

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
August 28, 2017

A meeting of the Planning Commission was held on August 28, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Paul Kostboth, Doug Ode, Becky Randall, Mike Ralston, and Jeff Barth.

STAFF PRESENT:

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

In the absence of Chair Mike Cypher, Becky Randall chaired the meeting. Planning Commissioner Becky Randall called the Minnehaha County Planning Commission meeting to order at 7:58 p.m.

CONSENT AGENDA

Commissioner Randall read each item on the agenda individually. Items 4 and 5 were requested to be moved from the consent agenda to the regular agenda.

A motion was made by Commissioner Barth and seconded by Commissioner Ralston to **approve** the consent agenda consisting of Items 2, 3, and 6. The motion passed unanimously.

ITEM 1. Approval of Minutes – July 24, 2017

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Barth to **approve** the meeting minutes from July 24, 2017. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #17-52 to transfer one (1) building eligibility from the NE1/4 (Ex. Meier's Addn. to Tract 1, Beauchamp's Addn.; all in Section 27-T101N-R52W.

Petitioner: Regan Beauchamp

Property Owner: Gerald Harr

Location: Tract 1 Beauchamp's Addn., 27-101-52 - Approximately 8 miles south of Humboldt

Staff Report: Scott Anderson

This would allow the transfer of one (1) building eligibility.

General Information:

Legal Description – Tract 1 Beauchamp's Addn

Present Zoning – A1 - Agriculture

Existing Land Use – farmstead

Parcel Size – 1.42 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting conditional use permit approval to transfer one building eligibility from the NE1/4 of Section 27, Wellington Township to an existing platted parcel in Section 22 of Wellington Township. The proposed location for the building eligibility transfer will be east of an existing residence on 266th Street and from crop to pasture land.

On August 4, 2017, 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 #17-52 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.

Action

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-52 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-52 – Approved

ITEM 3. CONDITIONAL USE PERMIT #17-53 to make available two (2) building eligibilities on the property legally described as W1/2 NW1/4, (EX S400 W400' & EX DANNENS TR), Section 24-T104N-R51W.

Petitioner: David Dannen

Property Owner: same

Location: Approximately 1 mile northeast of Colton

Staff Report: David Heinold

This would make available two (2) building eligibilities.

General Information:

Legal Description – W1/2 NW1/4, Ex. S400' W100' & Ex. Dannen's Tract, Section 24-T104N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

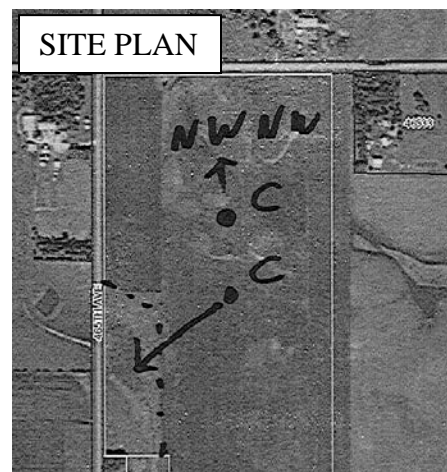
Parcel Size – 83.39 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to make two (2) building eligibilities available for the construction of single family dwellings. One of the eligibilities is proposed to be moved to the NW1/4 NW1/4 and the second eligibility placed in the area defined as the proposed Richter's Addition. The map, at right, shows both of the transfer locations as previously defined in this analysis.

On August 14, 2017, staff visited the locations for the proposed single family dwellings and determined that both sites are suitable for residential development. There is an existing cattle yard with about one hundred cows located approximately 700 feet to the east of the proposed site for a single family dwelling.



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 building eligibilities for two single family dwellings 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, which requires permission from Taopi Township.

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 #17-53 with the following conditions:

1. That the lots shall be platted prior obtaining a building permit.
2. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of a building permit for the single family dwellings.
3. That the construction of a single family dwelling shall require permission of Taopi Township for a new driveway or culvert permit.

Action

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-53 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-53 – Approved

ITEM 6. CONDITIONAL USE PERMIT #17-58 to exceed 1,200 square feet of total accessory building area – requesting 1,680 sq. ft. on the property legally described as Tract 5, Engebretson’s Addition, S1/2 SW1/4, Section 18-T103N-R47W.

Petitioner: Chris Trudeau

Property Owner: same

Location: 48446 253rd St. Approximately 0.5 mile west of Garretson

Staff Report: Scott Anderson

This would allow 1,680 square feet of total accessory building area.

General Information:

Legal Description – Tract 5, Engebretson’s Addition, S1/2 SW1/4, Section 18-T103N-R47W.

Present Zoning – A1 Agriculture

Existing Land Use – residential

Parcel Size – 5 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately ½ mile east of Garretson. The site is located within a subdivision of more than four lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 1,680 square foot (40’ x 42’) accessory building for personal storage and use. The proposed accessory building is indicated on the provided site plan to be located north of the dwelling. The applicant would use the existing driveway to access the proposed accessory building.

The surrounding residential properties include several large accessory buildings that can be seen in the Existing Accessory Building Map. The largest area accessory building that is used for residential purposes is two houses away to the west of the site and has several buildings totaling 4,865 square feet in size. The residence at 48480 253rd Street has a single 2,520 square foot detached accessory building. The Planning Commission has often used nearby accessory building sizes as a guide to determine if the request is reasonable. With at least one accessory building that is larger than the request, and one accessory building that is close to the same size, the proposed accessory building will be similar to area structures.

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 use is surrounded by residential lots and properties. One area of concern for a large accessory building is the visual impact of the neighborhood. The accessory building would be clearly visible from the residences along 253rd Street. The applicant has planted a shelterbelt

of trees along the property boundaries, but the trees are immature.

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

The accessory structure may only be used for residential purposes; no commercial or business activities are allowed. Many of the building eligibilities have been used with a few lots available to the northeast of the proposed accessory building. The construction of a large accessory building in the area will not likely deter future residential growth, but there is some potential that other property owners will ask for large accessory buildings on their properties.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building.

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

No off-street parking will be needed as a result of personal activities in this accessory building. 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. The accessory building will be limited to a maximum of 35 feet in height to meet the zoning height regulations.

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

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Several large accessory buildings already exist in the area.

Recommendation:

Staff finds that the request for a larger accessory building is reasonable and conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #17-58 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,680 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) An inspection must be made of the proposed new accessory building to ensure that the total floor area of the building does not exceed 1,680 square feet.
- 4.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) 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 the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the

property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-58 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-58 – Approved

Commissioner Kostboth made a motion to approve the regular agenda and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #17-56 to exceed 1,200 square feet of total accessory building area – requesting 2,624 sq. ft. on the property legally described as Lot 4, Holbeck Addn., E1/2 NE1/4, Section 34-T103N-R49W.

Petitioner: Nathan Opitz

Property Owner: same

Location: 25508 Helen Trail Approximately 5 miles north of Sioux Falls

Staff Report: David Heinold

This would allow 2,624 square feet of total accessory building area.

General Information:

Legal Description – Lot 4, Holbeck’s Addition, N1/2 & E1/2 NE1/4, Section 34-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – vacant

Parcel Size – 5.12 Acres

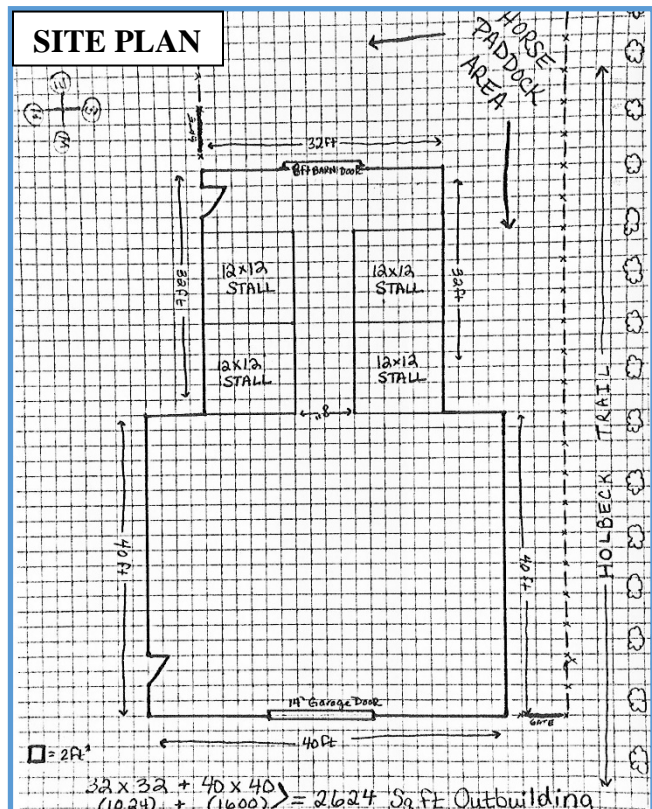
Staff Report: David Heinold

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 2,624 square feet of total accessory building area. The proposed 32’x32’ and 40’x40’ accessory building, pictured at right, will be located just south of the house and used for personal storage. The subject property is not currently developed with a house or any accessory buildings.

According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) states:

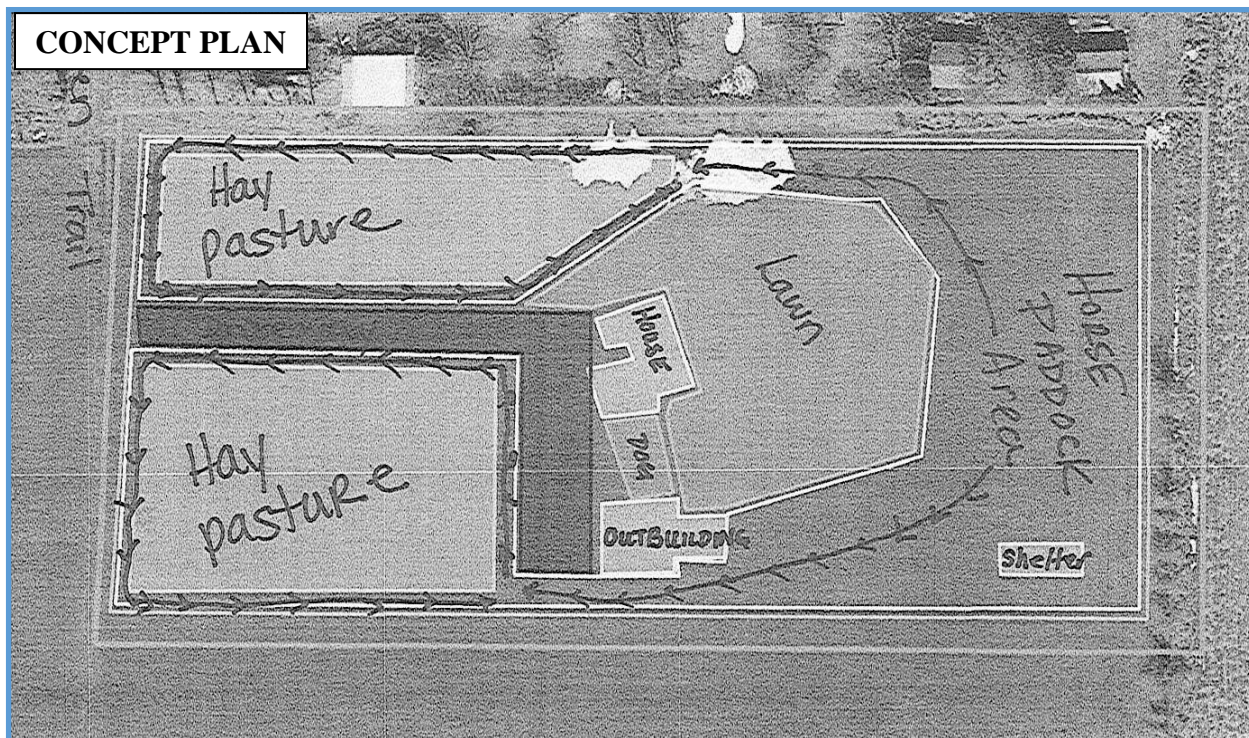
(D) Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1,200 square feet



when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

The applicant explained that the site plan shows a horse walking path for personal use on the south edge of the subject property. The image, below, shows the proposed layout for the driveway, house, accessory building, and open space areas.



There are several accessory building sizes in the surrounding area with buildings larger than the applicant's request. The property owner, 47542 Washington St., located just less than one half mile from the subject property has 3,954 sq. ft. on approximately 25.2 acres separated into three different parcels with the same owners. Comparatively, the property at 47560 Washington St. was approved to allow 3,376 sq. ft. on 8.69 acres a few months ago by the planning commission and lies about a quarter mile south of the proposed area for the accessory building. Last month, the planning commission approved a conditional use permit to allow 3,584 square feet at 25515 Helen Trail and the decision was upheld by the County Commission on August 15. The property owner, 47527 255th St., has a 2,400 sq. ft. accessory building located on approximately 1 acre. The accessory building sizes range from 1,200 to 4,560 sq. ft. on lots with widely varied areas.

On August 7, 2017, staff visited the property and determined that the proposed accessory building size is appropriate for the immediate area. The image, at right, shows the location of the proposed accessory to the immediate south of the planned single family dwelling. The proposed building will be located on a 5.12 acre parcel.



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.

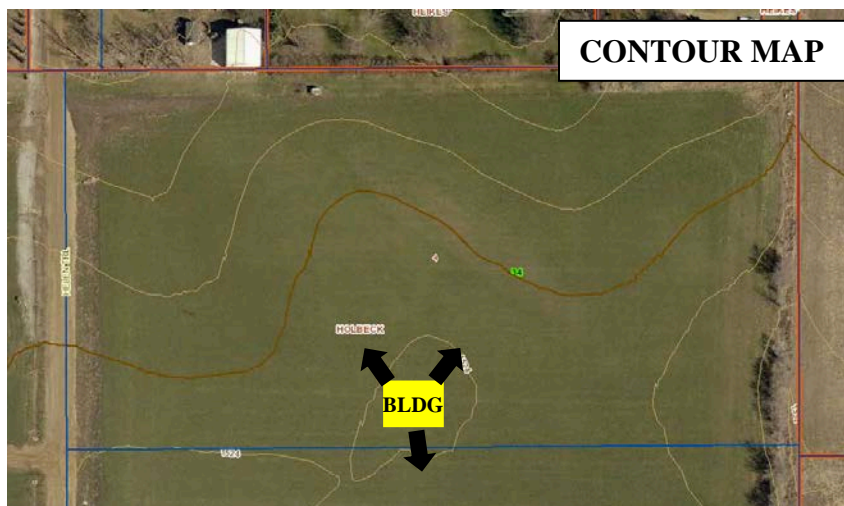
There are a few other properties within a half-mile of the subject property that have building sizes larger than the petitioner's requested total accessory building area. It is unlikely that the proposed building size will have a detrimental effect on property values in the immediate vicinity. The proposed building will be used for the property owner's personal storage. The area is primarily agricultural with a few dozen residential acreages 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 accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 2,624 sq. ft. of accessory building would be congruent with the land composition.

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

Access will be provided via an existing driveway between the house and location for the proposed accessory building. No further infrastructure will need to be provided. The natural topography of the site slopes down towards the northwest and north along Helen Trail.



The proposed accessory building will undoubtedly produce stormwater runoff, but should not significantly affect surrounding property owners. According to the 4-foot contour map, above, the majority of the water shed from the proposed accessory building should runoff to the north and south from the location of the proposed building.

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. Any nuisances that arise should be reported to the county planning department to determine if enforcement action needs to be taken on the property owner.

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 subject property is located within the agricultural production area identified in the Envision 2035 Comprehensive Plan. The land area not designated as transition or rural service area is considered agricultural production area because it is likely to continue as primarily farm land through the duration of the planning period. Goal 1, Action 1.1, on Page 90 of the Envision 2035 Comprehensive Plan aims to develop a countywide land use pattern that ensures compatibility and functional relationships among jurisdictions and related land use activity. The result of this coordination is cooperation between County, Cities, and Townships for planning and implementing strategies and land use procedures.

The subject property is located outside all of the incorporated municipality growth areas. The surrounding area is a fully developed with few remaining building eligibilities for residential development and about one mile outside of the rural service area to the northwest at the Midway Corner intersection of South Dakota State Highway 115 and County Highway 122. The immediate area does not have availability of sanitary sewer, which the present land use composition will likely remain the same except for the addition single family dwellings with available building eligibilities during the planning period.

Recommendation:

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity. Staff recommends **approval** of Conditional Use Permit #17-56 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 2,624 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.
- 7.) That the existing berm be retained at the northwest corner of the subject property.

PUBLIC TESTIMONY

David Heinold, County Planning, presented a brief overview of the staff report and analysis of the conditional use permit request.

Nathan Opitz, 4707 S. Tribbey Trail, identified himself as the petitioner and acknowledged the potential concerns from surrounding landowners. Mr. Opitz explained that most of the water shed from the building will go to the southeast and northeast.

Tony Lee, 47563 255th St., identified himself as the adjacent landowner to the north of the subject property. Mr. Lee mentioned that he is asking for this item to be tabled for further research into the development plan requirements for the entire Holbeck Addition. He continued to explain that the State Department of Environment and Natural Resources has no NPDES permit and that the development of Helen Trail does not meet the standard of the subdivision ordinance. Mr. Lee stated that he is asking to revoke the prior conditional use permit approved just south of the subject property on Helen Trail.

Commissioner Randall called for additional public testimony but there was no answer.

Commissioner Randall closed the floor to further public testimony.

DISCUSSION

Commissioner Kostboth mentioned that this conditional use permit request is separate from the recently approved development plan.

ACTION

Commissioner Barth made a motion to **approve** Conditional Use Permit #17-56 with staff recommended conditions. The motion was seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #17-56 – Approved

ITEM 5. CONDITIONAL USE PERMIT #17-57 to allow a Contractor's Shop – Repair and Taxidermy Shop & Outdoor Storage on the property legally described as Part NW1/4 SW1/4 Lying South of Hwy. 38 & S1/2 SW1/4 & 100 Abandoned RR ROW South of H-1 (Ex. Johnson's Addn. & Ex. Brenkevco's Addn. & Ex. Carlson's Addn.), Section 30-T102N-R50W.

Petitioner: Ralph Tuschen

Property Owner: Joh Harr Family Trust

Location: SE of I-90 & SD Hwy. 38 Approximately 2 miles east of Hartford

Staff Report: David Heinold

This would allow a Contractor's Shop, Repair and Taxidermy Shop & Outdoor Storage.

General Information:

Legal Description – Part NW1/4 SW1/4 Lying South of Hwy. 38 & S1/2 SW1/4 & 100 Abandoned RR ROW South of H-1 (Ex. Johnson's Addn. & Ex. Brenkevco's Addn. & Ex. Carlson's Addn.), Section 30-T102N-R50W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Agriculture

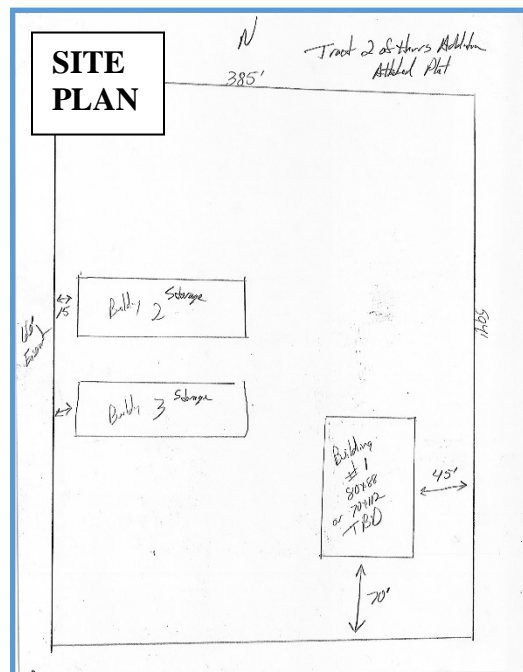
Parcel Size – 6.49 Acres

Staff Report: David Heinold

Staff Analysis:

The applicant is requesting conditional use permit approval to allow Contractor's Shop for a diesel truck repair and taxidermy business with outdoor storage on the property. The site plan, at right, shows the proposed building for these two businesses will include office space and heated storage bays for semi-tractor parking. The remainder of the buildings on the property will be used for personal storage and outdoor storage.

The narrative describes that the petitioner plans to build a chain link security fence for the proposed outdoor storage areas within a year upon approval, but will not be installed until the following summer. The petitioner requests additional time to install the fence due to scheduling conflicts due to harvest season.



The chart, below, indicates surrounding land uses and zoning adjacent to the subject property.

	Existing Land Use	Existing Zoning
North	Undeveloped/Vacant	I-1 Light Industrial District
South	Agriculture/Mining	R/C Recreation/Conservation District
East	Undeveloped/Vacant	I-1 Light Industrial District
West	Undeveloped/Vacant	I-1 Light Industrial District

On August 14, 2017, staff visited the site for the proposed diesel truck repair and taxidermy shop and determined the land use to be compatible with properties in the immediate vicinity.

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.

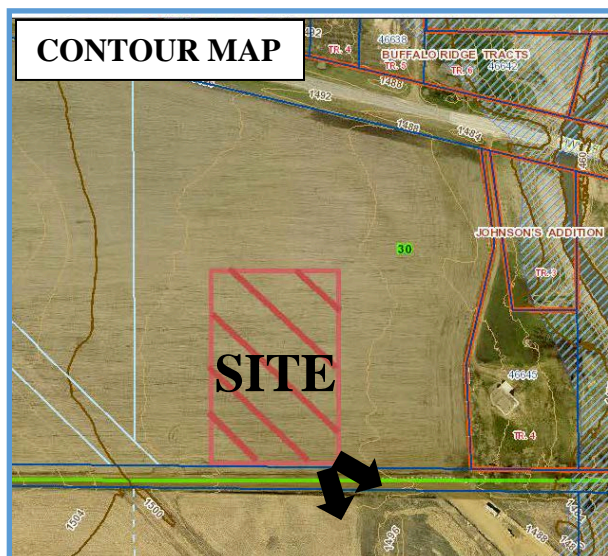
There are already commercial, industrial, and mining uses that are more intensive than the proposed use for a diesel truck repair and taxidermy shop with outdoor storage. The property at the northeast corner of 261st St. and 466th Ave. was approved by conditional use to allow a concrete precast plant on 11.43 acres. The property, 44624 South Dakota State Highway 38, also known as Buffalo Ridge has a mix of commercial and agricultural use for mainly tourist attraction. The remaining property to south and east is used for mining and residential, respectively.

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

The Envision 2035 Comprehensive Plan identifies the area firmly within the Transition Area for the City of Hartford, which has a primary purpose of maintaining the rural landscape until eventual development of residential and/or municipal development. On August 17, 2017, county planning staff contacted the City of Hartford for comments on the staff report and conditional use permit. The City of Hartford planning commission expressed consensus with the staff report.

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

*Applicant response: Can't get elevations until crops are out of the field
Drainage to the south and east from the property, but can't determine until engineer says so
Bare ground, but need to work with the South Dakota Department of Environment and Natural Resources on septic, Minnehaha Community Water on water hookup, and electrical
Gary Harr is aware of building the mutual access easement when development occurs*
The petitioner indicated that the proposed accessory building will be utilizing a separate on-site wastewater treatment system. Access to the subject property will be provided via a dedicated road off of the road extension of 261st St. to the east of 466th Ave. 261st St. currently has a gravel surface.



The applicant explained that he will not be able to determine site grading and the effect on drainage patterns until the crops are out. According to the 4-foot contour map, at left, the majority of the water shed from the proposed buildings should runoff to the south and east from subject property towards the creek. Although without a proper review of the site development characteristics, it is difficult to determine the adequacy of drainage from the site and drainage can be a concern on similar sized lots when the larger drainage patterns are not considered. The entire parcel encompasses approximately 47 acres, which the site consists of 6.49 acres.

Therefore, staff suggests that a stormwater drainage plan be submitted for the site as described on the contour map, above, prior to issuing a building permit managing the type, amount, and intensity of water flow across the site.

The Environmental Stewardship section of the Envision 2035 Comprehensive Plan implies:

That development should not be allowed prior to completion of a drainage plan which defines natural drainage corridors and identifies the number and location of detention facilities needed to accommodate additional runoff from impervious surfaces. The Plan encourages land developers to use natural areas for aesthetic, open space, hydrologic, and ecological purposes.

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

*Applicant response: 1 taxidermist and 1 repair (need 2 parking spaces), but hopefully it grows
The outside storage area will be for trucks*

The Zoning Ordinance requires that the parking area should be big enough to accommodate two parking spaces for each three employees on maximum shift, plus space to accommodate trucks and other vehicles used in connection with proposed taxidermy business. Since the applicant indicated that there will only be two employees at this time, both the repair and taxidermy shop require one parking space for each employee. The outdoor storage area is planned to be used for truck parking. There should also be adequate space to maneuver in-and-out of the driveway.

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 diesel repair and taxidermy shop may by general nature present noise issues in repair procedures and operations, but should not be at a level as to constitute a public nuisance to surrounding property owners as compared to the uses already permitted in the area. The surrounding area consists primarily of vacant light industrial-zoned land with a few commercial businesses, mining operations, residential homes, and agricultural land. The proposed use should have a minimal effect on adjacent future commercial, industrial, and residential properties.

Lighting should be directed downward onto the property to prevent light pollution off the site.

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

Staff recognizes that this approach to only developing a small portion of the approximately 47 acres the subject property encompasses is a piecemeal way to develop the area 6.49 acres at a time as opposed to presenting a comprehensive site plan addressing site conditions, topography, drainage issues, and traffic impact. The Envision 2035 Comprehensive Plan encourages commercial and industrial development at this location. The subject property is zoned I-1 Light Industrial, which allows for permitted uses such as office, warehousing, and retail sales and trade. Furthermore, the addition of conditions to this permit allows planning staff a preferred method in 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 transition area 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 90 and proximity to municipal development. The proposed use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public.

In the Growth Management section of the Envision 2035 Comprehensive Plan,

Goal #2 aims to enhance communication and cooperation among the several governmental and quasi-governmental entities who have the potential to impact and influence development patterns. The result of this coordination among entities is a pattern of development in the transition areas that can be integrated into municipal planning areas without the need for costly and inefficient public infrastructure expenditures.

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 #17-57 with the following conditions:

- 1.) That CUP #17-57 shall allow a contractor's shop and storage yard, diesel truck repair and taxidermy shop.
- 2.) That the property shall adhere to the submitted site plan dated 7-25-2017.
- 3.) 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.
- 4.) That a set of plans certified by a registered professional engineer be submitted for review and approval prior to the building permit(s) being issued for all buildings.
- 5.) That the applicant shall provide a 90% opaque screening fence around the outdoor storage area.

- 6.) That a Stormwater Pollution Prevention Plan and Soil Erosion and Sediment Control Plan be submitted for review and approval to the Planning Director prior to construction.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 8.) That the Planning Department reserves the right to enter and inspect the contractor's shop and storage yard, diesel truck repair and taxidermy shop 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

David Heinold, County Planning, presented a brief review of the staff report and analysis of the conditional use permit request.

Ralph Tuschen, 45749 262nd St., identified himself as the petitioner and indicated that he has no concerns with the staff report as presented by county planning staff.

Devin Howard, 46645 South Dakota State Highway 38, identified himself as the property owner to the east of the subject property. Mr. Howard indicated concerns over the changing land use, effect on property values, water quality contamination, and future worth of his property. He continued to mention that he appreciates the seclusion and doesn't want storage units next to his residential house.

Commissioner Barth asked Mr. Howard if there would be any mitigation effort to appease some of his concerns about the proposed use. Mr. Howard explained that there is nothing we can do to maintain property values. He continued to mention that the road extension from 261st St. to the east towards the quarry is in bad condition. Mr. Howard also presented major issues with trash from the concrete precast plant and additional concern with chemicals affecting the use of his property as a small hobby farm. He continued to explain that putting up a screen may not be enough, but is willing to work the applicant on any possible mitigation plan.

Commissioner Barth mentioned that the surrounding land is not going to stay the same with change happening all around, but appreciates the concerns of the surrounding property owner.

Mr. Howard explained that he doesn't have time to negotiate at a podium, but would rather sit down with Mr. Tuschen elsewhere to discuss the conditional use permit request.

Commissioner Barth recognized that 500 feet is far away and asked the petitioner if he would be alright without outdoor storage. Mr. Tuschen explained that he plans to only store campers or semi-truck parking and doesn't want junk to be outside.

Mr. Howard questioned the usage of the proposed buildings

Commissioner Ode mentioned the idea of adding a possibility for including a row of trees to screen the outdoor storage area.

Commissioner Barth indicated that trees cause trouble for neighbors' crops. Mr. Tuschen explained that he does have a plan for screening. He continued to indicate that he is okay with deferring action on the conditional use permit request for outdoor storage in addition to the businesses on the subject property.

Commissioner Randall called for additional public testimony but there was no answer.

Commissioner Randall closed the floor for public testimony.

ACTION

Commissioner Barth made a motion to **defer** Conditional Use Permit #17-57 until the September 25 planning commission meeting. The motion was seconded by Commissioner Kostboth. The motion passed unanimously.

Conditional Use Permit #17-57 – Deferred until September 25, 2017

Old Business

Scott Anderson, County Planning Director, reported on the CAFO and Aquaculture ordinance being approved by the County Commission. There was discussion about the notification process from the CAFO Ordinance.

There was discussion amongst the planning commission about the accessory building requirement and the next steps for the planning department review of the ordinance.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Kostboth and seconded by Commissioner Barth. The motion passed unanimously. The meeting was **adjourned** at 8:57 pm.