

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
September 26, 2005**

A joint meeting of the County and City Planning Commissions was held on September 26, 2005 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Mike Cypher, Anne Hajek, Susie O'Hara, Mark Rogen, Don South and Wayne Steinhauer.

CITY PLANNING COMMISSION MEMBERS PRESENT: Dan Costello, Meredith Larson, Kent Metzger, and David VanVeldhuizen.

STAFF PRESENT: Scott Anderson, Phil Kappen, and Pat Herman - County; Shawna Goldammer - City

The City Planning Commission was chaired by Kent Metzger. County Planning Commission Chair Don South presided over the meeting.

APPROVAL OF THE CONSENT AGENDA

The Planning Commission requested that Item 2 be placed on the regular agenda. A motion was made for the County by Steinhauer and seconded by Cypher to approve the consent agenda. The motion passed unanimously. Same motion for the City by VanVeldhuizen and seconded by Costello. The motion passed unanimously.

ITEM 1. APPROVAL of the August 22, 2005 minutes.

Motion for the County by Steinhauer and seconded by Cypher to approve the minutes. The motion passed unanimously. Same motion for the City by VanVeldhuizen and seconded by Costello. The motion passed unanimously.

APPROVAL OF THE REGULAR AGENDA

ITEM 2. REZONING #05-08 from A-1 Agricultural to RR Rural Residential.

Legal Description - S1/2 E330' (Ex. River Bluffs Addn.) S1/2 S1/2 in Section 29-
T101N-R48W

General Information

Location -	9000 E 41 st St., 2 miles east of Sioux Falls
Petitioner / Owner-	Darren Blair / Unique Properties
Present zoning -	A-1 Agricultural
Existing Land Use -	Vacant
Parcel Size -	2.63 Acres

Report by: Pat Herman

This is a request to rezone property from the A-1 Agricultural District to the RR Rural Residential District. The property is located 2 miles east of Sioux Falls in the northwest corner of the intersection of E. 41st St. and S. River Bluff Rd. The Pine Hill residential subdivision is immediately adjacent to the west of the site. The majority of properties in the subdivision are zoned A-1 Agricultural, but in the past 10 years a number of the larger lots have been rezoned to residential to allow additional homes to be constructed.

While there are still some agricultural practices in the area, much of the surrounding land has been developed as residential acreages. This property is shown on the 2015 Growth Plan as

existing rural residential. The same plan shows all the surrounding land to be developed for single family residential use.

Staff Analysis

There is no economically feasible use of this 2.63 acre parcel for agricultural operations. The close proximity of the existing residential development also precludes any intense agricultural use. The surrounding properties have all been developed as residential uses, either through existing subdivision plans, available building eligibilities or the rezoning of property. The use of this property as residential would be compatible with the surrounding area, which has developed as one the most heavily populated parts of the county.

Petitioner's note: There is the potential for this property to be annexed into the city of Sioux Falls in the future as indicated in the 2015 Growth Plan. At that time, E. 41st St., identified as an arterial road in the Major Street Plan, will be constructed to urban design standards with a 100' right-of-way. A new driveway will not be allowed from E. 41st St. Access will need to come from the existing approach at the eastern end of the property.

This request is in conformance with the 2015 Growth Plan and staffs recommended approval of the rezoning from A-1 Agricultural to RR Rural Residential.

Public Testimony

Commission Cypher stated that he felt this request was just giving someone an eligibility and that he was uncomfortable with that.

The petitioner, Darren Blair, stated that he would like to build one house on this site with a shop. When questioned about the shop Mr. Blair stated that he was a contractor and would like to store his equipment there. The Commissions noted that there would be limits on the size accessory building which would be allowed and that there could not be a commercial business at this site. Ms. Herman explained that an accessory building would be limited to 1200 square feet unless a conditional use permit was granted for a larger size. No commercial business would be allowed on residentially zoned property.

David Dutcher, 4508 E. Belmont, owns one of the lots further up the hill and questioned if the new sanitary sewer line would run through this property. Ms. Goldammer noted that there would be a new line in the area but that the exact location was yet to be determined.

No one else wished to address the item and the floor was closed to public testimony.

Commissioner Cypher reiterated his concern that this rezoning would just be giving away a new building eligibility and that there did not need to be a house there. Commissioner Steinhauer mentioned that there was no other use for the property as it was currently zoned. Commissioner South felt that this was just an opportunity to get an eligibility out of the regulations.

Based on the staff report and public testimony a motion was made for the County by Cypher and seconded by Rogen to recommend denial of the rezoning. The motion passed (Hajek, O'Hara, Steinhauer nay). Same motion for the City by Larson and seconded by Van Veldhuizen. The motion passed (Costello nay).

ITEM 3. ZONING ORDINANCE TEXT AMENDMENTS – to amend those portions of the Joint Minnehaha County and City of Sioux Falls Zoning Ordinance pertaining to application and permit fees.

Report by: Scott Anderson

Staff Analysis

Staff is proposing a fee increase for Temporary Use Permits, Conditional Use Permits, Rezoning, Variances and Appeals, Zoning Permits and Planned Developments. The proposed increase in fees is to better reflect the actual cost incurred by the County for the processing of applications. While it is impossible to give an exact amount each submittal costs to process, the County incurs the cost of processing the application, site visits and research, mailing notices, preparation of Planning Commission packets, staff overtime for meetings, and archiving the submittals. The amount currently collected for each submittal does not cover the actual cost incurred by the County.

The proposed fees were based on similar fees charged by the City of Sioux Falls. It should be noted that other counties in South Dakota, such as Pennington and Lawrence Counties, charge significantly more for identical requests within their jurisdictions. A list of fees charged by Pennington County is included for comparison.

The proposed fee increase will not cover the cost of operating the Planning Department. In 2003, Minnehaha County expended \$344,514.00 for the operation of the Planning Department. During 2003, however all revenue combined for the Planning Department was only \$136,455.48 or 39.6%. Similarly, in 2004 expended \$364,458.00 and collected only \$139,642.50 in revenues or 38.3%. The fees collected through August 31, 2005 equal \$82,936.00, the budget for 2005 is \$391,164.00. Based on the number of building permits issued to date, it is unlikely that over \$125,000.00 in revenue will be generated by year end of 2005. I have included a chart for 2003, 2004 and 2005 indicating the revenue stream collected by the Planning Department. In addition, another chart showing the current county fees, fees charged by Sioux Falls, and proposed fees is included for review. The estimated additional revenue is then projected using the figure that Sioux Falls charges for services and what the proposed increase in fees would raise.

Staffs recommended approval of the following amendments to the Joint Minnehaha County and City of Sioux Falls Zoning Ordinance.

ORDINANCE MC30

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 ~~\$50.00~~ 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 ~~\$175.00~~ 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 ~~\$175.00~~ 350.00 plus ~~\$25.00~~ 50.00 for

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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 ~~\$100.00~~ 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 ~~\$50.00~~ 250.00 shall be charged for filing ~~an a~~ a Variance application ~~for~~ or an appeal to the Zoning Board of Adjustment.

22.08 ZONING PERMITS. A fee of ~~\$20.00~~ 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 ____ day of _____, 2005

BOARD OF COUNTY COMMISSIONERS

Chairman

ATTEST: _____

County Auditor

Public Testimony

Commissioner Hajek explained that the County Commission had requested Mr. Anderson submit rate increases. The County needs to generate more revenue to cover operating expenses. Minnehaha County has had low fees in comparison to what other Countys charge throughout the state. For example, the Lifelight concert would have had to pay between \$600-\$1600 in Pennington County but the fee here was just \$50. That doesn't come close to meeting the expenses. Commission Hajek stressed that the taxpayers having to make up the expense gap, but that the money should be coming from the person or parties paying the fees. She asked the Commissions to support the changes.

Commission Steinhauer stated that he had wanted further information before he could vote on this issue. He views planning as a service to the community, much like the sheriff, and is willing to support that service as a taxpayer. He did not feel the Planning Department's budget should be met by the fees collected, but the numbers provided show only 52% of the budget would be covered. He is comfortable with that number. He is concerned with the fee for the Board of Adjustment which handles variances and administrative appeals. Many of those issues are small adjustments, and he feels \$100 would be a more appropriate fee. Commissioner Steinhauer does not want to see the fees become an inhibitor for people to apply.

Mr. Anderson noted that fees can hinder some people from approaching things in the correct manner. However, the fees need to help cover the costs of an application - items such as research, postage, and legal ads. He noted that the Planning Department is now facing added costs from other businesses such as fuel surcharges on deliveries of office supplies. The Department has to be able to absorb the growing costs of development within the community.

Commissioner Steinhauer and South both inquired on the method used by Pennington County for temporary use permits. Mr. Anderson explained that that section of the ordinance was entitled temporary campgrounds and assemblies of people. If an event was small and operating for less

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than 36 hours no permit would be needed. Larger events would require an assembly permit which, based on the number in attendance, could range from \$75 to \$1500. Applicants also have to pay the application fee of \$300 for a conditional use permit. Mr. Anderson noted that adopting such a method would require a major amendment to the zoning ordinance.

Commissioner Rogen questioned the construction permit listed on one of the attachments. Mr. Anderson explained that that was something he was looking at implementing in the future. It would help to monitor how property was constructed, taking into account such items such as drainage patterns, floodplain issues and erosion. There is currently no provision in the ordinance to address these matters.

No one else wished to speak to the item and the floor was closed to public testimony.

Commission Hajek stated that she would like to see these amendments move ahead and suggested that those fees which were in question be pulled out. Commissioner South felt no changes should be made to temporary use permits until the matter could be further studied. Mr. Anderson suggested that a subcommittee be formed to address temporary use permits as there is such a diverse possibility of applications that fall under that category.

Members of the City Planning Commission did not enter the discussion as the fees for the joint area are administered by the County.

Based on the staff report and public testimony a motion was made by Steinhauer and seconded by Cypher to recommend approval of the amendments to the fees with the following two changes:

Temporary Uses to remain at \$50.00 and a further study of various options.

Board of Adjustment: \$100.00

The motion passed unanimously.

Same motion for the City by Van Velhuizen and seconded by Costello. The motion passed unanimously.

Attachment A

County Action	Current County Fee	Proposed Fee	Additional Revenue Raised	Sioux Falls Fee (current)	Add. Rev. Raised	Approx. Yearly Average
Plat	\$20 plus \$5 per lot	\$250 plus \$25 per lot	\$35,000	\$80 + \$10 per lot over 2 for new plats \$110 + \$10 per lot over 2 for re-plats	\$6,000	100
CUP	\$100	\$250	\$15,000	\$200	\$10,000	100
Rezoning	\$175	\$350	\$750	\$350	\$1,750	10
Variance & Appeal	\$50	\$250	\$800	\$75.00 V \$65.00 A	\$250	10
Subdivision Regulations Variance	\$0	\$250	\$250	\$75.00	\$250	1
Construction Permit	New proposed	\$100	?	\$45.00		New
Drainage Permit	\$50 if downstream owners agree \$100 if CB action is needed	\$100 if downstream owners agree \$200 if CB action is needed	\$3,750	\$45.00 (Grading Permit)	0	75
Planned Unit Development	\$175 plus \$25 per subarea	\$350 plus \$25 per subarea	0	\$350 Prelim Plan -\$225 Final Plan - \$150	\$175	0-1
Septic Systems	\$75	\$150	\$9,375	N/A	0	125
Building Permits	\$15 minimum	\$50 minimum	\$1,750	\$20	\$250	50
			Total: \$66,675		Total \$18,675	

Attachment B

Pennington County Planning Fees

As of 9/1/05

Plat - \$350.00 plus \$25.00 per lot application fee

Subdivision Regulations Variance - \$250.00

CUP - \$300.00

Rezoning - \$300.00

Variance & Appeal - \$250.00

Construction Permit - \$75

Planned Unit Development - \$300.00

Septic Systems \$150 per hour (1 hour minimum charge)

Building Permits - \$50.00 minimum.

Temporary Use Permit (Gatherings of People) \$600.00 to \$1,600.00 depending on size

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Attachment C

MONTHLY RECEIPTS - 2005

Month	13140 Bldg Permit	13142 Rezoning	13143 Cond. Use	13144 Drainage	13145 Variance	13146 Septic	13147 Sol. Waste	13612 Plats	13613 Bluelines	13615 GIS	13616 Extraction	13716 Misc.	TOTALS
January	783.00		300.00		50.00				4.00	5.00			1142.00
	631.00		100.00			75.00				5.00	705.00		1516.00
February	662.00		600.00	50.00		100.00		225.00		5.00	549.00	5.00	2196.00
	2675.00		200.00			50.00		25.00		5.00	170.00		3125.00
March	4134.50	175.00	500.00	50.00		150.00		75.00		36.00		18.00	5138.50
	5009.00		600.00	50.00	50.00	400.00		215.00		21.00	125.00	20.00	6490.00
April	6039.50		500.00	100.00		1225.00		100.00		27.00		36.00	8027.50
	5934.00		600.00	100.00		750.00		25.00		20.00			7429.00
May	4089.00	175.00	500.00	50.00	150.00	450.00		135.00		39.00		0.75	5588.75
	4825.00	350.00	800.00	625.00		300.00		25.00	4.00	70.00			6999.00
June	5525.00	175.00	200.00		50.00	1000.00		150.00	8.00	235.00		23.00	7366.00
	3206.00		250.00	50.00		500.00		75.00		95.00			4176.00
July	6564.00		400.00			375.00		105.00		40.00		2.00	7486.00
	7835.00		700.00	50.00		525.00		260.00		11.00			9381.00
August	5657.00		500.00			600.00		80.00		20.00		18.28	6875.28
	5324.00	175.00	200.00	275.00	50.00	525.00		230.00				1020.75	7799.75
September	6175.00		400.00		50.00	375.00		180.00	4.00				7184.00
													0.00
October													0.00
													0.00
November													0.00
													0.00
December													0.00
													0.00
TOTALS	75068.00	1050.00	7350.00	1400.00	400.00	7400.00	0.00	1905.00	20.00	634.00	1549.00	1143.78	97919.78

Attachment D

MONTHLY RECEIPTS - 2004

Month	13140 Bldg Permit	13142 Rezoning	13143 Cond. Use	13144 Drainage	13145 Variance	13146 Septic	13147 Sol. Waste	13612 Plats	13613 Bluelines	13615 GIS	13616 Extraction	13716 Misc.	TOTALS
January	1493.00		350.00	600.00	30.00				7.00	10.00			2490.00
	870.00	100.00	300.00	1200.00		75.00		135.00					2680.00
February	1324.00		50.00					90.00	4.00		485.00	18.00	1971.00
	4788.00		350.00					50.00		5.00	150.00		5343.00
March	4042.00	50.00	300.00			150.00		75.00		30.00	70.00		4717.00
	4041.00	200.00	200.00	50.00		650.00		125.00	12.00		470.00	28.00	5776.00
April	7340.00	150.00	600.00	150.00		1150.00		80.00				10.00	9480.00
	8975.00		350.00	950.00	30.00	1425.00		50.00		25.00			11805.00
May	4400.00		300.00	700.00		675.00		165.00	8.00	405.00			6653.00
	5841.00		400.00	50.00		650.00		130.00				5.00	7076.00
June	5935.00	350.00	750.00	600.00		775.00		125.00		110.00			8645.00
	5468.00		200.00			900.00		80.00	4.00	58.00		5.00	6715.00
July	3077.00		700.00			750.00		25.00		20.00			4572.00
	4189.00		500.00	100.00		875.00		100.00	3.00			5.00	5772.00
August	6502.00		700.00			275.00		185.00		24.00			7686.00
	5063.50		100.00			525.00		25.00	15.00	18.00		5.00	5751.50
September	6552.00	175.00	900.00	150.00		225.00		55.00	4.00			10.00	8071.00
	3148.00		100.00		100.00	350.00		50.00		41.00		6.00	3795.00
October	4918.00		300.00	50.00		600.00		155.00				20.00	6043.00
	5626.00			200.00		1200.00		125.00	4.00	30.00			7185.00
November	3846.00		300.00	200.00		675.00		160.00	4.00	10.00			5195.00
	5203.00			275.00		525.00			8.00	5.00		5.00	6021.00
December	4303.00	175.00	700.00	350.00		525.00		105.00		37.00		5.00	6200.00
	1576.00	175.00		375.00		75.00		120.00	8.00	50.00			2379.00
TOTALS	108520.50	1200.00	8450.00	6000.00	160.00	13050.00	0.00	2210.00	81.00	878.00	1175.00	122.00	139642.50

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Attachment E

MONTHLY RECEIPTS - 2003

Month	13140 Bldg Permit	13142 Rezoning	13143 Cond. Use	13144 Drainage	13145 Variance	13146 Septic	13147 Sol. Waste	13612 Plats	13613 Bluelines	13615 GIS	13616 Extraction	13716 Misc.	TOTALS
January	1124.00	100.00	400.00					55.00		40.00		5.00	1724.00
	907.00		50.00			150.00		65.00	4.00	12.00	375.00	5.00	1568.00
February	5602.00		100.00	50.00				50.00	18.00		610.00	9.00	6439.00
	1114.00		130.00	100.00				50.00	8.00	20.00		5.00	1427.00
March	1759.00		200.00			75.00		100.00	16.00	9.00			2159.00
	5508.00		200.00			150.00		25.00	4.00				5887.00
April	4473.00		200.00	325.00		500.00		190.00	6.00	41.00		23.00	5758.00
	6771.00		550.00	25.00		1250.00		30.00		46.00			8672.00
May	3885.50	100.00	150.00	225.00		1050.00		180.00	4.00				5594.50
	7749.50		250.00	175.00		950.00		200.00		1.00			9325.50
June	7197.00	100.00	250.00	100.00		675.00		80.00					8402.00
	5666.50	100.00	350.00			1050.00		50.00		5.00			7221.50
July	6457.00	100.00	150.00			600.00		180.00		55.00		22.98	7564.98
	7104.00		200.00	50.00		900.00		90.00		43.00		5.00	8392.00
August	7456.00		250.00	100.00		675.00		65.00	6.00	7.00			8559.00
	4274.50		300.00			850.00		25.00		25.00			5474.50
September	8024.00		100.00	150.00		1125.00		50.00				5.00	9454.00
	5701.00		450.00	50.00		975.00		175.00				10.00	7361.00
October	5995.50	300.00	250.00	225.00		675.00		225.00	8.00	54.00		30.00	7762.50
	4417.00		150.00	200.00		825.00			3.00				5595.00
November	3625.00		150.00	100.00		450.00		155.00	4.00	30.00			4514.00
	2643.00	100.00		150.00		150.00		125.00		5.00		18.00	3191.00
December	3255.00		50.00	450.00		525.00		125.00		5.00			4410.00
	1875.00		150.00	50.00		150.00		230.00					2455.00
TOTALS	112583.50	900.00	5030.00	2525.00	0.00	13750.00	0.00	2520.00	81.00	398.00	985.00	137.98	136455.48