural land with a few residential acreages within a half mile of the proposed site for the single family homes. The placement of two building eligibilities should have no negative effect on the use and enjoyment of other surrounding properties in the immediate vicinity. The eventual construction of two additional homes along 249th St. should also not have a significant effect upon property values in the surrounding area.



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

There should be no negative affect upon the normal and orderly development and improvement of surrounding agricultural property. The future development of surrounding property is entirely dependent on the availability of building eligibilities for constructing a house. The proposed transfer of building eligibilities will preserve farmland to allow residential development closer to the road.

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

The petitioner has discussed with Dell Rapids Township about driveway locations to the two home sites. The questionnaire describes that it will not be feasible to utilize the existing driveway to the farmstead because the proposed building eligibility transfer locations are positioned towards the southeast part of the quarter.

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

The necessary parking will be provided as a result of the proposed residential homes. 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 proposed building eligibility transfers for the eventual construction of single family dwellings will not constitute a nuisance due to the personal use of the property.

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

The health, safety, and general welfare of the public will not be negatively affected by the proposed transfer of two building eligibilities. The intent of the Envision 2035 Comprehensive Plan and density zoning will be upheld since the conditional use permit request will not increase the number of dwelling units in this section.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-03 with the following conditions:

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of building permits for the single family dwellings.
2. That a driveway or culvert permit be obtained from Dell Rapids Township prior to the issuance of building permits.

Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #20-03 with staff recommended conditions by Commissioner VanDerVliet and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #20-03 – Approved



Old Business

None.

New Business

Scott Anderson reported that the City of Hartford is hosting an open house for the public to provide input on a proposal to create joint planning and zoning jurisdiction with Minnehaha County on Tuesday, January 28, 2020 at 120 N. Main Ave, Hartford, SD.

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

The meeting was **adjourned** at 7:11 pm.