



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
November 26, 2018

A meeting of the Planning Commission was held on November 26, 2018 at 7:05 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Maggie Gillepsie – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:29 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 any members of the public to items listed on the consent agenda.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 4, 5, 6, 7, and 8 by Commissioner Barth and seconded by Commissioner Randall. The motion passed unanimously.

ITEM 1. Approval of Minutes – October 23, 2018

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



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #18-47 to transfer two (2) building eligibilities from the NE1/4 SW1/4 and NW1/4 SE1/4 to the SE1/4 SE1/4; all in Section 13-T103N-R51W.

Petitioner: Ron Steineke

Property Owner: Ronald W. & Sheryl Steineke

Location: Located approximately 1 mile west of unincorporated Lyons

Staff Report: Kevin Hoekman

General Information:

Legal Description – Receiving Parcel – SE ¼ (Ex Steineke’s Addn) 13-103-51 Grand Meadow Township

Present Zoning – A1 Agriculture

Existing Land Use – Agricultural Cropland

Parcel Size – 144.81 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant has applied to transfer two building eligibilities (BEs) from the NE1/4 SW1/4 and NW1/4 SE1/4 to the SE1/4 SE1/4; all in Section 13 of Grand Meadow Township. The request is made to allow for two building sites next to one another and south of an existing line of single family dwellings on 466th Avenue. The proposed building sites will likely be located east of an existing grove of trees that runs parallel to 466th Avenue.

If approved, this transfer would move two land locked interior building eligibilities and make them available along a gravel road currently lined with residential dwellings. The two building eligibilities are the last available eligibilities in the section which are owned by the petitioner. The petitioner noted in the application questionnaire that the quality of the cropland in the receiving area and sending areas are about the same. The parcels have been owned by the petitioner for approximately 20 years.

Staff visited the site on November 7th 2018. A cluster of three nursery swine barns are located a little over ¼ mile to west of the likely building sites. The proposed receiving area is approximately the same distance from these barns as the current location of building eligibilities in the center of the section.

Conditional Use Permit Criteria:

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

The proposed location for the moved building eligibilities are located in an active agricultural zone, and in close proximity to a line of single family dwellings in the area. A few farmsteads are located in the area too. A large grain terminal facility is located approximately ½ mile



northeast of the receiving parcel, and a few nursery swine barns are located to the west of the receiving parcel. Residents in non-farm properties may oppose uses such as confinements and agricultural related business such as the grain terminal; however, a right-to-farm notice covenant is required for new residential dwellings to notify potential buyers to the realities of locating in an agricultural area.

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

Even with the right-to-farm covenant, the presence of non-farm residential dwellings may bring objections to regular farming practices included possible expansion of confined animal feeding operations. The transfer of the building eligibilities does not increase the number of dwelling units allowed in this section, and it groups the acreages near an existing residential acreage.

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

The applicant will have to make these arraignments for any extension of utilities including waste water disposal. Drainage will likely remain largely the same once dwellings are constructed.

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

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

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

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

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

The health, safety, general welfare of the public will not be negatively impacted by the transfer of one building eligibility. The intent of the Comprehensive Plan will be met, as density zoning will be followed, and this type of clustering is encouraged in the Comprehensive plan in order to preserve large tracts of farm land rather than broken up parcels located with low density spacing.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #18-47 with the following conditions:

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of a building permit for each single family dwelling.
2. Lots must be platted for each building site to place the eligibility before a building permit will be issued.



Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-47 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-47 – Approved



ITEM 3. CONDITIONAL USE PERMIT #18-48 to exceed 3,600 square feet of total accessory building area – requesting 4,400 sq. ft. on the property legally described as S1/2 SE1/4 SE1/4 (Ex. H-1), Section 13-T101N-R52W.

Petitioner: Josh Schipper

Property Owner: same

Location: 45982 265th St.

Located approximately 5 miles southwest of Hartford

Staff Report: David Heinold

General Information:

Legal Description – S1/2 SE1/4 SE1/4 (Ex. H-1), Section 13-T101N-R52W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 17.90 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit to allow 4,400 square feet of total accessory building area on approximately 17.90 acres. The site plan, at right, shows that the applicant plans to construct a 21'x20' addition on an existing detached garage located to the north of the house. The petitioner included on the site plan with removal of two existing accessory buildings.

On November 14, 2018, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There is one other residential property that exceeds the 3,600 square feet total accessory building requirement in the zoning ordinance.





According to Section 12.07 of the 1990 Revised Zoning Ordinance for Minnehaha County, accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall be limited based on the size of the parcel as depicted in Table 4. Total Permissible Area of Accessory Buildings when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

Table 4 Total Permissible Area of Accessory Buildings	
Size of Parcel	Total Permissible Area of Accessory Building Footprint
1.0 acres or less	1,600 Square Feet
1.1 to 3.0 acres	2,400 Square Feet
3.1 acres or more	3,600 Square Feet

The sizes of the existing buildings ranges from 1,664 square feet to 6,480 square feet of total accessory building area within a half mile of the subject property. The property, 46001 265th St., to the southeast has 6,480 square feet on 40 acres. The property owner at 46026 265th St. a quarter mile to the east has 2,400 sq. ft. on 5.86 acres.

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 several properties to the east along South Dakota State Highway 42 with total accessory building sizes comparable to the petitioner’s request. The proposed accessory building addition should not negatively affect the use and enjoyment of other properties in the immediate vicinity.

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 residential acreages along the main county highway. The proposed addition to the accessory building should not have a significant effect on the normal and orderly development of single family dwellings with available building eligibilities predominant in the area. The subject property is located approximately 3 miles west of the area known as Wall Lake Corner, which is an area designated by the Envision 2035 Comprehensive Plan for future commercial development.

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 building addition. The site plan shows that the building addition will be accessible via 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 building 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 relatively comparable to the existing accessory building sizes on similar properties in the surrounding area. Staff recommends **approval** of Conditional Use Permit #18-48 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,400 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential 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 full 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.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-48 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-48 – Approved



ITEM 4. CONDITIONAL USE PERMIT #18-49 to allow a Manufactured Home on the property legally described as Tract 2, Olson's Addition, SW1/4 SW1/4, Section 19-T103N-R49W.

Petitioner: Sarah and Brian Gross

Property Owner: Lynn and Lisa Olson

Location: Located approximately 3 miles northeast of Crooks

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 2, Olson's Addition, SW1/4 SW1/4, Section 19-T103N-R49W

Present Zoning – A1-Agriculture

Existing Land Use – Vacant lot

Parcel Size – 4 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located approximately 3 miles northeast of Crooks near the intersection of County Highways 133 and 122. The parcel has a large driveway connection to County Highway 133 (472nd Ave.), but most of the parcel fronts County Highway 122 (252nd St.). The petitioner is requesting to place manufactured home on the parcel. The 1990 Revised Zoning Ordinance for Minnehaha County requires a conditional use permit for the placement of a manufactured home within the A1-Agricultural zoning district. The zoning ordinance also includes requirements that must be followed for the placement of an approved manufactured home. These requirements are listed below:

- (C). A manufactured home may be considered for a conditional use as specified in the district regulations only if the following requirements are met:
 - (1). The structure shall have been constructed on or after July 15, 1976.
 - (2). The exterior dimensions of the structure, measured by excluding overhangs, shall not be less than 22 feet.
 - (3). The structure shall be supported by a foundation system consisting of walls along the perimeter and piers on the interior. All foundation walls and piers shall extend a minimum of 42 inches below final grade.
 - (4). The roofing and siding material shall be consistent with the material used in site-built dwellings.
 - (5). The roof pitch shall not be less than a 3 in 12 slope.

The petitioner has submitted a brief narrative and a site plan for the location of the proposed manufactured home. The site plan shows that the manufactured home is planned to be 28 feet wide, and located in the northeast corner of the parcel. The narrative explains that the manufactured home is a temporary until a permanent home is built in 2 to 4 years. If this CUP request for a manufactured home is approved, the applicant can maintain the manufactured home on the property as long as all other requirements are met. A sunset clause can be a condition of



approval if the planning commission finds it necessary. Replacement building permits are often issued in the county with the requirement that the existing dwelling be removed after final inspection. The site plan and narrative also include that an attached garage is part of the plan. The attached garage is noted to remain after the manufactured home is moved off the property.

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.

Manufactured homes are required to meet certain standards to make the home look similar as possible to a traditional stick built home. A new well-built manufactured home will meet standards and have little effect on the appearance of the surrounding area. There are no CAFOs within the immediate vicinity of the property; the nearest known CAFO is approximately 1 mile to the east of the property.

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

The proposed manufactured home will use a residential building eligibility. Several building eligibilities remain in the vicinity and a few farmsteads exist as well. The future development of this property with a manufactured home will not significantly change how the property develops if a stick built home was constructed instead.

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

The petitioner will be required to extend all utilities and provide on-site wastewater management. The property has access from County Highway 133. The drainage of the site will not significantly be affected by the placement of a manufactured home.

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

The off-street parking requirements provides for a single-family residence will be met when the dwelling is placed. An attached garage is part of the proposed project.

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. This will include from the dwelling.

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

The proposed conditional use will have no negative effect on the health, safety and general welfare of the public. The placement of this manufactured home will not add density within the county.



Recommendation:

Staff finds this conditional use permit request meets the ordinance and is reasonable under the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #18-49 with the following conditions:

- 1.) The manufactured home shall be constructed to meet all requirements of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 2.) A building permit must be obtained prior to the placement of the manufactured home.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-49 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-49 – Approved



ITEM 5. CONDITIONAL USE PERMIT #18-50 to amend CUP #12-60 to allow additional signage space totaling 150 square feet on the property legally described as Tract 1, Benson’s Addition, S1/2 SW1/4, Section 17-T103N-R50W.

Petitioner: Larry Sax (Sax Seeds)

Property Owner: same

Location: 46702 253rd St. Located in the unincorporated area of Lyons

Staff Report: David Heinold

General Information:

Legal Description – Tract 1, Benson’s Addition, S1/2 SW1/4, Section 17-T103N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Commercial

Parcel Size – 3.72 Acres

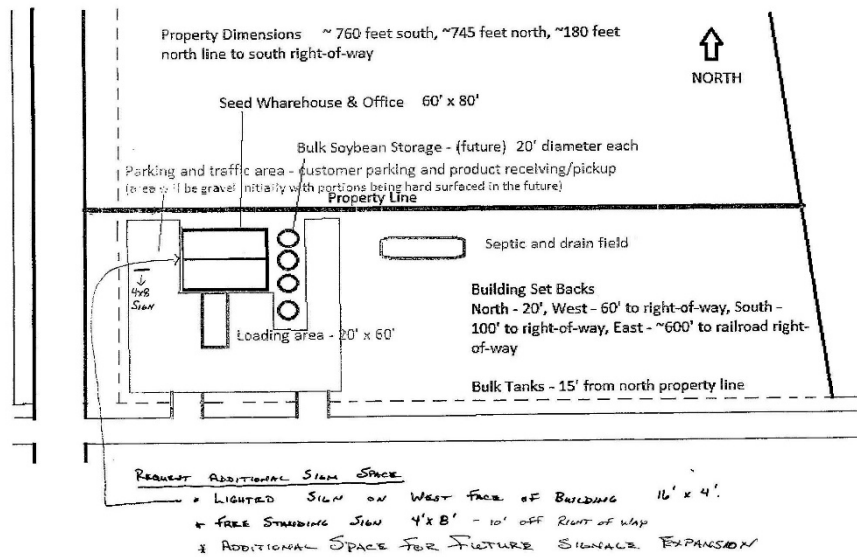
Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting a conditional use permit amendment to allow signage area totaling 150 square feet for the subject property. The previous conditional use permit for seed sales allows 32 square feet of total sign area on the approximately 3.72 acre parcel. The zoning ordinance allows 16 square feet of total sign area for on-premise signage in the A-1 Agricultural District except when a conditional

use grants a larger sign size. The site plan, above, shows the breakdown of the requested 150 square feet of total sign area and the locations of all signage proposed for the business.

On November 14, 2018, staff visited the property and determined that the requested sign area is appropriate for the surrounding area. There are a few other examples of larger sign area sizes than the requested conditional use permit amendment in 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.

The proposed amendment to increase the allowable total sign area should not significantly affect the use and enjoyment of other property in the immediate vicinity. The properties to the south, west, and east are zoned A-1 Agricultural District and the property to the north is zoned I-1 Light Industrial District. The requested total sign area is compatible with the similar commercial properties within the immediate vicinity. The proposed signage amount is less than half the allowable total sign area for properties zoned commercial, light industrial, or heavy industrial.

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

The proposed increase in sign area on this site would set a precedent on similar parcels of land zoned in the A-1 Agricultural District, but would improve traffic safety and sign legibility from County Highway 143. The immediately to the north is currently zoned I-1 Light Industrial District with multiple warehouse buildings that have varying amounts of sign area on their properties. The surrounding area is primarily farmland with a few residential acreages within a quarter mile of the subject property. Since no structural additions to the existing building are planned, there should not be a significant effect on the growth and development of the surrounding vacant properties.

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

All of the utility, access, and drainage facilities have already been provided; therefore, no additional facilities need to be provided for the subject property.

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

The existing building provides enough parking to accommodate the amount of employees and clients/customers. No additional parking is required because the applicant is not requesting an addition on the existing building.

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 site plan shows that there will be a 16'x4' lighted sign on the west face of the existing building. The proposed sign must be shielded to direct light away from the travelling public on County Highway 143.

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

The Envision 2035 Comprehensive Plan designates the area as commercial/industrial on the future land use map. The Plan envisions the unincorporated Lyons as a Rural Service Area where commercial and industrial uses are encouraged to locate due to close proximity to paved county highways.



Recommendation:

Staff finds that the conditional use permit amendment request for a larger total sign area is appropriate for where the subject property is located in unincorporated Lyons. Staff recommends **approval** with the following conditions:

1. That the lot shall adhere to the submitted site plan and application dated 10/22/2018.
2. That all materials, supplies, and products associated with the facility shall be stored within a building or screened appropriately.
3. That there shall be no sales or production of fertilizer or chemicals on the property.
4. That any outdoor lighting shall be of a full cutoff and fully shielded design that prevents the spillage of light beyond the boundaries of the subject property.
5. That if dust becomes a nuisance the petitioner will apply a dust control agent to the property frontage along 253rd Street.
6. All onsite wastewater systems shall be constructed and operated in conformance with state regulations and with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.
7. That one 14' x 35' designated loading space and two (2) off-street parking spaces must be provided. The parking lot must be setback 15 feet from the property line.
8. That a sign permit shall be obtained prior to the installation of any sign. A maximum of 150 square feet shall be allowed for on-premise signage.
9. That the Planning & Zoning Department reserves the right to enter and inspect the buildings at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.
10. That the applicant obtains and maintains a South Dakota Sales Tax License.
11. That the applicant notifies Lyons Township of the proposed use and determines what is needed for driveway approaches to the property.
12. That a building permit is required.
13. That the applicant submits building plans to the County Building Inspector for review prior to issuance of a building permit.
14. That all inspections required by the County Building Inspector are completed before operation of the facility begins.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-50 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-50 – Approved



ITEM 6. CONDITIONAL USE PERMIT #18-51 to transfer two (2) building eligibilities from the NW1/4 SW1/4 and SW1/4 NW1/4; all in Section 31-T103N-R47W, to the SW1/4 SE1/4 (Ex H-1) of Section 25-T103N-R48W & the NW1/4 NW1/4 (EX Ry) of Section 31-T103N-R47W.

Petitioner: Matthew Swartwout (Chuck Sutton Auctioneer & Land Broker LLC)
Property Owner: Ruth A. Cooley Family Limited Partnership (Ronald B. Cooley)
Location: Located 2 miles southeast of Garretson
Staff Report: Kevin Hoekman

General Information:

Legal Description – S1/2 SE1/4 (Ex H-1) of Section 25-T103N-R48W & the NW1/4 NW1/4 (EX Ry) of Section 31-T103N-R47W
Present Zoning – A1 Agriculture
Existing Land Use – Agricultural crop land
Parcel Size – 80 acres and 33 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant has applied to transfer two building eligibilities (BEs) from a nearly 80 acre parcel to two separate parcels north of the property as described above. The sending parcel is getting purchased by the South Dakota Parks and Wildlife Foundation. And the receiving parcels were picked to redistribute the building eligibilities among the remaining parcels. In August, a building eligibility on one of the parcels was moved with a CUP prior to the petitioner finalizing the land purchase with the South Dakota Parks and Wildlife Foundation.

If approved, this transfer would move two building eligibilities located along Split Rock Creek and redistribute them among other land owned by the same landowner. One receiving site was picked to replace a building eligibility that was moved earlier this year, and the other receiving site is near an existing farmstead and pasture land. County Highway 109 is located close by both of the receiving parcels.

Staff visited the site on November 7th 2018. No concentrated animal feeding operations are located close by, but a few farmsteads are in the area. There are no housing development clusters within the surrounding area west of Split Rock Creek, and many building eligibilities remain available for development.

Conditional Use Permit Criteria:

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

The proposed location for the moved building eligibilities are located in an active agricultural zone. A few farmsteads are located in the area, and the area is generally low density of dwellings. There are no known CAFOs in the immediate vicinity of the receiving parcels.



Residents in non-farm properties may oppose uses such as confinements and certain aspects of crop production; however, a right-to-farm notice covenant is required for new residential dwellings to notify potential buyers to the realities of locating in an agricultural area.

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

Even with the right-to-farm covenant, the presence of non-farm residential dwellings may bring objections to regular farming practices including possible expansion of confined animal feeding operations. The proposed transfer of the building eligibilities will increase the number of dwelling units allowed in the receiving sections. The transfer will allow the property to be preserved for future state park land while allowing the building eligibilities to be developed in the future.

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

The applicant will have to make these arraignments for any extension of utilities including waste water disposal. Drainage will likely remain largely the same once dwellings are constructed.

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

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

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

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

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

The health, safety, general welfare of the public will not be negatively impacted by the transfer of one building eligibility. The intent of the Comprehensive Plan will be met, as density zoning will be followed.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #18-51 with the following conditions:

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of a building permit for each single family dwelling.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-51 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-51 – Approved



ITEM 7. CONDITIONAL USE PERMIT #18-52 to transfer two (2) building eligibilities from the E1/2 SW1/4 to the NW1/4 SW1/4, Section 36-T102N-R51W; and to transfer two (2) building eligibilities from the N1/2 NE1/4 (Ex. S 6A), Section 2-T101N-R51W to the SW1/4 SW1/4, Section 36-T102N-R51W.

Petitioner: Dale D. Stowsand

Property Owner: same

Location: Located 2 miles southeast of Hartford

Staff Report: David Heinold

General Information:

Legal Description – SW1/4, Section 36-T102N-R51W

Present Zoning – A-1 Agricultural District

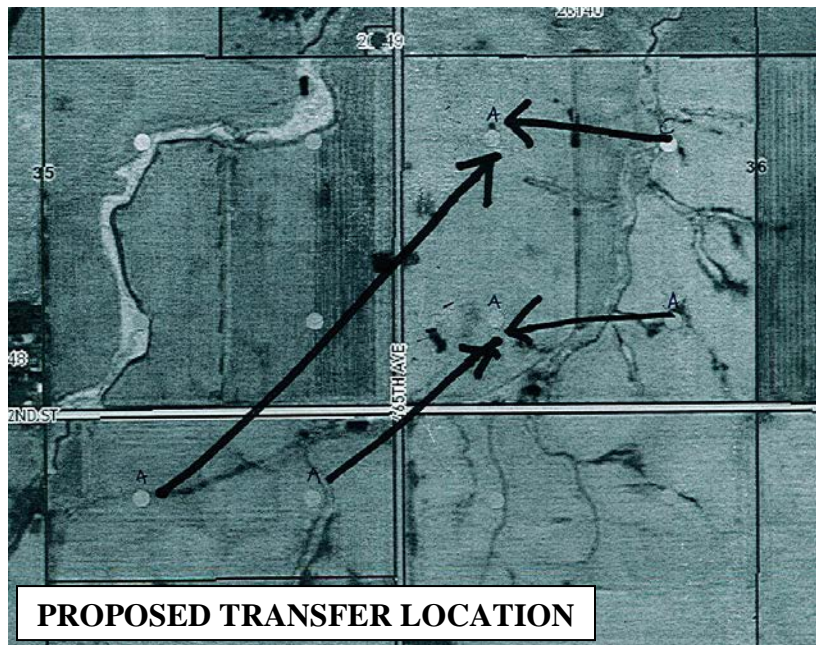
Existing Land Use – Agriculture

Parcel Size – 160 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to transfer two building eligibilities to the NW1/4 SW1/4 and two building eligibilities to the SW1/4 SW1/4 in Section 36 of Hartford Township. There is an existing cattle yard about a quarter mile northwest of the two building eligibilities proposed to be transferred to the NW1/4 SW1/4 of Section 36. There is also another cattle yard located a little over a half mile from the proposed transfer of four building eligibilities. The remaining land surrounding the transfer location is agricultural farmland.



In addition, the two building eligibilities are moving further away from the cattle yard that is nearly one mile to west of the 465th Ave. & 262nd St. intersection, but preserving the 80 acres from the N1/2 NE1/4 in Section 2 of Wall Lake Township for agricultural production.

On November 14, 2018, staff visited the property and determined that the proposed transfer of



building eligibility is appropriate for the surrounding area. There are no concentrated animal feeding operations within one mile of the subject property. On October 31, 2018, staff contacted the City of Hartford and the City of Hartford has no concerns with the moving of these 4 eligibilities as requested.

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 is 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. The proposed building site will be located on an existing farming area surrounded by agricultural farmland.

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

The surrounding land is primarily farmland with a few livestock operations within one mile of the proposed transfer of building eligibility sites. The concentration of residential homes may present challenges for expansion of existing livestock operations, but should not inhibit the growth and development of surrounding agricultural operations because the building eligibilities are located near the intersection of two gravel roads about one mile outside of the immediate growth area for the City of Hartford as identified in the 2037 Hartford Comprehensive Plan.

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

The placement of the building eligibilities will result in the construction of six (6) total single family dwellings with driveway approaches proposed to be installed with access to 262nd St.

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 transfer of four building eligibilities. 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 #18-52 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 Hartford Township prior to the issuance of a building permit.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-52 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-52 – Approved



ITEM 8. CONDITIONAL USE PERMIT #18-53 to exceed 3,600 square feet of total accessory building area – requesting 4,148 sq. ft. on the property legally described as S1/2 SE1/4 SE1/4 (Ex. H-1), Section 34-T104N-R50W.

Petitioner: Michael Painter

Property Owner: Cathy J. & Michael D. Painter

Location: 46992 250th St.

Located approximately 4 miles west of

Baltic

Staff Report: David Heinold

General Information:

Legal Description – Tract 1, Brown’s Addition, SE1/4 SE1/4, Section 34-T104N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

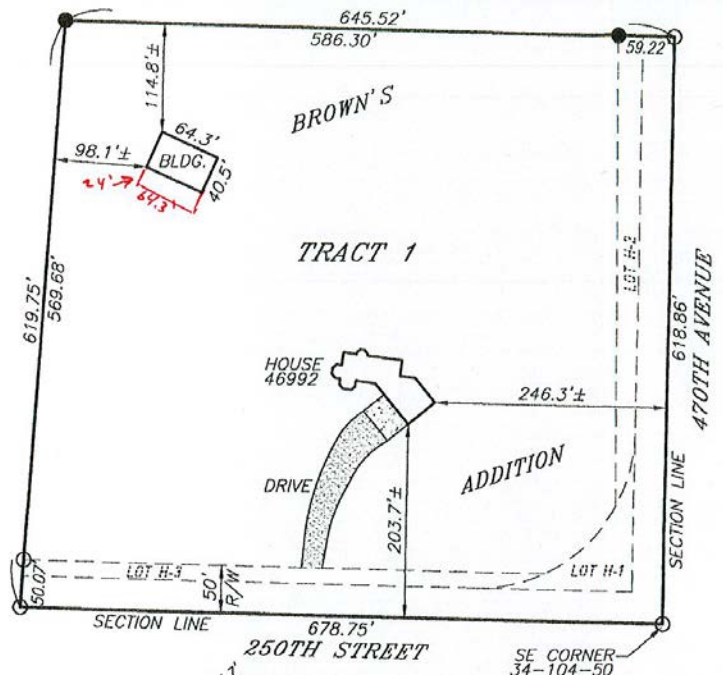
Parcel Size – 8.82 Acres

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Staff Analysis:

The petitioner is seeking conditional use permit approval to allow 4,148 square feet of total accessory building area on approximately 8.82 acres. The site plan, at right, shows that the proposed lean-to on an existing 40’x64’ accessory building will be located northwest of the existing house.

On November 14, 2018, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There are a few other properties with comparable sizes to the 3,600 square feet total accessory building requirement in the zoning ordinance.





According to Section 12.07 of the 1990 Revised Zoning Ordinance for Minnehaha County, accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall be limited based on the size of the parcel as depicted in Table 4. Total Permissible Area of Accessory Buildings when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

Table 4 Total Permissible Area of Accessory Buildings	
Size of Parcel	Total Permissible Area of Accessory Building Footprint
1.0 acres or less	1,600 Square Feet
1.1 to 3.0 acres	2,400 Square Feet
3.1 acres or more	3,600 Square Feet

The sizes of the existing buildings ranges from 2,080 square feet to 3,360 square feet of total accessory building area within a half mile of the subject property. The property, 47047 250th St., about a half mile to the east has 3,360 sq. ft. on 3.21 acres. Comparatively, the property owner immediately to the north of the subject property has 3,108 sq. ft. on about 6.27 acres.

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 several properties in the immediate vicinity with total accessory building sizes comparable to the petitioner’s request. The use of the proposed building addition for personal storage of household items and property maintenance equipment should not negatively affect the use properties in the immediate vicinity.

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 residential acreages along the main county highway. The proposed lean-to addition to the accessory building should not have a significant effect on the normal and orderly development of single family dwellings with available building eligibilities predominant in the area. The subject property is located approximately 2 miles west of the Interstate 29 exit for Baltic, which is an area designated by the Envision 2035 Comprehensive Plan for future commercial development.

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 building addition. The site plan shows that the building addition will be



accessible via 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 building 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 relatively comparable to the existing accessory building sizes on similar properties in the surrounding area. Staff recommends **approval** of Conditional Use Permit #18-53 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,148 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential 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 full 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.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-53 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #18-53 – Approved



MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES

November 26, 2018

Old Business

None.

New Business

Scott Anderson, County Planning Director, presented a few updates regarding the sign ordinance revision, planning commission bylaws, and social media presence for the planning department.

Adjourn

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

The meeting was **adjourned** at 8:42 pm.