

THE MINNEHAHA COUNTY COMMISSION CONVENED IN JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., October 17, 2005, pursuant to adjournment on October 11, 2005. Commissioners present were: Twedt, Pekas, Hajek, Kolbe, and Zweep. Sandy Kinder, Deputy Auditor, was also present.

City Council Members present: Beninga, Brown, Howes, Jamison, Kavanaugh, Knudson, Staggers, and Mayor Munson. Council Member Smith was absent.

Chairman Twedt called the meeting to order.

HEARINGS

Scott Anderson, Planning Director, was present for the scheduled hearing to consider zoning text amendments related to temporary uses and fees in the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. He reported that current permit fees make up less than 40% of the Planning and Zoning budget. Current fees do not sufficiently cover the actual cost incurred by the county for staff time and materials. The proposed fees would better reflect the actual cost, and are based on similar fees charged by the City of Sioux Falls. Staff recommended fee increases related to Temporary Use Permits, Conditional Use Permits, Rezoning, Variances and Appeals, Zoning Permits, and Planned Developments. The County Planning Commission recommended that the Temporary Use Permits remain at \$50.00 and be studied further, and that the Board of Adjustment be changed to \$100.00 rather than the proposed \$250.00. Mr. Anderson noted that other counties in South Dakota charge significantly more for identical requests within their jurisdictions. Commissioner Kolbe noted that taxpayers are not benefiting from the current fee structure. MOTION by Hajek, seconded by Pekas to approve Ordinance MC30-08-05 which includes the staff recommended increases. 5 ayes.

ORDINANCE MC30-08-05

An ordinance amending ordinance MC30-02, the 2002 Revised Extraterritorial Zoning Regulations for Minnehaha County and the City of Sioux Falls related to temporary uses and fees.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC30-02, the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls is hereby amended as follows:

Section 1: That Article 15.00 is hereby amended to read:

15.16 TEMPORARY USES (d) Fee. A fee of \$250.00 shall accompany the application for a temporary use permit.

Section 2: That Article 22.00 is hereby amended to read:

22.02 CHANGE OF ZONE. A fee of \$350.00 shall be charged for filing an application to change the zoning classification of property, except to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee.

22.03 PLANNED DEVELOPMENT DISTRICT. A fee of \$350.00 plus \$50.00 for each subarea shall be charged for the filing of an application to change to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee.

22.06 CONDITIONAL USE. A fee of 250.00 shall be charged for filing an application for a conditional use permit in any district. If any use, for which a conditional use permit is required, is commenced prior to the application for a conditional use permit, the application fee shall be double the regular fee.

22.07 BOARD OF ADJUSTMENT. A fee of 250.00 shall be charged for filing a Variance application or an appeal to the Zoning Board of Adjustment.

22.08 ZONING PERMITS. A fee of 250.00 shall be charged for filing an application for a zoning permit. However, this fee shall be waived when the proposed construction is subject to the requirements and fees of the Uniform Building Code as adopted by Minnehaha County.

Approved this 17th day of October, 2005

BOARD OF COUNTY COMMISSIONERS

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

Mr. Anderson was also present for the scheduled hearing to consider an amendment to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to rezone from the A-1 Agricultural District to the RR Rural Residential District property legally described as the S1/2 E330' (Ex. River Bluffs Addn.) S1/2 S1/2 in Section 29-T101N-R48W. Subject property is located in the northwest corner of the intersection of E. 41st St and S. River Bluff Road. The City and County Planning Commissions recommended denial of the request. Staff noted that the property abuts Pine Hills subdivision and the rezoning would be in conformance with the City's 2015 Growth Plan. The applicant was not present. The initial intent for the rezoning was for the residential development of the property with a shop area. The applicant had indicated during the Planning Commission meeting that he would like to store commercial equipment on the property and was told that this would not be an allowable use. Ordinance does not allow for home-occupation outside of the primary residence. The County Planning Commission felt approval would be allowing an additional eligibility to the property. Commissioner Hajek reported that there were concerns over commercial vehicles being driven through the housing development discussed at the Planning Commission meeting. Dave Dutcher, area resident, spoke in opposition to the request. Commissioner Zweep discussed the topography of the parcel in question and felt it was not suitable for building. MOTION by Zweep, seconded by Kolbe to uphold the Planning Commission decision to deny the request. 3 ayes, Hajek and Twedt - nay.

MOTION by Hajek, seconded by Zweep to adjourn until 9:00 a.m. on Tuesday, October 18, 2005. 5 ayes.

APPROVED BY THE COMMISSION:

Carol Twedt, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor