



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
August 27, 2018

A meeting of the Planning Commission was held on August 27, 2018 at 7:12 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

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 7:12 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.

Item #4 was requested to be moved to the regular agenda for discussion.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 5, 6, 7, 8, and 9 by Commissioner Ode and seconded by Commissioner Ralston. The motion passed unanimously.

ITEM 1. Approval of Minutes – July 23, 2018

As part of the consent agenda, a motion was made by Commissioner Ode and seconded by Commissioner Ralston to **approve** the meeting minutes from July 23, 2018. The motion passed unanimously.



ITEM 2. CONDITIONAL USE PERMIT #18-37 to transfer one (1) building eligibility from the SW1/4 NE1/4 to Tract 3, Carrette's Subdivision, N1/2 NE1/4; all in Section 36-T104N-R49W.

Petitioner: Paul Carrette

Property Owner: same

Location: 0.5 mile north of the 250th St. & 478th Ave. Intersection
Approximately 4 miles east of Baltic

Staff Report: Scott Anderson

This would transfer one (1) building eligibility.

General Information:

Legal Description – Tract 3 of Carrette's Subdivision

Present Zoning – A1 Agriculture

Existing Land Use – cropland

Parcel Size – 5.56 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting conditional use permit approval to transfer one building eligibility from the SW ¼ NE1/4 of Section 36, Dell Rapids Township to an existing platted 5.56 acre parcel in Section 36 of Dell Rapids Township. The proposed location for the building eligibility transfer will be to an existing lot south of the existing residences along County Highway 121. The eligibility will be moved from cropland to non-production land.

On August 2, 2018, staff visited the property and determined that the proposed location is appropriate for a single family dwelling. The attached questionnaire indicates that the building eligibility is being moved from crop land to pasture land. There are no concentrated animal feeding operations within the immediate vicinity.

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 to notify potential buyers to the realities of locating in an agricultural area. The addition of residential land use should not negatively affect the nearby residences and farmland.

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

The approval of the building eligibility for a single family dwelling will not increase the number of dwelling units allowed in this section. The surrounding area is primarily agriculture with an existing single family dwelling and farmstead west of the proposed location for the dwelling.



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

The placement of the building eligibility will result in the construction of a single family dwelling with a separate driveway.

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

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

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

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

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

The health, safety, general welfare of the public should not be significantly impacted by the placement of one single family dwelling with a building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #18-37 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.

Action

As part of the consent agenda, a motion was made by Commissioner Ode to **approve** Conditional Use Permit #18-37 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-37 – Approved



ITEM 3. CONDITIONAL USE PERMIT #18-38 to allow Motor Vehicle Repair Shop & Sales Display on the property legally described as Lot 1, Block 3, Brower Addition, SW1/4, Section 27-T102N-R51W.

Petitioner: Dean Stockwell

Property Owner: same

Location: 46301 Jeffrey St. Approximately 0.5 mile south of Hartford

Staff Report: Kevin Hoekman

This would allow Motor Vehicle Repair Shop & Sales Display.

General Information:

Legal Description – Lot 1, Block 3, Brower Addition, SW1/4, Section 27-T102N-R51W

Present Zoning – I1 – Light Industrial

Existing Land Use – Warehouse and Repair

Parcel Size – Approximately 1 acre

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located in the industrial park south of Hartford at the southeast corner of County Highway 151 and Jeffery Street. The site currently has an industrial shed and large crushed asphalt and crushed concrete driveway and parking area. Many of the neighboring properties have similar buildings and parking areas.

The petitioner is requesting to repair, display, and sell automobiles on the property. A Simple narrative describes the purpose will also include an annual car show. The 1990 Revised Zoning Ordinance for Minnehaha County allows motor vehicle sales, display, service and rental with a conditional use permit.

The petitioner has submitted a brief project narrative and a simple site plan. The narrative describes several types of work that is planed that each should be addressed. The proposed hours of operation are 9:00 am to 5:00 pm on Monday through Friday, and future Saturday hours. These are typical business hours and should not cause problems with neighboring uses even if the hours are extended a little in each direction in the future.

The narrative also describes mechanical work as a primary use of the property. Mechanical repair shops can generate waste parts and vehicles that are stored for future work. Conditions should be added to avoid accumulations unsightly items such as parts, partially dismantled vehicles, and shipping containers. Conditions can include screening of any storage of parts, private property such as shipping containers, and dismantled vehicles. Automotive repair shops often can have many vehicles parked outside prior to work being started. To avoid over accumulation of vehicles on the property, the planning commission may require all vehicles to be parked on the property and located a minimum of 15 feet away from any right-of-way line.



Paint and body work is listed as a use of the property. A large paint booth has already been installed within the building. If done improperly, paint and body work can cause fumes and pollution. The Department of Environment and Natural Resources (DENR) regulates air quality. The proposed paint operation may be required to obtain permitting from the DENR or other state agencies. The petitioner should be required to meet any state or federal pollution and safety requirement by obtaining and maintaining any required permits for a paint booth.

The request for this CUP includes auto sales and display. The site plan shows the display to be located on the west side of the building. Staff finds that the west side of the building has enough space to allow for driveway and parking of display vehicles while maintaining the ordinance required parking setback of 15 feet from a right-of-way.

The narrative includes a plan for possible annual car show. This request did not have any further details as to what a car show would entail. Staff has concerns with this type of event without further details. The Planning Commission may request further details prior to the approval of this permit, not allow the special events, or put basic conditions for events to limit potential concerns. Simple requirements may include limits to event hours and number of days, not allowing parking in the right-of-way, and requirements for adequate bathroom facilities. Other event-based conditions may be considered as well.

The City of Hartford Board discussed the item at a meeting. They agreed with proposed conditions and offered County Planning staff no additional comments.

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 will be similar to the uses on surrounding properties, and the use will have little impact on surrounding land uses. The proposed hours of operation are reasonable for the area, and the operating time should be able to adjust according to customer demand and any state regulations. The largest potential impact will be from added traffic on Jeffrey Street which has historically been under maintained. The industrial park recently created a road district that should be addressing the street issue in the future. The added traffic will also be primarily composed of small passenger vehicles rather than industrial trucks and vehicles. The smaller vehicles should have less of an impact of the roads.

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

The proposed repair shop and vehicle sales will be located on a site within a developed industrial park. Vehicle sales will not likely affect any other industrial and commercial type development within the industrial park. A clean and thriving commercial business at the entrance of the industrial park may add potential customer traffic into the development for other establishments.

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

The facility already has access from a gravel road and a building that has necessary utilities. No



drainage plan has been submitted; however, the repair shop and vehicle sales with building expansion will not significantly change the drainage from what is currently present.

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

The site plan shows room for off-street parking for customers, employees, and for the display of vehicles. As noted previously, the ordinance requires a 15 feet setback for parking from the right-of-way line. The proposed display has available space to meet that requirement. Any vehicle transport truck should park on the site and not in the road for loading and unloading.

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 of vehicle repair and sales has potential to create nuisances. Simple conditions and best practices can mitigate many or all of these concerns. Concerns such as safe operation of the paint booth and screening unsightly materials were discussed earlier in this report.

Conditions are included in the staff recommendation to minimize potential problems with the proposed use. If the petitioner wishes to have or add lighting, the lighting should be controlled and contained on the site. This containment can be done by using shielded and cutoff lighting fixtures.

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

The land use should not negatively impact the health, safety, or general welfare of the public.

The site is within a developed industrial zoning district near an interstate exit. Additional positive traffic at the entrance of the development may help future development of the industrial park.

Recommendation:

Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #18-38 with the following conditions:

1. This permit is for the repair, body work, display and sale of motor vehicles.
2. The operator must obtain and maintain any required state or federal permits required for the paint booth located on the site.
3. All outside storage of parts, dismantled vehicles, and shipping containers must be screened from view with a minimum 6 feet tall 90% opaque fence.
4. The property is allowed one special event each year, not to exceed 4 days in length. All activities of special events must be completed between 7:00 am and 11:00 pm.
5. Adequate toilet facilities must be provided for the one annual event.
6. All customer parking, including for special events, must be located on private property and not within the right-of-way.
7. The loading and unloading of vehicles to and from transport must take place on the property and not within the right-of-way.
8. A building permit is required before any signs are enlarged or erected.
9. Parking and display of vehicles must be setback 15 feet from any right-or-way line.



10. All new and replacement lighting must be pointed downward and of fully shielded and cutoff design as to prevent light from shining on other property.
11. That the Planning & Zoning Department reserves the right to enter and inspect the site, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Ode to **approve** Conditional Use Permit #18-38 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-38 – Approved



ITEM 5. CONDITIONAL USE PERMIT #18-40 to transfer one (1) building eligibility from the W1/2 S1/2, SE1/4, Section 25-T103N-R48W to the SW1/4 SW1/4, Section 30-T103N-R47W.

Petitioner: Matthew Swartwout (Chuck Sutton Auctioneers Land Broker, LLC)
 Property Owner: Ricard & Ronald Cooley (Cooley, Ruth A Family Limited)
 Location: North of the 255th St. & 484th Ave. Intersection
 Approximately 1 mile southwest of Garretson
 Staff Report: David Heinold

This would transfer one (1) building eligibility.

General Information:

Legal Description – SW1/4 SW1/4, Section 30-T103N-R47W
 Present Zoning – A-1 Agricultural District
 Existing Land Use – Agricultural
 Parcel Size – 40 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is seeking conditional use permit approval to allow the transfer of one building eligibility from the W1/2 S1/2, SE1/4, Section 25 in Edison Township to on an approximately 40 acre parcel in the SW1/4 SW1/4, Section 30 of Palisade Township. The proposed transfer is located along County Highway 109 and 255th St. The site plan, at right, shows the transfer location on an aerial imagery map of the subject property.



There are no concentrated animal feeding operations in the surrounding area where the building eligibility will be located. Staff would like to note that there is an existing pasture area to the south, but is presently owned by the petitioner. The area mainly consists of horses on a 70-plus acre stretch of pasture along Split Rock Creek and the railroad line.

On August 8, 2018, staff visited the site and determined that the proposed transfer of building eligibility would allow a single family dwelling to be built in the immediate area.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for
 The proposed building eligibility transfer should not negatively affect the use and enjoyment of properties within the immediate vicinity since much of the land remains in agricultural



production with few houses.

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

The surrounding area is primarily agricultural with a few residential acreages to the north of the proposed site for the transfer of building eligibility. There is an existing cattle area located across 255th St. to the south on approximately 33 acres owned by the same property owner.

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

The subject property has road right-of-way frontage along both County Highway 109 and 255th St., which requires approval by the appropriate government entity prior to installing a driveway. There is an existing intermittent stream that flows diagonally through the property from northwest to southeast before the ultimate outlet in Split Rock Creek less than a quarter mile away.

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

The entire parcel encompasses 40 acres that provides ample space for parking specifically for residential activities. No parking will be allowed in the 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.

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

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

The health, safety, general welfare of the public should not be significantly impacted by the transfer of one building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #18-40 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 the appropriate government entity prior to the issuance of a building permit.

Action

As part of the consent agenda, a motion was made by Commissioner Ode to **approve** Conditional Use Permit #18-40 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-40 – Approved



ITEM 6. CONDITIONAL USE PERMIT #18-20 to allow a Telecommunications Tower on the property legally described as W1/2 N1/2, Lying North of RR & West of River & NW1/4 (Ex. That Part E915’ Lying North of RR ROW But Including N380’ Thereof); all in Section 33-T102N-R48W.

Petitioner: Xcell Towers II, LLC

Property Owner: Daniel Risty

Location: 808 W. Holly Blvd.
Brandon

Approximately 1 miles west of

Staff Report: Kevin Hoekman

This would allow a Telecommunications Tower.

Legal Description – W1/2 N1/2, Lying North of RR & West of River & NW1/4 (Ex. That Part E915’ Lying North of RR ROW But Including N380’ Thereof); all in Section 33-T102N-R48W

Present Zoning – RC Recreational/Conservation District

Existing Land Use – Pasture Land (where tower is planned)

Parcel Size – 43.90

Staff Report: Kevin Hoekman

Staff Analysis:

The application for this item was initially received this last March. Just before the April hearing, planning staff was requested to remove the item to be heard at a future meeting. Staff has worked with the petitioner to have the item ready for this hearing. The conditions of the site have largely remained the same as when the initial application was made, and the staff report has largely remained the same as written in April.

The site is located approximately 1/2 mile west of Brandon and 1/2 mile north of Holly Boulevard and 1/2 mile south of Interstate 90. The property is serviced by a long gravel driveway that belongs to the farmstead of the property owner. It is located in an area primarily used for agricultural production, and a few single family dwellings are located nearby with many dwellings within Brandon city limits. The proposed site is near the Big Sioux River, but it is not within the floodplain.

The petitioner is requesting to construct a 190 foot tall monopole tower on the subject property. A Telecommunication tower is a permitted special use within the RC Recreational/Conservation zoning district; however, the proposed tower does not meet the requirement of section 12.12 (C) 3) to be located a minimum distance of 3 miles from the nearest tower. Since the setback distance has not been met, the proposed tower is required to obtain a conditional use permit.

The tower is to be used primarily for telecommunication purposes with the opportunity to co-locate other transmitters. It is designed to be a monopole and there no need for guy wires to stabilize it. The tower will have to abide by all Federal Aviation Administration (FAA)



regulations regarding painting and lighting, and it will have to be registered and maintained as such. On the first page of the submitted letter from the Federal Aviation Administration, a statement reads that “markings and lighting are not necessary for aviation safety.” County ordinance requires that illumination must not exceed the minimum necessary requirement. If in the future a light is required, the light shall not exceed the minimum.

The location of the proposed property is currently on the same parcel as a farmstead and surrounding land. Plans show that the tower will be separated from the farmstead by a fence with easements for access and utilities. The tower location is located approximately 1/2 mile from the City of Brandon, and the nearest dwellings, other than the property owner, are located within the city. A support structure that houses electrical and utility items for the broadcast tower will also be located within the fence. There will be room for more utility houses if co-location communications are added to the structure.

Telecommunications towers are regulated by county ordinance in several ways in Article 12.13, Additional Use Regulations. The ordinance regulates the tower design, setbacks, illumination, maintenance, signage, co-location of multiple antenna, and abandonment process. The proposed tower is required to follow these regulations for construction and maintenance purposes.

The Minnehaha County Zoning Ordinance requires a setback of 1,300 feet from the property that has a residential dwelling. One dwelling is located within this setback, but the dwelling is owned by the property owner of the proposed tower site. No further waivers will be required of the proposed 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 area around the proposed site is primarily composed of agricultural land with the City of Brandon approximately 1/2 mile away. The tower appears to not need any required safety lights or special markings because of its low height and elevation. The absence of a light should minimize negative impacts on surrounding properties. The stated goal of the petitioner is to provide a service in a coverage gap for telecommunications. Increased coverage may be a positive change for nearby cellular phone users.

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

The area around the proposed tower site will likely remain predominantly agricultural in part because of the large floodplain that the tower is located nearby. The nearby development within the City of Brandon will likely not be impacted since no warning light is needed for the tower. Even without a flashing light the tower may create an unwanted visual impact for recreational users of the Big Sioux Rivers. The visual aspect of the tower will have no effect on agricultural production.



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

The proposed tower is located within an existing farmstead. Access and utilities easements are shown in the provided plans. The drainage of the site will be minimally affected with only an addition of a concrete pad as an impervious surface.

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

The site will not have on site employees but will need to have parking for contracting and maintenance vehicles. The distance from the road and the current gravel area around the support structure should be enough to support parking for the tower.

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 tower will not produce significant odor, fumes, dust, noise, or vibration during regular operations. The tower is not required by the FAA to have lighting. The Minnehaha County Zoning Ordinance requires that the tower uses the minimum FAA requirements, and that the night time safety lights cannot be white. If the FAA requires safety lights in the future, the lights must not exceed the minimum requirements.

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

The day to day operation of the proposed land use will have a minimal effect on the health, safety and general welfare of the public. The proposed structure is 190 feet tall with a 9 foot lightning rod and may pose a risk if excessive winds topple the tower. The nearest dwelling is over 600 feet away and separated by a grove of trees.

The property should include reasonable security from climbers and vandals. Many towers in the county include a 6 foot high security fence with barbed wire on the top. A fence such as this would help prevent climbers, vandals, and the like from causing harm to the facility or to themselves. The petitioner has included in the plans on placing a security fence around the facility.

The Zoning Ordinance includes that the property and/or facility owner must remove the tower if it is not in use for 365 consecutive days. If the tower is not removed the county may remove the tower at the property and/or facility owner's expense.

A commercial building permit is required by the county prior to the construction of the tower. This will require engineered plans, and a permit fee of 1% of the project cost.

Recommendation:

Staff finds that the proposed telecommunication towers meets the zoning requirements and conforms with the Comprehensive Plan. Staff recommends approval of CUP #18-20 with the following conditions:

- 1.) The facility shall meet the requirements of Article 12.12 of the Minnehaha County Zoning Ordinance with the exception of Section 12.12 (C) 3).



- 2.) A letter of removal responsibility shall be submitted to the Planning Department prior to the issuance of a building permit.
- 3.) A building permit is required before the erection of the tower.
- 4.) A six (6) foot high security fence shall be placed around the tower to discourage climbers and vandals.
- 5.) All security lighting shall be of shoebox style that direct the light downward to prevent spillage of light onto neighboring properties.

Action

As part of the consent agenda, a motion was made by Commissioner Ode to **approve** Conditional Use Permit #18-20 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-20 – Approved



ITEM 7. CONDITIONAL USE PERMIT #18-41 to allow a Commercial Building Addition exceeding 10,000 square feet on the property legally described as Muchow Tract 2, E1/2 NW1/4, Section 1-T103N-R50W.

Petitioner: H. Paul Sundermann

Property Owner: same

Location: 47143 250th St.

Approximately 2 miles west of Baltic

Staff Report: Scott Anderson

This would allow a Commercial Building Addition exceeding 10,000 square feet.

General Information:

Legal Description – Muchow Tract 2, E1/2 NW1/4, Section 1-T103N-R50W

Present Zoning – C Commercial

Existing Land Use – Manufacturing

Parcel Size – 5.03 acres

Staff Report: Scott Anderson

Staff Analysis: The subject property is currently the location of Sunderman Manufacturing. There are two existing buildings on site. One building is 40' x 60' and the other is larger at 60' x 200 feet. The applicant desires to expand their business by constructing a 60' x 240' building north of the existing buildings. The applicant has submitted a site plan and narrative, which is included for the Planning Commission's review.

The existing manufacturing facility has been in operation at this site for over 40 years. The applicants have met with the Chief Building Official to discuss the necessary codes for the proposed structure. The proposed building will meet all necessary fire and building codes.

On August 2, staff conducted a site visit. The subject property is located on the west side of the Baltic/I-29 exit. The location is well suited for commercial development. The site is located next to an existing mobile home park. The two have co-existed for 40 years. There is additional commercial development located across the interstate to the east and primarily agricultural land to the north and south.

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 has 40 year history on the site, which hasn't hindered the uses of the area or property values.



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

The property to the north and south are zoned Agricultural. The proposed expansion will not stop those uses. The proposal will aid in the development of the commercial node at this interstate exit.

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

All facilities are in place and have been adequately servicing the existing business at the site. No additional infrastructure is needed at this site.

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

The applicant has provided 30 additional parking spaces on the east side of the proposed building. This meets the requirements of the Zoning Ordinance. The parking requirements for this site as indicated in Section 15.02(O) of Article 15 – Parking and Loading are: 2 parking spaces for each 3 employees on the maximum shift, plus space to accommodate all trucks and other vehicles. The applicant has indicated that the total number of employees on the site would be 15. The proposed new parking and existing parking meets the parking 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.

All manufacturing work is conducted inside the buildings. This greatly reduces noise, dust and vibrations. Any new lighting shall be directed downward and not spill onto adjacent properties.

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

The Envision 2035 Comprehensive Plan encourages commercial and industrial development at this location. The subject property is zoned C Commercial. Furthermore, the addition of conditions to this permit allows planning staff a preferred method of insuring that the goals and policies of the Plan and intent of the Zoning Ordinance are upheld.

The proposed use will be located in an area identified as an ideal location for development in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The immediate area is well served by transportation access to highways including Interstate 29 and near Baltic. The proposed use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public.



Recommendation: Staff finds that the proposed use is compatible with the zoning ordinance and Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-41 with the following conditions:

1. That the property shall adhere to the submitted site plan dated 7-19-2018.
2. 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.
3. That all new outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
4. That the Planning Department reserves the right to enter and inspect the manufacturing site 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 Ode to **approve** Conditional Use Permit #18-41 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-41 – Approved



ITEM 8. CONDITIONAL USE PERMIT #18-42 to exceed 3,600 square feet of total accessory building area – requesting 7,746 sq. ft. on the property legally described as Tract 5, Wallin’s Addition, NW1/4, Section 4—T101N-R51W.

Petitioner: Justin & Robin Eich

Property Owner: same

Location: 26208 462nd Ave.

Approximately 2 miles south of Hartford

Staff Report: David Heinold

This would allow 7,746 square feet of total accessory building area.

General Information:

Legal Description – N717.35’ W302.4’, NW1/4, Section 3-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 7,746 square feet of total accessory building area on an approximately 5 acre parcel. The site plan, at right, shows the proposed 54’x99’ accessory building located just south of an existing detached garage.



There are a few accessory building sizes exceeding the 3,600 square feet total permissible area of accessory building footprint for properties larger than 3 acres. The property at 26240 462nd Ave. has 10,940 square feet of total accessory building area on approximately 14.03 acres. The property, 46234 262nd St., has 4,456 sq. ft. on a 27 acre parcel about a half mile to the east. The other properties have total accessory building sizes ranging from 2,520 to 4,000 square feet on similar sized parcels as the subject property.

On August 8, 2018, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There are a few other residential properties that exceed the 3,600 square feet total accessory building requirement in the zoning ordinance.



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 size of the requested accessory building total area is larger than most of the existing sizes on properties in the immediate vicinity; however, most of the other properties have total accessory building sizes of more than 3,600 square feet on similar lot sizes.

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

The area primarily consists of agricultural farmland with a few residential acreages surrounding the subject property. The requested accessory building area would set a precedent for future undeveloped properties in the surrounding area and would further increase the size of personal accessory buildings in the rural area; however, accessory building sizes over 7,000 sq. ft. have been approved in other parts of the county on similar lot arrangements. The future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area.

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

The petitioner has not indicated a need to increase utilities or included any provisions for accommodating drainage facilities to manage the type, intensity, and flow of water from the proposed accessory structure. The site plan shows that the structure will be accessible via an extension of the existing driveway.

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

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed 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 offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory structure for private use and storage will create few problems to neighboring properties. The property is located within the area defined as the Agricultural Production Area in the Envision 2035 Comprehensive Plan, which sets forth the purpose to protect, preserve, and promote agricultural uses and the economic viability of farming operations in the rural area.



Recommendation:

Staff finds that the requested total accessory building area is appropriate for the size of the parcel as well as conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-42 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 7,746 square feet.
- 2.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 3.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.

Action

As part of the consent agenda, a motion was made by Commissioner Ode to **approve** Conditional Use Permit #18-42 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-42 – Approved



ITEM 9. CONDITIONAL USE PERMIT #18-44 to exceed 3,600 square feet of total accessory building area – requesting 4,500 sq. ft. on the property legally described as N1/3 of S3/5, SE1/4, Section 24-T102N-R48W.

Petitioner: Devin Albers
 Property Owner: same
 Location: 25979 484th Ave.
 Staff Report: David Heinold

Approximately 2 miles northeast of Brandon

This would allow 4,500 square feet of total accessory building area.

General Information:

Legal Description – N1/3 of S3/5, SE1/4 (Ex. Hys & Ex. N264’ E330’ & Ex. N57’ W2310’), Section 24-T102N-R48W
 Present Zoning – A-1 Agricultural District
 Existing Land Use – Residential
 Parcel Size – 26.80 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 4,500 square feet of total accessory building area on an approximately 26.80 acre parcel. The site plan, at right, shows the proposed 45’x100’ shed that will be located just east of the house.

The petitioner’s requested accessory building size would be larger than for properties over 3 acres, but relatively comparable to largest total area. The property at 25975 484th Ave. is also owned by the petitioner and has a total accessory building area of 8,114 square feet on 5 acres. The other properties range in size from 2,832 to 2,992 sq. ft. on similar sized parcels within approximately one half mile.



On August 8, 2018, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There are a few other residential properties that exceed the 3,600 square feet total accessory building requirement in the zoning ordinance.



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 nearest property with an established residence other than the petitioner's property is about a half mile away from the subject property. The effect upon the use and enjoyment of other properties should not be negatively affected by the construction of the proposed accessory building for personal storage.

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

The area primarily consists of agricultural farmland with a few residential acreages surrounding the subject property. The requested accessory building area would set a precedent for future undeveloped properties in the surrounding area and would further increase the size of personal accessory buildings in the rural area; however, accessory building sizes over 4,000 sq. ft. have been approved in other parts of the county on similar lot arrangements. The future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area.

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

The petitioner plans to utilize the existing driveway access via the mutual access easement on the adjacent property situated along County Highway 109. The petitioner plans to extend rural water service to the house and proposed accessory building a little more than a quarter mile to the west.

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

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed 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 offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory structure for private use and storage will create few problems to neighboring properties. The property is located within the area defined as the Agricultural Production Area in the Envision 2035 Comprehensive Plan, which sets forth the purpose to protect, preserve, and promote agricultural uses and the economic viability of farming operations in the rural area.



Recommendation:

Staff finds that the requested total accessory building area is appropriate for the size of the parcel as well as conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-44 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,500 square feet.
- 2.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 3.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.

Action

As part of the consent agenda, a motion was made by Commissioner Ode to **approve** Conditional Use Permit #18-44 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-44 – Approved



Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #18-39 to exceed 2,400 square feet of total accessory building area – requesting 7,600 sq. ft. on the property legally described as Tract 1, Schoenefeldt Addition, NE1/4, SW1/4, Section 7-T102N-R49W.

Petitioner: Jason Schoenefeldt

Property Owner: same

Location: 25759 Kiwanis Ave.

Approximately 2 miles east of Crooks

Staff Report: David Heinold

This would allow 7,600 square feet of total accessory building area.

General Information:

Legal Description – Tract 1, Schoenefeldt Addition, NE1/4 SW1/4, Section 7-T102N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – vacant site

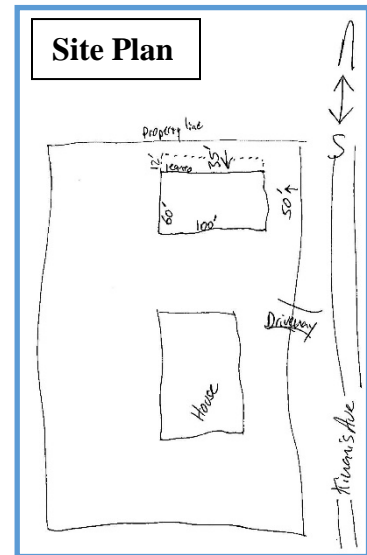
Parcel Size – 2.81 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 7,600 square feet of total accessory building area on an approximately 2.81 acre parcel. The site plan, at right, shows the proposed 76' x 100' accessory building located just north of the house.

There are a few accessory building sizes exceeding the 2,400 square feet total permissible area of accessory building footprint for properties between 1 and 3 acres. The property owner at 47230 258th St. has approximately 9,210 square feet of total accessory building area on a 1.96 acre lot. The property owner, 25747 Kiwanis Ave., has 2,646 sq. ft. on ten acres. The planning commission approved a conditional use permit request to allow 9,574 sq. ft. at the property, 25764 Packard Lane located about a quarter mile to the east in an existing subdivision.



On August 8, 2018, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There are a few other residential properties that exceed the 2,400 square feet total accessory building requirement in the zoning ordinance.



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 are a few properties within the surrounding area that have accessory building sizes exceeding 2,400 square feet on similar properties. The effect upon the use and enjoyment of other properties should not be negatively affected by the construction of the proposed accessory building for personal storage.

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

The area primarily consists of agricultural farmland with a significant amount of residential acreages surrounding the subject property. The requested accessory building area would set a precedent for future undeveloped properties in the surrounding area and would further increase the size of personal accessory buildings in the rural area; however, accessory building sizes over 7,000 sq. ft. have been approved in other parts of the county on similar lot arrangements. The future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area.

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

The petitioner has not indicated a need to increase utilities or included any provisions for accommodating drainage facilities to manage the type, intensity, and flow of water from the proposed accessory structure. The site plan shows that the structure will be accessible via an extension of the existing driveway.

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

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed 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 offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory structure for private use and storage will create few problems to neighboring properties. The property is located within the area defined as the Agricultural Production Area in the Envision 2035 Comprehensive Plan, which sets forth the purpose to protect, preserve, and promote agricultural uses and the economic viability of farming operations in the rural area.



Recommendation:

Staff finds that the requested total accessory building area is appropriate for the size of the parcel as well as conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-39 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 7,600 square feet.
- 2.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 3.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.

Public Testimony

David Heinold, County Planning Staff, presented a brief overview of the staff report and recommendation for Conditional Use Permit #18-39.

Commissioner Randall asked the petitioner if the proposed building will be used for personal storage.

Jason Schoenfeldt, 25759 Kiwanis Ave., identified himself as the petitioner and explained that he plans to store a tractor and combine in the proposed building.

Commissioner Randall asked the petitioner if this will be a farm site for agricultural equipment.

Mr. Schoenfeldt mentioned that he has two tractors, a combine, and a camper that will be stored inside the proposed building.

Steve Johnson, 25752 Kiwanis Ave., identified himself as the adjacent property owner to the northeast of the subject property. Mr. Johnson stated concerns over enforcement of lighting on buildings. He continued to explain that the area is in the Sioux Falls School District and this will be too big of a building for increase in growth where most people have a 2-3 car garage. Mr. Johnson indicated that the petitioner will be running a construction company out of the building.

Commissioner Randall asked Mr. Johnson if there is anything that could be done to make the proposed building size more appealing.

Mr. Johnson indicated that he built his accessory building matching the exterior of the house and believes it should be accepted that this be considered an option.

Mr. Johnson explained that he would like to see a smaller building placed further from the road. Commissioner Randall asked if there could be a possibility of any different location on the property for the proposed building.



Mr. Schoenfeldt explained that he could move the building down the hill towards the northwest corner of the lot. He continued to mention that it's an agricultural building, not a rental facility.

Commissioner Ode questioned if the petitioner knew how many overhead doors the building would have in the plan and the petitioner mentioned that he was unsure at the moment.

Commissioner Ode also asked if the petitioner would include any lighting on the building.

Mr. Schoenfeldt understands the requirement for lighting that it project downwards onto the property to avoid light spilling off site. He continued to mention that he is aware of the lighting at the Interstate Exit from some of the buildings in the area.

Commissioner Duffy questioned the petitioner if he would consider moving the building and planting some trees.

Mr. Schoenfeldt explained that he would move the building and plant trees along the road to prevent some of the dust from stirring up around the property.

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

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Ralston recommended adding a condition requiring the building to be placed in the northwest quarter of the subject property.

There was consensus among the planning commissioners about adding the sixth condition.

Action

A motion was made by Commissioner Ralston to **approve** Conditional Use Permit #18-39 with an additional condition #6 stating that the accessory building must be placed in the northwest quarter of the subject property and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Conditional Use Permit #18-39 – Approved



ITEM 10. ZONING TEXT AMENDMENT #18-02 to amend regulations pertaining to CAFOs in the 1990 Revised Zoning Ordinance for Minnehaha County.

Petitioner: Minnehaha County Planning Commission

Staff Report: Kevin Hoekman

This will amend regulations pertaining to CAFOs and Notification requirements for conditional use permits for CAFOs in the 1990 Revised Zoning Ordinance for Minnehaha County.

Staff Report: Kevin Hoekman

Staff Analysis:

In June of 2017, the Planning Commission approved an ordinance amendment for Concentrated Animal Feeding Operations (CAFOs) and aquaculture in the rural area of the county. The ordinance was adopted by the Board of Commissioners and became effective in September 2017. Since that time several applications for CAFO's have been heard by the Planning Commission, and staff has received suggestions from petitioners and planning commissioners for how to amend some requirements of the ordinance to better suit the intent of the Planning Commission. Several suggestions have been considered by staff to better improve the process of reviewing conditional use permit applications for CAFOs.

The comprehensive plan for Minnehaha County, Envision 2035, includes sections and goals regarding agriculture production in the county. One goal for rural conservation is to support the country lifestyle including all aspects of agricultural operations. In the Agricultural Production Area, the first listed typical use is "Larger-scale farms and related agricultural uses including feedlots, and livestock raising." A goal for this future land use area is to "protect, preserve, and promote agricultural uses and the economic viability of farming operations."

Below is a list of items of change with a description of why the change is proposed.

Notification Requirements

The notification requirements for a new or expanding CAFO have always been more involved than a typical CUP. The concern for the current ordinance is the requirement for petitioners to send the notice by certified mail and have the return receipt attached that requires a signature by the recipient for delivery. The purpose of the return receipt is to have documentation sent back to the sender with a name and signature of the individual who received the package. The return receipt allows for no question whether or not the intended recipient received the letter. Certified mail requires a signature for pickup, but the signature is not accessible by the sender; therefor the identity of who received the mail is unknown.

Staff has received concerns about the return receipt requirement. The concerns include that the return receipt is confusing (few people know what a return receipt is or how it is different than certified mail), costly (nearly \$7 for each letter), and unnecessary since a regular certified letter requires a signature for pickup (although without any record of who signed).



Landscape Requirements

A major part of the CAFO ordinance changes of last year was the adjustment of setback requirements. Currently, the base setback requirement is allowed to be reduced with landscaping that meets certain requirements. A couple applications within the past year have used the reduction allowance for expansion. Applicants and others raised concerns regarding the requirement that a Professional Landscape Architect design the shelterbelt. The intent of the Professional Landscape Architect requirement is to have a qualified person design the shelter belt in a similar manner as an architect reviews building plans for safety and code compliance. Those who have used the landscaping setback have expressed dissatisfaction with the landscape architects, and expressed that the conservation district may be a better source for knowledgeable design pertaining specifically with agricultural land uses. Staff has contacted the Minnehaha Conservation District regarding the ordinance, and they were receptive to working with the zoning ordinance and suggested several modifications for tree planting requirements. The Minnehaha Conservation District utilizes standards from the NRCS to design shelter belts for specific purposes.

Engineering Requirement

Modern animal barns are often very large. To ensure that the barns are constructed adequately to withstand the elements, the ordinance included a requirement for engineering for new barns that reach 50 feet wide. No concerns have been raised regarding the requirement other than the requirement does not match with industry standards of extra bracing requirements at spans of 60 feet wide. The industry standard that is used by the County building inspector is from the Building Component Safety Information (BCSI) which is produced by the Structural Building Components Association (SBCA). The proposed change in the ordinance allows one common standard for width requirements.

Attached Materials:

Attached with this staff report is two copies of the proposed ordinance. One copy has proposed additions to the ordinance underlined and proposed deletions to the ordinance marked with a strikethrough. The second copy has no marks on it, and includes all the new items as they are proposed to be written in the ordinance.

Recommendation:

Staff finds that the proposed text amendment changes are consistent with the intent of the A1-Agricultural zoning district and the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Zoning Text Amendment #18-02.'

Public Testimony

Kevin Hoekman, County Planning Staff, presented a brief overview of the staff report and recommendation for zoning text amendment #18-02.

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



Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Randall asked staff for clarification on the terminology for professional engineer.

Mr. Hoekman explained that the term professional engineer means that plans have the correct engineered stamp of approval by a licensed individual.

Commissioner Ralston concurred with planning staff that professional engineer is standard practice for certifying building plan documents.

Commissioner Ode asked staff to clarify small to large scale farms.

Mr. Hoekman explained that the definition in the comprehensive plan includes a broad description on what the difference is between a small and large farm.

Action

A motion was made by Commissioner Ode to **recommend approval** of Zoning Text Amendment #18-02 and seconded by Commissioner Ralston. The motion passed unanimously.

Zoning Text Amendment #18-02 – Approval Recommended



Old Business

Scott Anderson, County Planning Director, explained the result of the appeal of Conditional Use Permit #18-36 at the County Commission meeting the previous week.

New Business

None.

Adjourn

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

The meeting was **adjourned** at 7:52 pm.