



**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION  
June 24, 2019**

A meeting of the Planning Commission was held on June 24, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

**STAFF PRESENT:**

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

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:34 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.

Items 7 and 8 were requested to be moved to the regular agenda. Items 7 and 8 were moved to the regular agenda for discussion and action.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 4, 5, 6, 9, and 10 by Commissioner Randall and seconded by Commissioner Barth. The motion passed unanimously.

**ITEM 1. Approval of Minutes – May 20, 2019**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve the meeting minutes from May 20, 2019. The motion passed unanimously.



**Consent Agenda**

ITEM 2. MAJOR AMENDMENT #19-03 to amend Section 10.0615 Hoppe PD Planned Development District of the 1990 Revised Zoning Ordinance for Minnehaha County to change #9 on the list of permissive uses from Residential Single Family Dwelling to Residential Two-Family Dwelling on the property legally described as Tract 1 Severson's Addition, SW1/4, Section 32-T101N-R47W.

Petitioner: Don & Tammy Hoppe

Property Owner: same

Location: 48526 268<sup>th</sup> St.

Located approximately 6 miles east of Sioux Falls

Staff Report: David Heinold

**General Information:**

Legal Description – Tract 1 Severson's Addition, SW1/4, Section 32-T101N-R47W.

Present Zoning – Hoppe PD Planned Development District

Existing Land Use – Commercial/Residential

Parcel Size – 9.48 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting to amend number 9 on the list of permissive uses from Residential Single Family Dwelling to Residential Two Family Dwelling. The current zoning of the subject property allows a single family dwelling on a minimum 4-acre lot along with a mix of uses that are similar to the C Commercial District. The requested change would allow two dwellings within the same residential building unit. The commercial building with two floors of residential living space has already constructed on the subject property. The Envision 2035 Comprehensive Plan, Goal 6 states to plan ahead for additional growth along major transportation corridors that often act as gateways into and out of cities and towns. The result of this action is defining corridors that require special attention to encourage orderly and attractive growth.

As noted in the previous Planned Development rezoning application, the subject property is located within the Red Rock Corridor Overlay District (RRCO). The RRCO District has a Red Rock Corridor Plan adopted by the County Commission that includes policies and action steps for guiding the growth and development for land within one half mile to the north and south of South Dakota State Highway 42. Residential Action Step 2 states to encourage the placement of housing units in a manner that preserves significant natural resources through the encouragement of cluster practices and other mechanisms. On June 4, 2019, staff visited the property and determined that the proposed change is appropriate per the Red Rock Corridor Plan.

**Recommendation:**

Staff finds that major amendment request to Hoppe PD Planned Development District conforms to the goals and policies of both the Envision 2035 Comprehensive Plan and Red Rock Corridor Plan. Staff recommends **approval** of Major Amendment #19-03.



**Action**

As part of the consent agenda, a motion was made by Commissioner Randall to **recommend approval** of Major Amendment #19-03 and seconded by Commissioner Barth. The motion passed unanimously.

**Major Amendment #19-03 – Approval Recommended**



ITEM 3. CONDITIONAL USE PERMIT #19-24 to allow Manufacturing and Welding Metal Works on the property legally described as E359.65 W902.46 S481.5 (Ex. H-1 and H-3), SW1/4, Section 15-T101N-R51W.

Petitioner: Tyler Hofer (TH Custom Manufacturing)

Property Owner: LUFCO, Inc. (Warren Luke, President)

Location: 46314 265<sup>th</sup> St.

Located approximately 5 miles south of Hartford

Staff Report: David Heinold

**General Information:**

Legal Description – E359.65 W902.46 S481.5 (Ex. H-1 and H-3), SW1/4, Section 15-T101N-R51W

Present Zoning – C Commercial District

Existing Land Use – Commercial

Parcel Size – 3.55 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting to operate a manufacturing and welding metal works business less than half a mile east of the intersection of County Highway 151 and South Dakota State Highway 42, or commonly known as the Wall Lake Corner. The subject property has had a history of various businesses from a sanitation business to other storage or light repair businesses. The owners, Tyler and DiAnn Hofer manage a company with 6 employees in the business of welding and manufacturing roll off containers, rear load garbage dumpsters, and also a line of cattle fencing.

On June 10, 2019, staff visited the property and determined that the proposed use for manufacturing and metal works is an appropriate use for the surrounding area.

**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 is a mix of residential, commercial, and agricultural land in the immediate vicinity that may cause conflicts between the use and enjoyment of individual properties. There should be no changes to property values in the immediate vicinity because the petitioner plans to utilize the existing building on the subject property.

**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 and residential with long-standing commercial business locations nearest to the intersection including the Wall Lake Corner gas station. The Envision 2035 Comprehensive Plan identifies the area as future commercial land use centered on the intersection of County Highway 151 and South Dakota State Highway 42.



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

The existing building has driveway access directly off of South Dakota State Highway 42. No other necessary facilities need to be provided for the proposed use of an existing building.

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

There is already adequate parking and loading areas to satisfy the requirements of the zoning ordinance. No parking will be allowed in the highway right-of-way at any time.

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

Although the property is zoned for commercial use, considerations should be implemented to prevent noise or other similar disturbances from reaching a level that disturbs the peace and enjoyment of adjacent property owners. No offensive nuisances will be allowed at any time during the operation of the proposed manufacturing business. The narrative states that all welding, grinding, cutting of steel, and painting will be conducted inside the building. The property has an existing screening fence along the eastern and a portion of the southern property boundaries that will be used for finished product storage waiting for loading deliveries.

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

The subject property is located in an area designated by the Envision 2035 Comprehensive Plan Future Land Use Map as a Rural Service Area, which generally encourages commercial uses to locate near the intersection of a County and State Highway. Goal 5 of the Comprehensive Plan states to support the orderly development of non-agricultural land uses. The result of this is to support development around rural service areas and intersections that are delineated on the land use map and are compatible with existing land uses.

**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 #19-24 with the following conditions:

- 1.) That CUP #19-24 shall allow manufacturing and welding metal works business.
- 2.) That the property shall adhere to the submitted site plan dated 5-8-2019.
- 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 the applicant shall provide a 90% opaque screening fence on the eastern property boundary.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 6.) That the Planning Department reserves the right to enter and inspect the manufacturing and welding metal works business 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 Randall to **approve** Conditional Use Permit #19-24 and seconded by Commissioner Barth. The motion passed unanimously.

**Conditional Use Permit #19-24 – Approved**



ITEM 4. CONDITIONAL USE PERMIT #19-25 to transfer two (2) building eligibilities from the SW1/4 NE1/4 and E1/2 NE1/4 (Ex. H-1 & Tract 2 Bakker's 2<sup>nd</sup> Addn.) including Tract 1 Bakker's 2<sup>nd</sup> Addn.), NE1/4 NE1/4, Section 7-T101N-R48W to Tract 2 Bakker's Addition, NW1/4 NW1/4, Section 8-T101N-R48W.

Petitioner: Pyn, LLC c/o David Pyn

Property Owner: Pyn, LLC

Location: Southwest corner of East Maple Street and Six Mile Road

Located approximately 2 miles west of Brandon

Staff Report: David Heinold

**General Information:**

Legal Description – W1/2 NW1/4, (Ex. Bakker's Addn. & Ex. H-1), Section 8-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Pasture

Parcel Size – 62.76 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting to transfer two unused (2) building eligibilities from the SW1/4 NE1/4 and E1/2 NE1/4 (Ex. H-1 & Tract 2 Bakker's 2<sup>nd</sup> Addn.) including Tract 1 Bakker's 2<sup>nd</sup> Addn.), NE1/4 NE1/4, Section 7, Split Rock Township to Tract 2 Bakker's Addition, NW1/4 NW1/4, Section 8, Split Rock Township. There are no concentrated animal feeding operations in the surrounding area as this is a more heavily populated area with existing residential subdivisions between Brandon and Sioux Falls city limits.

On June 11, 2019, staff visited the property and determined that the proposed transfer of building eligibilities request is appropriate for the surrounding area. The petitioner is moving the eligibilities to a more suitable location that is not currently in agricultural production. There is an existing single family residence on the location of the proposed transfers.

**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 significant negative impact on the use and enjoyment or property values of other residential properties in the immediate vicinity. The surrounding area is primarily residential houses and agricultural land.

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

The current location of the two building eligibilities are within the 2040 Sioux Falls Growth Area as defined by the City of Sioux Falls 2040 Comprehensive Plan. The proposed location of



the building eligibilities is still located in the Transition Area for the City of Brandon as shown in the Minnehaha County Envision 2035 Comprehensive Plan; however, future growth and development would be controlled as municipal annexation and/or development occurs in this area. The availability of building eligibilities remains the only appropriate development tool for building residential homes on surrounding vacant property in the Transition Area. The proposed transfer location moves the two building eligibilities closer to an existing residential acreage and provides access to either Six Mile Road or East Maple Street depending on how the appropriate governmental entity approves access for the future residential houses.

**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 two single family dwellings with driveways to be determined by the governmental entity. All of the other necessary facilities will be provided prior to construction of the single family dwellings.

**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 one building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

**Recommendation:**

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #19-25 with the following conditions:

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

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall to **approve** Conditional Use Permit #19-25 and seconded by Commissioner Barth. The motion passed unanimously.

**Conditional Use Permit #19-25 – Approved**





ITEM 5. REZONING #19-06 to rezone from the A-1 Agricultural District to the C Commercial District the property legally described as S1/2 SE1/4 (Ex. Tract 1 of SE1/4 Ex. Tract 2, 3, 4, 5, 6, & 7 of SE1/4 SE1/4 Ex. N291' of E150' of S724' of W483' in SE1/4 SE1/4 Ex. W333' not including S433' of SE1/4 SE1/4 Ex. E159.15' not including S433' Ex. Egger's Addn. in SW1/4 SE1/4, Section 9-T102N-R49W.

Petitioner: Dean & Sandy Sorum

Property Owner: same

Location: 25793 475<sup>th</sup> Ave. - Located approximately 3.5 miles north of Sioux Falls

Staff Report: Scott Anderson

**General Information:**

Legal Description – see above description

Present Zoning – A1 Agricultural District

Existing Land Use – vacant

Parcel Size – approximately 1 acre.

**Staff Report:** Scott Anderson

**Staff Analysis:** On June 4, 2019, staff conducted a site visit to the subject property. There is some existing commercial development located directly to the south of the subject property, the Renner Corner store and a commercial building. The subject property is located near the intersection of S.D. Highway 115 and County Highway 130 or 258<sup>th</sup> Street. The applicant has not indicated a specific use for the property.

Envision 2035, Minnehaha County's recently adopted comprehensive plan, encourages commercial uses at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern, as specified in Action 1.4 on page 30 of the plan. The concept behind development in such a way is to promote good planning ahead of commercial growth in the county. The request meets the concept of commercial development at high traffic intersections.

It should be noted that the parcel located between the subject property and SD Highway 115 is being used by the applicant for parking. This property is already zoned C Commercial. The current parking area does not meet the minimum improvement and maintenance standard for parking lots within the C Commercial District as required in Article 15.04 of the Zoning Ordinance. It is gravel and must be hard surfaced since it is zoned C Commercial and being used for a commercial business. The applicant should be aware that if the parcel proposed to be rezoned is to be used for parking, it must meet the requirements of Article 15.04 and will need to be hard surfaced. The adjacent property is in violation of the Zoning Ordinance.

The rezoning proposal meets the policies and objectives of the Comprehensive Plan. Staff can support this rezoning request as it meets the criteria and development concepts of the Comprehensive Plan. It expands the existing commercial area.

**Recommendation:** Staff recommends **approval** of Rezoning #19-06 to rezone the subject property from A-1 Agriculture District to C Commercial District.



**Action**

As part of the consent agenda, a motion was made by Commissioner Randall to **recommend approval** of Rezoning #19-06 and seconded by Commissioner Barth. The motion passed unanimously.

**Rezoning #19-06 – Approval Recommended**



ITEM 6. CONDITIONAL USE PERMIT #19-26 to allow a Class 1, Major Home Occupation – Repair of Ag-Related Small Engines on the property legally described as Tract 1, Burggraff’s Addition, SE1/4, Section 15-T104N-R50W.

Petitioner: Colt Burggraff

Property Owner: same

Location: 46970 247<sup>th</sup> St. Located approximately 5 miles west of Dell Rapids

Staff Report: David Heinold

**General Information:**

Legal Description – Tract 1, Burggraff’s Addition, SE1/4, Section 15-T104N-R50W.

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to allow a Class 1, Major Home Occupation for repair of agriculturally-related small engines (i.e. ATV’s, lawn mowers, generators, and other such vehicles) as well as light fabrication and welding of other miscellaneous agricultural attachments including but not limited to trailers, buckets, etc. The occupation will be done inside the accessory building on the subject property.

On June 10, 2019, staff visited the property and determined that the proposed use for major home occupation involving repair of ag-related small engines is an appropriate use for the rural area. Similar agricultural support operations are commonly seen throughout the County providing assistance for agricultural producers.

**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 significant negative impact on the use and enjoyment or property values of properties in the immediate vicinity. The surrounding area is primarily farmland with a few residential acreages scattered throughout the section. The proposed use supports the agricultural community by providing mechanic services in the rural area.

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

Due to the limited nature of the proposed home occupation for repair of agricultural vehicles and equipment, there should be no effect on the normal and orderly development of surrounding agricultural land. The development of the surrounding area is dependent on the availability of building eligibilities.



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

The petitioner already maintains driveway access from the township gravel road to the existing house and accessory building on the subject property. All other necessary facilities have been provided as a result of the existing residential acreage.

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

The applicant is required to provide a parking space for the one employee and loading area in conformance with the zoning ordinance in the driveway. No parking is allowed in the township road right-of-way at any time.

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

The petitioner plans to store all of the items fixed throughout the process inside the accessory building, but some items that won't fit in the door may have to be outside for a short time period. While there may be somewhat of a noise disturbance from the operation of light repair, fabrication, and welding shop, it should not be at the level of equipment used by agricultural operations in the immediate vicinity. All lighting on the property should be fully cutoff and directed downward onto the property to prevent light pollution off site.

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

The site is located in an active agriculture production area. The comprehensive plan encourages support of agriculture and businesses that support agriculture. The agriculturally related operation of agriculture vehicles and small engine repair should fit with the intent of the plan.

**Recommendation:**

Staff finds that the proposed home occupation for agriculture-related small engine vehicles and equipment is compatible with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #19-26 with the following conditions:

- 1) That the occupation shall comply with **all** regulations of section **12.0302 (A) Class 1:** of the 1990 Revised Ordinance for Minnehaha County.
- 2.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. A building permit is required for the installation of any signage.
- 3.) All new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 4.) That the Planning & Zoning Department reserves the right to enter and inspect the home occupation 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 Randall to **approve** Conditional Use Permit #19-26 and seconded by Commissioner Barth. The motion passed unanimously.

**Conditional Use Permit #19-26 – Approved**



ITEM 9. CONDITIONAL USE PERMIT #19-29 to the transfer of one (1) building eligibility from the West 10 Acres of Tract 3A, Hengeveld's Addition, NW1/4, NE1/4 to Tracts 1A and 2A, Valley Springs Farm Addition, NW1/4; all in Section 15-T101N-R47W.

Petitioner: Dennis and Sue Brunsting

Property Owner: same

Location: Located approximately 2 miles south of Valley Springs

Staff Report: David Heinold

**General Information:**

Legal Description – Tracts 1A and 2A, Valley Springs Farm Addition, NW1/4, Section 15-T101N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential/Agriculture

Parcel Size – 73.20 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting to transfer one (1) building eligibility from the West 10 Acres of Tract 3A, Hengeveld's Addition, NW1/4, NE1/4 to Tracts 1A and 2A, Valley Springs Farm Addition, NW1/4, Section 15-T101N-R47W. There are no existing concentrated animal feeding operations in the surrounding area.

On June 5, 2019, 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 between crop producing parcels. The area consists of rolling hills and crop lands. There are a few residential lots and farmsteads within ½ mile. Valley Springs is located about 2 miles to the north.

**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 many acreages in the area.



**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. A driveway approach will come off of County Highway 103. The applicant will need to obtain an approach permit from the County Highway Department.

**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 #19-29 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. A driveway approach shall be obtained from the Minnehaha County Highway Department.

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall to **approve** Conditional Use Permit #19-29 and seconded by Commissioner Barth. The motion passed unanimously.

**Conditional Use Permit #19-29 – Approved**



**ITEM 10. CONDITIONAL USE PERMIT #19-30 to allow the expansion of Class A, Dairy Concentrated Animal Feeding Operation (5,600 AU) on the property legally described as SE1/4, Section 3 T103N-R49W.**

Petitioner: Ron Krogstad

Property Owner: Krogstad Brothers Farms/Ordell & Doris Krogstad

Location: Located approximately 1.5 miles southeast of Baltic

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – The SE ¼ SE ¼ & SW ¼ SE ¼ & N ½ SE ¼ of Section 3-T103N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – Dairy CAFO

Parcel Size – Approximately 160 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The property is located approximately 1 and a half miles southeast of Baltic at 47592 251<sup>st</sup> Street. The petitioner would like to expand an existing dairy CAFO to a Class A dairy CAFO with 5,600 animal units (4,000 cows). This proposal does change the classification of the CAFO size, and the facility will be required to acquire a State General Permit from the SD Department of Environment and Natural Resources (DENR) before the operation exceeds 1,000 animal units.

The petitioner has submitted several items for review of the permit request. These items include a narrative that addresses ordinance sections required for CAFOs, a nutrient management plan, and both a large area neighborhood site plan to show setbacks and a close up site plan to show more detail of buildings and manure containment. These documents were used to review the proposed dairy expansion.

This property has an existing CAFO on a long time farm; the petitioner explains within the narrative that the farm has been worked on since 1959. In 1998, a conditional use permit was approved to allow the construction of a lagoon for the dairy operation. The permit narrative explains the construction of the dairy barn took place in 1994. In 2003, planning staff approved an expansion of the existing dairy within a farmstead to 588 animal units. A nutrient management plan was submitted for the expansion in 2003.

The site plan is an important aspect of any conditional use permit. Below is a list of required elements for general CUPs as well as the last two elements that specifically address requirements for CAFOs. The required elements are listed in bold font at the beginning of the following paragraphs, and each listed element includes a description of the petitioner submitted materials that regard each element. The petitioner has provided a neighborhood site plan that shows primarily setbacks and a close up site plan which shows many details with existing infrastructure. Some of the required site plan elements are described within the narrative.





**The address of the property and the legal description.** The address of the expanding dairy CAFO is 48592 251<sup>st</sup> Street. The application and the site plan both include the legal description of the property.

**The name of the project and/or business.** The business name of the farm and dairy is called Krogstad Brothers Farms, and the name is in the narrative.

**The scale and north arrow.** The site plan includes a north arrow and a graphic scale.

**All existing and proposed buildings or additions.** The site plan includes an aerial photo as the background of the map. The aerial photo shows the locations of existing buildings, lagoons, and other parts of the CAFO operation. The site plan includes one large proposed barn north of the existing facility. In addition the site plan shows a feed storage area and three separate lagoons which are located south of the proposed new facilities.

**The dimensions of all buildings.** The dimensions of the proposed confinement building, feed storage area, and lagoons are listed on the site plan.

**The distance from all buildings to the property lines at the closest points.** The site plan includes distances of facilities to property lines. The barn and lagoon will on the east side will have the closest setbacks with an 80 foot setback for the lagoon and what appears to be 50 feet from the right-of-way from the barn.

**Building height and number of stories.** The height of the building is not included in the narrative or site plan. It is likely that an animal feeding barn will have only one story to keep the animals. Agricultural structures do not have a height limitation. Engineering is required for any building wider than 60 feet. The proposed barn will require engineering because of size.

**Dimensions of all property lines.** The dimensions of the property lines are not included on the site plan. The proposed expansion will fit within the SE ¼ of the section.

**Parking lots or spaces; designate each space; give dimensions of the lot, stalls, and aisles.** The proposed land use is for agricultural purposes on a large lot. Parking lots and space requirements are typically calculated for commercial and industrial uses. The site will be large enough to allow for parking and maneuvering. No parking or loading will be allowed within the right-of-way.

**Screening including height, location, and type of material to be used. - And similarly - The landscape setback and trees indicating the species of trees and materials to be used for landscaping.** The property currently has a farmstead and an adjacent dairy operation. The farmstead has a thick tree grove around the north, east, and west sides. The current trees greatly screen the current dairy from the west, but no other shelter belt



trees exist on the site. The site plan shows that trees will be planted to surround the entire new portion of the dairy as designed by the Soil Conservation district or an architect. As these trees grow the benefits of wind, odor, and visual barriers should increase.

**Name and location of all adjacent streets, alleys, waterways and other public places.** The dairy operation is located at the intersection of 251<sup>st</sup> Street and 476<sup>th</sup> Ave. There are no known public places around this facility either.

A Class 'A' CAFO is required to meet a setback of 100 feet from the nearest Intermittent Stream or Waterway. There is an intermittent stream that flows through the northeast corner of the property. The intermittent stream appears to be located further away than 100 feet from the dairy CAFO. Staff has found that there is an intermittent stream that runs through a portion of the property in the northeast side.

**A grading Plan designed to minimize contamination of stormwater runoff from manure containment facilities or animal pens.** The animals will be housed within the barn. Manure containment will be located within the lagoons located directly south of the barn. Rainwater will not be allowed to flow through the barns and the lagoon will be contained. Generally the property drainage flows to the north, and it appears from the site visit that much dirt work will be needed to construct the proposed facilities.

**The location of all existing and proposed structures, including manure containment facilities and confinement buildings and corrals. All new structures and corrals shall be located a minimum of 50 feet from any property line.** The proposed new structure appears that it will meet the required 50 feet setback from the east right-of-way line. It certainly meets the 50 feet setback from the other quarter section property lines.

#### **Setbacks and other requirements.**

In relation to the site plan, the 5,600 animal unit operation will require a 3,960 foot buffer from a dwelling, church, or business. The property owner of a dwelling, church, or business may sign a waiver to reduce the required setback. The setback can also be reduced by half to 1,980 feet if trees are planted as designed by the Minnehaha Conservation District or a Professional Landscape Architect as required by the Zoning Ordinance. Staff finds 10 dwellings located within the 3,960 foot buffer which are not owned by the petitioners. (The setback neighborhood map shows the closest dwellings located in the setback requirement.) The application narrative shows that the required waiver for the nearest dwelling will be obtained prior to the planning commission hearing. The permit cannot be approved without a waiver from the nearest dwelling. If the waiver is not obtained before the planning commission meeting, staff will ask the item to be deferred to allow further time to meet ordinance requirements. The remaining nine properties will have the setback requirements reduced with a separation of tree shelterbelt surrounding the proposed dairy.

The county Zoning Ordinance requires setbacks from a CAFO to municipalities. The nearest municipality to the Krogstad Farms dairy is Baltic. Baltic = is a Second Class city with a



population between 500 and 5,000. As a Second Class city, the dairy must meet 1.5 mile setback from the city limits. The submitted setback map shows that Baltic is over 1.5 miles away from the dairy.

In addition to site plan elements and setbacks, an application for a CAFO is required to submit other plans and meet requirements. The petitioner's narrative explains the manure management will be performed with USDA standards for construction and management. The manure is to be contained within three lagoon on the south side of the new facility. The manure will be maintained in a liquid state and applied primarily in the fall by an injection process. According to the narrative the operation has a contract with a rendering service to remove dead animals.

Since this request is for an expansion of an existing facility, this CUP request will replace previously permitted requests and conditional use permit 98-74 if the new request is approved. The operation is proposed to be large enough to require a state general pollution control permit for a CAFO. The proposed facility shall not be populated until a state permit is completed.

**Conditional Use Permit Criteria:**

As part of any conditional use permit request, the Planning Commission is required to consider several criteria.

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The proposed CAFO expansion is located within predominantly agricultural area and this proposal is expanding an existing site that has gradually expanded over decades. Many of the dwellings in the area are located over one half mile away from the proposed dairy expansion. A tree grove is planned for planting to reduce the setbacks from neighboring properties. The grove of trees should aid in the reduction of wind, smell, and visibility of the farm from the neighborhood.

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

The surrounding land uses of the proposed CAFO are predominantly agricultural with several single family dwellings and farmsteads. Agricultural uses such as crops and livestock will likely continue to be prominent into the future of the area. The expansion of a CAFO will unlikely affect further agricultural development in the area, and it may increase value of nearby cropland with easy access to manure for fertilization of the soils. In general, when intense land uses such as CAFOs increase in numbers, residential uses may become less desirable in close proximity to this type of project. Expanding an existing facility should help reduce the negative aspects that would affect future development. Future residential development will be required to have the Right-to-Farm Notice Covenant placed on the deed prior to construction of a dwelling.

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

The petitioner will have to extend any new utilities to the proposed new barn. The existing facility is located within one mile of a state highway. Only one driveway is located on the one



mile stretch between the dairy and the highway.

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

The operation is located on a large site that will have enough space to meet off street parking and loading requirements. Parking and loading in the right-of-way will not be allowed.

**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 petitioner is requesting an expansion of an existing CAFO facility. The inherent nature of a CAFO like this has the potential to create nuisances if not managed properly. This is especially true for odor, fumes, and dust. Staff finds that separation distances and tree line wind protection are effective ways to reduce nuisance issues. The Planning Commission has the ability to add conditions if they feel the petitioner's plans and staff recommendations are inadequate to mitigate nuisances.

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

The proposed CAFO expansion will have to comply with the conditions of this permit and the regulations for CAFOs in the 1990 Revised Zoning Ordinance for Minnehaha County. These rules and regulations are designed to allow for development while preventing much of the potential harms that a CAFO facility may create. The facility is also required to obtain a State permit because of its size.

The proposed CAFO is located firmly within the Agricultural Production Area of the Envision 2035 Comprehensive Development Plan. In the description of this designated area, a goal of the Envision 2035 Comprehensive Development Plan is to "protect, preserve, and promote agricultural uses and the economic viability of farming operations."

**Recommendation:**

Staff recommends **Approval** of CUP #19-30 with the following conditions.

- 1.) The maximum size of the dairy facility shall be limited to 5,600 animal units.
- 2.) Before the facility can be expanded to more than 1,000 animal units, the entire facility shall be permitted by the state of South Dakota.
- 3.) Before the facility can be expanded to more than 1,000 animal units, the shelter belt tree plantings must be completed.
- 4.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the Planning Director at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 5.) The proposed barn shall have engineer certified drawings that shall be submitted for review by the Building Inspector prior to the issuance of a building permit.
- 6.) The Planning & Zoning Department reserves the right to enter and inspect the CAFO 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



Minnehaha County Zoning Ordinance.

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall to **approve** Conditional Use Permit #19-30 and seconded by Commissioner Barth. The motion passed unanimously.

**Conditional Use Permit #19-30 – Approved**



Regular Agenda

**ITEM 7. CONDITIONAL USE PERMIT #19-27 to allow Salvage Repair, Collision Repair with Spraying Paint, Automative Repair, and Used Car Sales on the property legally described as Lots 8 and 9, Haug’s Addition, S1/2 SE1/4, Section 12-T102N-R50W.**

Petitioner: Vitaly Silchuk

Property Owner: Vladimir Silchuk

Location: 47184 Wild Clover Cir.

Located north of Sioux Falls near the Crooks/Renner Exit of I-29

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Lot 3A, Block 2, Brower’s 2<sup>nd</sup> Addition

Present Zoning – I1 – Light Industrial District

Existing Land Use – Non-conforming Salvage Yard

Parcel Size – 1.54 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The Planning Department received a complaint about a salvage yard operating on this property without the necessary conditional use permit. Staff visited the site and found dismantled vehicles on the property. The petitioner responded quickly to the Violation letter in order to apply for the permit to continue operations on the site.

The petitioner would like to use the property for multiple functions including Salvage, Repair, Collision Repair and paint, and used car sales and storage on the site. In addition, there is a plan to expand the property uses by constructing a new building on the site to allow for repair and spray paint of repaired vehicles.

The petitioner has submitted a site plan that shows the lot layout and building locations. A fence was built to surround most of the property and to protect the view of dismantled vehicles. The narrative includes an explanation that all salvage vehicles will be located within the fenced area.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The proposed use could have some impacts on the use and enjoyment of other properties in the area. Many of the visual impacts have been reduced because of the existing metal fence, but because of topography some of the storage areas are visible over the fence in certain places. The addition of proposed building C would aid in reducing visibility of the property from the north. The property is within a developed industrial park where neighborhood properties also have



outdoor storage of materials and vehicles. The proposed use is generally compatible with other light-industrial uses such as contractor shops and automotive repair shops. One area in the northeast corner of the property is specifically visible from the interstate off ramp. Some action should be taken to address the storage of dismantled vehicles and parts in the grass lawn east of existing building B as depicted on the site plan. Staff suggests that no storage of vehicles or parts are allowed in this portion 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 neighborhood industrial park is nearly fully developed. In addition the use of the property for storage and repair of vehicles is generally compatible with area uses, and it should not affect future enhancement of the area.

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

The property is already largely developed with utilities already existing on the site. Since the access road of Wild Clover Circle is hard surfaced the property is required to have hard surfaced driveways and parking. The main building already has a large concrete parking area, but the driveway to the parking area is not yet hard surfaced. The petitioner must hard surface a driveway from the road to the parking area to be compliant with the zoning ordinance.

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

The parking requirements generally are met with hard surfaced parking area for customers and employee parking behind a gated fence. The loading and unloading of vehicles and equipment shall not be placed within the right-of-way. The driveway to the parking lot are to be hard surfaced as they are coming off the hard surface road.

**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.**

This property was brought to the planning department as a complaint of visual concerns of junk and of concerns for environmental factors for things like automotive fluids. The property is located in an industrial zoned area, and a 6 foot tall fence surrounds all the storage area of the property. The petitioner states within his narrative that there will be proper storage and disposal of oil, antifreeze and etcetera. Conditions such as indoor storage and proper containers can be placed on the permit to reduce potential for leakage and environmental concerns of automotive fluids. The South Dakota Department of Environment and Natural Resources monitors potential air pollution sources such as commercial paint booths. This conditional use permit should require a DENR permit prior to the construction of the paint booth.

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

The Envision 2035 Comprehensive Plan indicates that the industrial areas in the county should be encouraged to develop in a cohesive and attractive manner. This property has already taken the step to construct a 6 foot tall screening fence around the property. In addition, when done correctly, the recycling of automotive vehicles and parts is an important part of the lifecycle of a vehicle and to save resources such as steel and salvageable parts. Staff finds the proposed use



compatible with the other industrial uses within the area.

**Recommendation:**

Staff finds that the proposed salvage/junkyard is a reasonable use of the land within an I-1 Industrial zoning district. Staff recommends **approval** of Conditional Use Permit #19-27 with the following conditions:

- 1.) This permit is to allow the salvage, repair, service, and paint of automotive vehicles, and for the use of automotive sales on the property.
- 2.) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) The 6 foot opaque fence shall be maintained in good repair at all times.
- 4.) No stacking or piling of vehicles, materials, parts, and similar items higher than 6 feet tall from the ground, unless the vehicle is taller than 6 feet without stacking.
- 5.) No outdoor storage shall be allowed east of the east wall of the existing building at 47186 Wild Clover Cir. which is labeled as Exiting Building B on the submitted site plan.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) That a building permit is required prior to construction of the any building, structure, or sign.
- 8.) An air quality construction permit must be obtained from the DENR prior to the construction of the commercial paint booth.
- 9.) The driveway to customer parking shall be hard surfaced according to Article 15 of the 1990 Revised Zoning Ordinance for Minnehaha County. This shall be completed prior to November 1, 2019
- 10.) No loading or unloading shall take place in the right-of-way at any time.
- 11.) Operating hours shall be limited to 7:00 am to 8:00 pm Monday through Saturday and 9:00 am to 6:00 pm on Sunday. Except work that takes place entirely within an enclosed structure.
- 12.) The operator shall allow unrestricted entry, after proper notice to the owner or operator, during regular business hours for inspection by the state of South Dakota, Minnehaha County, and local fire department officials.
- 13.) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance

**Public Testimony**

Kevin Hoekman, County Planning Department, presented a brief description of the staff report and recommendation.





Vitaly Silchuk, the petitioner, was present to speak about the request. He first explained that he owns a small business in Sioux Falls and that the property at the Crooks Industrial park was purchased as an overflow lot for the Sioux Falls car lot. He explained that there was recently an oil spill accident, and he is working with the State and an engineer to clean it up. Commissioner Mohrhauser asked what would a typical turnaround time be for a vehicle on the property. Mr. Silchuk explained that many of the vehicles have been accumulating since 2012 when they purchased the property. Commissioner Barth asked if the petitioner plans to work at the site more if the permit is approved. Mr. Silchuk explained that he would plan on being at the site more often and he even plans to move some of the auto body work on the site.

Gary Schwartz, 47188 Wild Clover Circle, listed several concerning events that he has witnessed on the site since 2012. The concerning events included semi-trucks being rebuilt, scrapping of vehicles, and unknown people coming and going. Commissioner Barth clarified with Mr. Schwartz that the semi-trucks are there being dropped off rather than bringing in other vehicles.

Todd Olander, 25778 Cottonwood Avenue, described the oil spill incident this spring. He provided the Planning Department with a packet of letters from the DENR and photos from the site. He also expressed concern that the property has stacks of tires and that the building may still have a dirt floor. He described the property as a mess.

Tracy Hagen, 47185 Wild Clover Circle, raised concern that if the property owner has not followed the rules since he bought the property, then why would he begin obeying the ordinance after getting a permit. She also raised concern over property values with a messy lot nearby.

Ryan Buys, owns Building Sprinkler across the cul-de-sac, asked that the property gets back to the way it was before 2012 when the mess of tires and weeds were not there.

Will Vanderlinde spoke as the owner of Medical Waste Transport located west of the site. He explained that there has been the same camper trailer on the property since 2012 and that there is a frequent truck that drives through his grass to get out rather than backing up out of the parking lot. He said the property is not full of salvage but rather junk.

Gary Schwartz spoke again to explain that the electrical transformer that feeds his property is located behind the petitioner's fence. In addition, he stated that the clean-up effort that has happened this spring was likely preparing for this meeting. Mr. Schwartz continued to point out that there have been hot rods on the property, and spray painting already happens on the site. He further explained that the property has not completed hard surfacing requirements like what was required for other properties in the development.

Vitaly Silchuk was invited to speak to the concerns that were raised. Mr. Silchuk explained that there are junk vehicles there and that the property was purchased to use for storage and extra space. He said that the letter did incentivize cleaning up the property and he admitted that things have been piling up over the years. He explained that he doesn't wish to have a junk yard on the property.



Commissioner Barth asked what is done with other vehicle fluid on the site. Mr. Silchuk explained that the property does have an oil burning heater. He further explained that they do not dismantle vehicles or drain fluids on the site.

Commissioner Ode asked how the oil tank got onto the site. Mr. Silchuk explained that the oil comes from the shop in Sioux Falls and from people bringing used oil to the shop in Sioux Falls. Commissioner Ode discussed with Mr. Silchuk with several questions about the cleanup effort for the oil spill. Mr. Silchuk explained that clean-up efforts for the oil spill have changed contractor's in an effort to save money on the required clean-up. The City of Sioux Falls requires permission to dump the contaminated soil in the landfill. And that there is oil present in the soil through the interstate right-of-way.

Gary Schwartz added that the oil spill ultimately leads to a wetland located behind his house so that the oil spill affects him twice.

#### **Discussion**

Commissioner Barth stated that the property is a mess and that the priority is to have the property cleaned up before making a decision.

Commissioner Randall reiterated that deferral would be good to give the applicant time to address issues.

Commissioner Ode added that if the permit is denied no cleanup may happen.

#### **Action**

A motion was made by Commissioner Barth to **Defer** Conditional Use Permit #19-27 until the August 26<sup>th</sup> planning commission meeting. The motion was seconded by Commissioner Ode. The motion passed unanimously.

**Conditional Use Permit #19-27 – Deferred until the August 26<sup>th</sup> Planning Commission Meeting**



ITEM 8. CONDITIONAL USE PERMIT #19-28 to allow Seed and Chemical Sales on the property legally described as Tract 9, Grimmus Addition, SE1/4 SE1/4, Section 34-T101N-R48W and SW1/4 SW1/4, Section 35-T101N-R48W.

Petitioner: Colton Grimmus

Property Owner: Sandra Grimmus

Location: 48248 268<sup>th</sup> St.

Located approximately 4 miles east of Sioux Falls

Staff Report: David Heinold

**General Information:**

Legal Description – Tract 9, Grimmus Addition, SE1/4 SE1/4, Section 34-T101N-R48W and SW1/4 SW1/4, Section 35-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 28.28 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to operate an agriculture seed and chemical retail business on the subject property. The proposed operation will be located in the far southwest corner of the property. The hours of operation will be 8:00 am to 5:00 pm, Monday thru Friday and will also open as needed to accommodate customer needs during the spring. There will only be one employee, Colton Grimmus, with the plan to hire an additional employee for the varying seasons.

On June 11, 2019, staff visited the property and determined that the proposed use for seed and chemical sales is an appropriate use for the rural area. Similar agriculturally-related operations are commonly seen throughout the County providing support for agricultural producers. Staff contacted the petitioner about supplying a list of the chemicals that he plans to store inside the building. The petitioner mentioned that there will be only herbicides and fungicides. No anhydrous ammonia will be stored on the subject property with this conditional use permit request.

**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.**

Due to the nature of the proposed seed and chemical retail sales business, there is likely to have negative effect upon the use and enjoyment of other property in the immediate vicinity.

However, the addition of an agricultural-type warehouse building should not affect property values in the surrounding area. Staff recognizes that storage of certain agricultural chemicals may pose health as well as other associated safety risks for surrounding property owners.

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



The area is primarily agricultural with about a half dozen residential acreages along County Highway 150. There should be no effect on the normal and orderly development of surrounding vacant land with the addition of an agricultural accessory building. Although, the siting of the proposed land use may discourage existing or future residents from locating a residential dwelling near the subject property, which is determined by the number of available building eligibilities. The Envision 2035 Comprehensive Plan identifies the future growth of surrounding vacant property as remaining primarily agricultural land use.

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

The applicant will need to gain approval from the Minnehaha County Highway Department for a driveway and culvert permit. All other necessary facilities will be provided prior to construction of the proposed accessory building. The petitioner did not provide planning staff with a plan for how drainage will be managed on the subject property with the proposed building. According to the USGS 4 foot Contours, the higher elevations are located to the immediate east of the location for the proposed building associated with the seed and chemical sales business and slopes down towards the west.

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

The petitioner is required to provide parking and loading areas in conformance with the zoning ordinance for the number of employees as well as delivery vehicles on the subject property. The petitioner should provide two parking spaces for each three employees on the maximum shift with additional space to accommodate all trucks and other vehicles used in connection with the use. No parking is allowed in the County Highway right-of-way at any time.

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

The petitioner has indicated that the amount of sales activity occurring at the proposed business will depend on the season. The number of inbound deliveries of products in the off season will be 15-20 with some of the loads by semi-truck. The narrative states that there will be approximately 75 visits throughout the year, which includes customer pickups from the business. At a minimum, the seed and storage areas should be secured during non-business hours.

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

The proposed agricultural seed and chemical retail business will be located in an area identified as long-term agriculture in the Envision 2035 Comprehensive Plan. The primary goal of this area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations. The proposed use is an appropriate complement to the agricultural economy that provides support for agriculture operations in the area and should not significantly affect the health, safety, and general welfare of the public. The agriculturally-related operation of agricultural seed and chemical sales should fit with the intent of the plan. This is an area with quite a number of residential acreages in the immediate vicinity that may pose potential nuisances with regards to the nature of the proposed seed and chemical sales business.



**Recommendation:**

Staff finds that the proposed use for seed and chemical retail sales is an appropriate use for the surrounding area and conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #19-28 with the following conditions:

- 1.) That CUP #19-28 shall allow agricultural seed and chemical sales.
- 2.) That the property shall adhere to the submitted site plan dated 5-29-2019.
- 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 and reviewed prior to the building permit(s) being issued for the seed warehouse.
- 5.) That the petitioner supply the Planning Director with a list of all chemicals stored within the seed and chemical storage facility. If any changes result annually, a revised list must be provided to the Planning Director for review.
- 6.) That the applicant shall obtain an approach permit from Minnehaha County Highway Department.
- 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 & Zoning Department reserves the right to enter and inspect the business 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 Department, presented a brief summary of the staff report and recommendation for Conditional Use Permit #19-28.

Commissioner Barth asked if the subject property is located within the Red Rock Corridor.

Mr. Heinold added that the subject property is not located in the Red Rock Corridor.

Colton Grimmus, 26674 Brownstone Ave., identified himself as the petitioner for the request.

Commissioner Mohrhauser asked the petitioner what he plans to do on this property.

Mr. Grimmus mentioned that he has a contract to sell seed, but would eventually like to sell chemicals on the property.

Commissioner Mohrhauser asked about the size of the containers storing agricultural products.



Mr. Grimmus explained that they will have 50 gallon totes at the property for storage of agriculture seed and chemicals. He continued to mention that there will be 2.5 gallons per jug.

Jason and Tammie Snyders, 1099 100<sup>th</sup> St., identified themselves as the owners of the residence across the street to the immediate south of the subject property. Tammie Snyders explained that they have a creek that runs across their property that empties into the Big Sioux River. Mrs. Snyders continued to mention that she is concerned about school bus safety along the County Highway. She added that the school bus drivers have to back up out of their driveway and people won't be aware with the additional traffic as result of the proposed use.

Dan and Amy Aukes, 605 Mae Rose Dr., Valley Springs, noticed the notification sign about the meeting date. Dan Aukes stated concerns regarding the impact on property values and drainage. Mr. Aukes continued to mention that he would like to know how tall the proposed bins will be. Amy Aukes explained that the water will run to the west and would like to see a drainage plan for this conditional use permit request.

Commissioner Barth asked Mr. Aukes if they live near the subject property. Mr. Aukes explained that they purchased the property around 2007 but do not currently live there. He continued to mention that they do intend to build on the property in the near future.

Commissioner Barth asked how big the property is and Mr. Aukes added that it is 6.6 acres.

Mr. Aukes continued to mention that he doesn't know Mr. Grimmus very well, but sources tell them that the proposed use will be bad for their intentions to build a residence in the immediate area. He questioned what can be done and the height of the bins.

Jerry TerWee, 1002 Arthur Ave., identified himself as a neighboring landowner and believes that the proposed use will be an asset for the surrounding area. Mr. TerWee questioned the notification procedure for this conditional use permit request.

Mr. Heinold explained that the notification requirement for conditional use permit requests is 500 feet from the property boundaries.

Mr. Grimmus explained that no water from the hill runs past the fence line.

Commissioner Ode asked the petitioner about the size of the bins.

Mr. Grimmus explained that he won't have bins there for 2-3 years down the road, but they will vary from 20 to 30 feet tall.

Commissioner Barth asked how the petitioner can help the neighbors concern about the school bus.



Commissioner Ralston asked if the petitioner has thought about moving the business to the southeast corner of the property.

Amy Aukes questioned if the petitioner would consider moving the driveway and building since it is flat for a while to the east of the proposed location for the building.

Mr. Grimmus explained that the water runoff from the hill to the east ponds at bottom on the flat area towards the middle of the subject property where the terraces are located. He continued to mention that that area is really wet and would take a lot of fill dirt to build the proposed building.

Commissioner Barth added that the petitioner could put the bins and the driveway on the east side of the building.

Scott Anderson, County Planning Director, explained that the Minnehaha County Highway Department has ultimate approval over where the driveway may be located on the property.

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

Commissioner Duffy closed the floor to public testimony.

### **Discussion**

Commissioner Randall mentioned that the planning commission could require planting trees to the west of the proposed building.

### **Action**

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #19-28 and seconded by Commissioner Mohrhauser. The motion passed 5-1, Commissioner Randall voted nay.

**Conditional Use Permit #19-28 – Approved (5-1, Commissioner Randall voted nay)**



MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES

June 24, 2019

**Old Business**

None.

**New Business**

None.

**Adjourn**

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

The meeting was **adjourned** at 9:01 pm.