



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
MAY 18, 2020**

A meeting of the Planning Commission was held on May 18, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

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

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Chair Duffy called roll of members present to determine a quorum. Commissioners Becky Randall, Adam Mohrhauser, Mike Ralston, Ryan VanDerVliet, and Jeff Barth responded present at the meeting. Commissioner Doug Ode joined the meeting at Item #2

STAFF PRESENT:

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

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

PUBLIC COMMENT.

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

ITEM 1. Approval of Minutes – April 27, 2020

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

A motion was made by Commissioner Mohrhauser and seconded by Commissioner Barth to approve the meeting minutes from April 27, 2020. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #20-16 to amend Conditional Use Permit #13-15 to allow Private Campground of up to eight (8) camping units on the property legally described as Tract 1, Bour Addition, N1/2, Section 27-T102N-R52W.

Petitioner: Hunter's Pointe Shooting Complex

Property Owner: same

Location: 45761 260th St. Located Approximately 2.5 miles south of Humboldt

Staff Report: David Heinold

General Information:

Legal Description – Tract 1, Bour Addition, N1/2, Section 27-T102N-R52W

Present Zoning – A-1 Agricultural District

Existing Land Use – Shooting Range

Parcel Size – 60 Acres

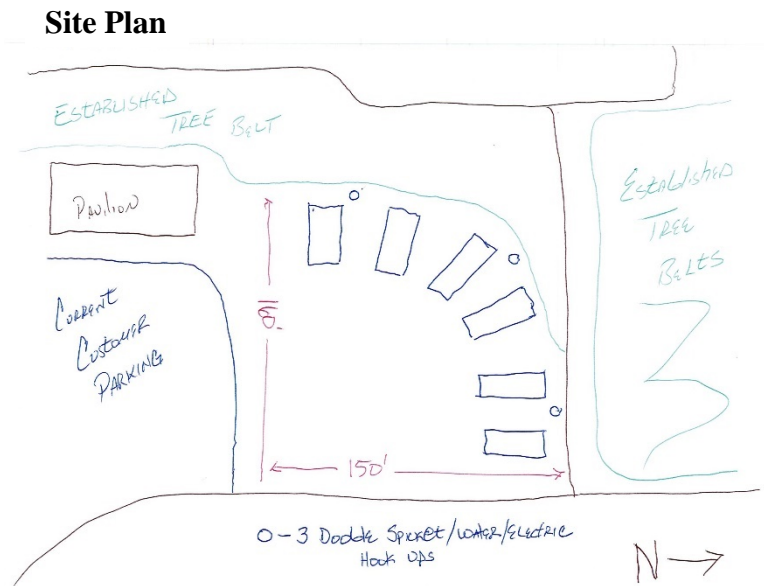
Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting a conditional use permit amendment to allow a private campground for up to eight camping units in addition to the existing Hunters Pointe Shooting Complex. The proposed camper area would be located north of the Pavilion along the main entrance driveway. The existing conditional use permit allows a trap shooting, rifle, and pistol range. Conditional Use Permit #13-15 requires approval by the Planning Commission for major changes to the site plan.

The site plan, at right, shows the location of the proposed camping area just north of the existing pavilion at the shooting complex. There is an existing parking lot to the east of the pavilion that would be adequate to provide parking spaces for the camping area.

On May 5, 2020, staff visited the subject property and determined that the proposed use for primitive camping is an appropriate addition to the existing shooting complex. The camping area is located with adequate setbacks to the existing trap shooting, rifle, and pistol ranges.





Conditional Use Permit Criteria:

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

There should be no negative effect on the use and enjoyment of farm land in the immediate vicinity. The petitioner owns much of the surrounding land around the shooting complex. There should be no change in property values since the petitioner has no plans for the construction of any buildings to serve the proposed camping area.

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

The immediate area is primarily agriculture with a few residential acreages. The future development of the vacant property in the surrounding area is dependent upon the availability of building eligibilities for single family dwellings. There should be no significant effect on the normal and orderly development of surrounding vacant property given that the proposed camping area will be located within the existing shooting complex.

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

The petitioner will add up to three double spicket water and electric hookups between the proposed camping spots. The remaining access roads, drainage, and other necessary facilities have been provided with the existing shooting complex.

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

The petitioner should provide a minimum of one (1) parking space per camping site.

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 use of lighting should be designed to minimize potential impact to neighboring properties or right-of-ways. As the application specifically requests the use for only a temporary period, the petitioner does not propose any signage for the use. Any barbeque pits or fire pit areas should be located and constructed to control fire and prevent fire hazard.

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

The subject property is located in the Agricultural Production Area as identified by the Envision 2035 Comprehensive Plan. The goal of the Agricultural Production Area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations. There should be no negative effect on the health, safety, general welfare of the public, or the Comprehensive Plan with the proposed camping area.

Recommendation:

Staff finds that the proposed conditional use permit amendment to allow a private campground in addition to the shooting complex is an appropriate use for the surrounding area. Staff suggests adding condition #25, "That the use shall be limited to eight (8) camping units placed on the subject property in accordance with the submitted site plan amendment dated 4-28-2020." Staff recommends **approval** of Conditional Use Permit #20-16 major amendment to Conditional Use Permit #13-15 with the following conditions:



- 1) That Conditional Use Permit #13-015 shall allow for one (1) 20 Lane Rifle & Pistol Range at a maximum of 600 yards, Trap Shooting Range and banquet facility for larger shoots and associated fundraisers.
- 2) That the property shall adhere to the site plans and building plans dated 2-8-13. That if minor changes occur these plans shall be approved by the Planning Director and major changes approved by the Planning Commission and kept on file with CUP #13-015.
- 3) That the range officer(s) on duty shall not be participating in any shooting activities and shall only be there to enforce the safety rules by observing shooters and running the firing line and trap shooting range(s).
- 4) That a range officer shall be present at the active firing line at all times on the rifle and pistol range when in use. That a minimum of one (1) range officer for the trap shooting range shall be required in addition to the range officer at the rifle and pistol range. That one (1) range officer shall not be responsible for both the rifle and pistol range and trap shooting range at the same time.
- 5) That range officer requirements shall apply to both members and non-members participating in active shooting. A range officer shall always be required.
- 6) That a bar, led sled or similar device shall be placed across the firing bench or firing area on the rifle and pistol range to restrict the angle of fire and ensure that bullets remain within the embankments.
- 7) That minimum 8' foot berms or earth embankments shall enclose the east and west sides of the rifle and pistol range. That a minimum of a 20' foot berm or earth embankment shall enclose the most southern portion of the target range. That concrete retaining wall shall be placed within the range as according to the site plan.
- 8) That no weapon greater than a .338 caliber shall be permitted to fire at this facility unless it's the use of guns that use black powder propellants.
- 9) That an authorization log defining the shooters ability/proficiency to gain access to targets on the rifle and pistol range that are beyond 200 yards shall be maintained by Hunters Pointe and/or the safety office.
- 10) That the public hours of operation shall be from 8 AM to sunset Monday-Friday, weekends and holidays from 10 AM to sunset. That the private hours of operation shall be from 5 AM to 2 AM Monday-Sunday.
- 11) That an exception to the hours of operation shall be only in the event of a scheduled night shoot at the trap shooting range. No shooting shall occur from the rifle and pistol range during a night trap shoot.
- 12) That when the sighting-in of any weapon takes place it shall be conducted in an area that is baffled or that has other measures taken to ensure the projectiles are contained within the boundaries of the property.
- 13) That the public address system shall be installed and maintained for the rifle and pistol range to voice commands for shooters on the range.
- 14) That further safety inspections and/or safety precautions shall be required if the public's health and safety are threatened due to the lack of projectile containment or similar life threatening incidents.
- 15) That a baffling system of the entire 600 yard range shall be required if projectiles are not contained within the boundaries of the property.



- 16) That a gate shall be erected and maintained at all entrances or exists in order to mitigate trespassing and to insure proper access to the facility. That the facility and gates shall be locked when the range is closed and staff is not present.
- 17) That building permits and other required inspections shall be obtained for all structures on the property and violations shall be corrected within 6 months.
- 18) That all materials, supplies and products associated with the facility shall be stored within an approved structure, storage facility or screened from public view.
- 19) That no unlicensed, inoperable or partially dismantled vehicle, equipment or parts shall accumulate on the property.
- 20) That an adequate restroom facility(s) shall be provided at the property. That when an onsite wastewater system is used it shall be constructed in conformance with South Dakota State and Minnehaha County regulations.
- 21) 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.
- 22) That parking and loading regulations outlined in Article 15.00 of the Minnehaha County Zoning Ordinance shall be met. That parking shall not be allowed along 260th Street.
- 23) That an entrance sign(s) of 64 square feet shall be allowed and that all other signage shall comply with the zoning ordinance requirements stated in Article 16.00 On-Premise Signs and Article 17.00 Off-Premise Signs. Signs require a building permit.
- 24) That the Conditional Use Permit #92-029 for this property in regards to the trap shooting range shall be repealed.
- 25) That the use shall be limited to eight (8) camping units placed on the subject property in accordance with the submitted site plan amendment dated 4-28-2020.

Public Testimony

Chair Duffy called for the applicant and Isaac Chamness identified himself at the podium.

Chair Duffy called for discussion. Staff indicated no hands were raised in the Zoom Personal Meeting Room.

Commissioner Randall mentioned that Charles Leuth was trying to raise his hand, but was having issues. Chair Duffy called public testimony and Charles responded that he would like to speak on the item.

Charles Leuth, 45833 260th St., mentioned that he lives next to Hunters Pointe Shooting Complex and stated concern about traffic near his house. Mr. Leuth explained that anyone who searches for directions online is directed to take his driveway through to Hunters Pointe. He continued to mention that this is a private driveway, which sees about 5-10 cars a day on busy days for Hunters Pointe Shooting Complex. Mr. Leuth mentioned concerns regarding maintenance of the road and lack of foresight to prevent people from driving on the private driveway.

Mr. Chamness explained that the township board and Mr. Leuth closed 260th St. just east of Hunters Pointe due to the road being flooded. He continued to mention that the road is not in as bad a condition as the past two years with flooding problems.



Chair Duffy called for additional questions for the petitioner.

Mr. Leuth explained that the road is a dead end for the interstate, not a closed road. He continued to mention that the road is closed for his driveway to the house. Mr. Leuth stated concerns about people driving on the road now that the flooding has receded from the road.

Commissioner Barth asked Mr. Leuth if the traffic turns around in his driveway. Mr. Leuth explained that the traffic has to pull up in his yard to turn around.

Commissioner Barth asked Mr. Leuth if his driveway was really long and parallel to the interstate. Mr. Leuth responded that it is and there continued to be discussion amongst himself and Commissioner Barth about the driveway.

Commissioner Randall asked Mr. Leuth if there was a potential way to remedy this issue.

Mr. Leuth explained that he would have to put up a gate at the end of the driveway, but that presents an inconvenience for himself.

Chair Duffy called for further questions and Commissioner Barth stated that he felt lost when on Mr. Leuth's driveway.

Chair Duffy called for other comments or questions for the petitioner.

Commissioner Ode questioned the season of this type of shooting range and camping.

Mr. Chamness explained that the facility is year-round operation.

Commissioner Ode asked what happens with the snow removal on the road.

Mr. Chamness explained that the township takes care of snow removal on 260th St. to the west of the shooting range, but he has had to pull people out of the water the last few years. He continued to mention that all of the traffic for the last two years has been westbound from his gate since the eastbound direction has been impassible due to flooding. There has been no maintenance on that portion of road for two years.

Mr. Chamness explained on the aerial map that the flooding on 260th St. occurring over the past few years has been just east of his driveway entrance. He continued to mention that he has paid for signage at his gate prohibiting right turns and directing traffic towards SD Highway 19. Mr. Chamness stated that Google Maps still has 260th St. to the east listed as a township road even though the road was closed to become a private driveway for Mr. Leuth.

Commissioner Barth questioned if staff has any idea what to do with Google Maps.

Scott Anderson, County Planning Director, stated that we can look into resolving this issue with Google Maps.



Commissioner Barth explained that there is a natural tendency for drivers coming from the east to take Mr. Leuth's driveway.

Isaac Chamness mentioned that there is no access off the interstate from the east other than the Hartford exit, which is four miles further to the east.

Charles Leuth explained that the Google Maps directions show to get off at Hartford and then come to the west towards his driveway. Mr. Leuth stated that he has tried to contact Google, but did not have any luck getting any changes to the directions.

Mr. Chamness mentioned that this seems to be an all of sudden issue as this has not been an issue in the past three years with the road being underwater.

Commissioner Barth stated that he does not feel it is appropriate to unleash campers into Mr. Leuth's yard. He would like further resolution to this issue from either the Township, Hunters Pointe, or someone to figure out a solution.

Commissioner VanDerVliet concurs with Commissioner Barth that we shouldn't create a bigger problem until the traffic issue is addressed to and from the shooting range.

Commissioner Ode concurred with Commissioner Barth and VanDerVliet about the road issue.

Commissioner Randall concurs with the other commissioners and believes that a last resort could be to add a condition requiring a gate across Mr. Leuth's driveway to discourage traffic coming from the east on his driveway. She also thinks that would certainly be an inconvenience to Mr. Leuth, but there must be an easier way to stop Google Maps from directing traffic down his driveway towards the shooting range.

Action

A motion was made by Commissioner Barth to **defer** Conditional Use Permit #20-16 until the June 22, 2020 regular meeting to attempt to resolve the issue through Google Maps or one of the governing entities. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-16 – Deferred until June 22, 2020 regular meeting



ITEM 3. REZONING #20-02 to rezone from the A-1 Agricultural District to the C Commercial District property legally described as Tract 3, Wold Tracts (Ex. H-1), NW1/4 NW1/4, Section 27-T103N-R49W.

Petitioner: Midway Service, Inc.

Property Owner: Bruce Vollan

Location: 25406 475th Ave. Located Approximately 4.5 miles south of Baltic

Staff Report: David Heinold

General Information:

Legal Description – Tract 3, Wold Tracts (Ex. H-1), NW1/4 NW1/4, Section 27-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 1.29 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to rezone from the A-1 Agricultural District to the C Commercial District. The subject property is located immediately south of existing commercial property owned by the petitioner. The proposed rezoning to commercial will allow the petitioner to expand the existing business located on Tract 1A, Wold Tracts.

The subject property is located just south of the intersection of South Dakota State Highway 115 and County Highway 122. Currently, the property has a single-family dwelling and is used for a residential purpose. There is an existing house on the property to the immediate north of the subject property.

The Envision 2035 Comprehensive Plan shows the surrounding area as commercial on the Future Land Use Map. The intersection of County Highway 122 and South Dakota State Highway 115 is most commonly referred to as ‘Midway Corner’, which currently has an automobile service station, vehicle repair shop, and Raven Industries in the vicinity. The Plan encourages commercial uses to locate in existing rural service areas at the intersection of a state and county highway.

On May 5, 2020, staff visited the subject property and determined that the proposed rezoning from A-1 Agricultural District to the C Commercial District is appropriate for the general area. The proposed zoning change aligns with the goals and policies of the Envision 2035 Comprehensive Plan.

Recommendation:

Staff finds that the proposed rezoning from A-1 Agricultural District to the C Commercial District is an appropriate transition given the existing land uses in the immediate vicinity. Staff recommends **approval** of Rezoning #20-02.



Public Testimony

Chair Duffy called for public testimony among participants in the meeting room and the Zoom Personal Meeting Room. Nobody moved to speak or raised their hands on this agenda item.

Todd Ibis, 1600 W. Wicklow Dr., identified himself as the controller for the company.

Chair Duffy called for discussion. Staff indicated no hands were raised in the Zoom Personal Meeting Room.

Commissioner Ralston commented that general area lends itself to commercial in nature and made a motion to recommend approval of Rezoning #20-02.

Action

A motion was made to **recommend approval** of Rezoning #20-02 by Commissioner Ralston and seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Rezoning #20-02 – Approval Recommended



ITEM 4. CONDITIONAL USE PERMIT #20-14 to allow Agriculturally-Related Operations – Welding Livestock Equipment and Welding Repair on Farm Machinery on the property legally described as Tract 1A, Swenson’s Tracts, An Addition, NW1/4, Section 35-T104N-R48W.

Petitioner: D&S Welding, LLC (Cody Shellum)

Property Owner: Mark & Jennifer Shellum

Location: 48227 249th St. Located approximately 4.5 miles west of Sherman

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1A, Swenson’s Tracts, An Addition, NW1/4, Section 35-T104N-R48W

Present Zoning – A1 Agricultural

Existing Land Use – Residential acreage with accessory sheds

Parcel Size – 4.68 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located approximately 4.5 miles west of Sherman. The property is the last residential property accessed from the township road (249th St.) which dead ends before the road would have crossed West Pipestone Creek. The petitioner is requesting an agricultural related operation for the production and welding of agricultural equipment. The business is currently operating out of one shed, but the petitioner shows that another shed is planned on the site for expansion. As it is currently operating the business is in violation of the ordinance for operating without a permit. It should be clarified that the property is not an active farm and therefore does not meet the qualifications for a Class 2 Home Occupation which is a business accessory to a farm operation.

The petitioner has submitted a narrative and site plan which describes the basics of the operation such as purpose, time of operations, and signs. The narrative lacks several important features such as how many employees and customers the operation is expected to have and how much truck traffic is generated by the operation. The questions are important for a business planning to operate on a gravel road nearly two miles from the nearest county highway access.

The site plans show existing and proposed conditions of the properties. A 56 feet by 96 feet (5,376 square feet) building currently exists on the property. This building is larger than the 2,000 square feet that is allowed by a Class 1 Major Home Occupation. In addition to the large existing building the petitioner shows a 80 feet by 150 feet (12,000 square feet) building to be built on the site. This size of building is typically reserved for industrial zoned areas; it would require a conditional use permit on a commercial zoned property. Staff finds that the proposed building is inappropriate for industrial use in an agricultural zoned district. To allow the continued use of the property for agricultural welding manufacturing staff recommends that the existing building may remain as part of the business. Any expansion would be better placed in an industrial zoned property.



The site plans also show areas for loading and unloading, truck and trailer parking, and employee parking. Typically outdoor storage is discouraged or not allowed for non-industrial zoned properties. The area is rather secluded and well planted with tree groves to block the view of outdoor storage. Garbage and scrap metals shall not be stored outside, and outdoor storage should be limited to finished products which are ready for sale or delivery.

Conditional Use Permit Criteria:

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

The subject property is located in an active agricultural area with several farmsteads and acreages nearby. The property is located at the dead end of a township road and it is nearly 2 miles away from the nearest paved county highway. The seclusion of the property and the planted tree groves provides it distance from direct neighbors. The petitioner has included operating hours that show the intent to be limited during normal working hours. The biggest impact to the neighborhood may be the added traffic from trucks, employees, and customers from an expanded use.

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

The surrounding area will remain agricultural for the foreseeable future. Allowing a significant industrial welding operation in the rural area may lead to future requests for similar uses where roads and neighborhoods are not equipped to handle the intensity. It is possible that available residential building eligibilities may be less desirable in proximity to an intensive welding operation.

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

The current site is already developed and has existing utilities. If any additional utilities are needed, the petitioner will be required to extend those utilities.

The site is accessed through almost two miles of township gravel roads before reaching a paved county highway. The chairman of Logan Township was notified of the request. He explained to staff that the petitioner has worked with them in the past for gravel replacement and even culvert expansion that was needed for trucks coming and going from the current operation. If the operation is allowed to expand, there will certainly be additional truck traffic at the location.

At the time of printing this staff report, staff was waiting for a response from the township supervisors if a formal road agreement is wanted as a condition of the permit approval.

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

The property is large and the site plans show significant area for loading and unloading to support the proposed use.



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 agricultural related operation is planned to primarily take place inside of an enclosed building. Much of the yard is surrounded by tree grove. The tree grove should be used as a screen for any loading and unloading areas and outdoor storage for the site. Lighting should be directed downward and fully cutoff to prevent glare and spillage onto other property.

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

Agricultural Related Operations are allowed in the A1 Agricultural zoning district if the operation involves the “handling, storage, and shipping of farm products.” Farm products are the grains, meats and other produce that is grown on a farm. In addition, manufacturing and welding have typically been reserved for industrial zoned districts in rural service areas.

There is no doubt that welding manufacturing supports agriculture, but it may also be used to manufacture general goods depending on market demands. It may be possible and prudent to allow a small operation on a rural site to allow for a new company to begin while limiting potential negative consequences through conditions. But staff finds that the area is not appropriate to allow the business to expand to an industrial size. Staff reviewed the Major Home Occupation section of the ordinance for ways to allow the operation with limits. If the petitioner does not accept the limits or grows beyond the limits or the conditions, then staff finds it would be prudent for the petitioner to locate his business in an industrial zoned area of rural service area or in a municipality. If approved as recommended, the petitioner may continue operations at roughly the current size and not be in any violation of the zoning ordinance.

Recommendation:

Staff recommends approval of Conditional Use Permit #20-14 to allow an agricultural related operation with the following conditions:

- 1.) The agricultural related operation shall be secondary to the property being a residential site. If the dwelling is unoccupied by the petitioner or operator of the agricultural related operation, then the agricultural operation shall cease.
- 2.) The agricultural related operation shall be limited to the existing 56 feet by 96 feet building as depicted on the site plan.
- 3.) The occupation shall have no more than five (5) employees, including residents of the property.
- 4.) All outside storage and equipment display shall be limited to completed products which are ready for sale, and shall be located within the center yard surrounded by trees.
- 5.) All new and replacement outdoor lighting shall be directed downward and fully shielded and cutoff to prevent the spillage of light onto other properties.
- 6.) Signage shall be limited by article 16.00 of the 1990 Revised Zoning Ordinance or Minnehaha County.
- 7.) The occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.



- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the 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.

Public Testimony

Kevin Hoekman, County Planning Department, explained that staff is recommending a partial approval of the petitioner's request for an agriculturally related operation. The petitioner, Cody Shellum, 48227 249th Street Sherman, expressed that he did not understand why staff recommended the limited request. Kevin Hoekman then presented the staff report with recommended conditions.

Commissioner Mohrhauser asked if the property is occupied. Kevin Hoekman responded that the property has a dwelling on it.

Commissioner Barth agreed with the conditions that staff provided, and made the motion to approve the conditional use permit with recommended conditions.

Chair Duffy called for discussion. Staff indicated no hands were raised in the Zoom Personal Meeting Room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-14 with recommended conditions. The motion was seconded by Commissioner VanDerVliet. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-14 – Approved



MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES

May 18, 2020

Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion passed unanimously.

The meeting was **adjourned** at 7:48 pm.