

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
August 28, 2006**

A joint meeting of the County and City Planning Commissions was held on August 28, 2006 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Susie O'Hara, Wayne Steinhauer, and Jim Zweep.

CITY PLANNING COMMISSION MEMBERS PRESENT: Ken Dunlap, Kent Metzger, Jessie Schmidt, David Van Veldhuizen and Anita Wetsch.

STAFF PRESENT: Scott Anderson, Phil Kappen, and Pat Herman – County Planning;  
Steve Randall – City Planning  
Gordy Swanson – Office of the State's Attorney

The County Planning Commission was chaired by Susie O'Hara. City Planning Commission Chair Anita Wetsch presided over the meeting.

**CONSTENT AGENDA**

There being no objections from the Planning Commission or the audience, a motion was made for the County by Bunde and seconded by Zweep to approve the consent agenda. The motion passed unanimously. Same motion for the City by Van Veldhuizen and seconded by Metzger. The motion passed unanimously.

**ITEM 1. MINUTES – July 24, 2006**

A motion was made for the County by Bunde and seconded by Zweep to approve the minutes. The motion passed unanimously. Same motion for the City by Van Veldhuizen and seconded by Metzger. The motion passed unanimously.

**ITEM 2. JOINT ZONING ORDINANCE AMENDMENT #06-21 to amend the A-1 Agricultural and RC Recreation/Conservation District by regulating the placement of agricultural buildings.**

Petitioner –Planning Departments

**Report by:** Pat Herman

**Staff Analysis**

The County Planning Department is proposing a text amendment to the A-1 Agricultural and R/C Recreation/Conservation Districts of the Joint Zoning Ordinance. The text amendment focuses on the allowance of agricultural/storage buildings. In both districts agriculture is a permissive use. The permissive use section, titled as follows, allows for a building or premises to be used for agriculture.

3.02 & 13.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the A-1 Agricultural District

It has been the practice of the Planning Department to deny the issuance of a building permit for a storage building on bare ground unless the property was 40 acres or larger and the building was to be used for agricultural purposes. Many of the applicants applying for a storage building, farm property in abundance of 160 acres or run feeding and dairy operations. In this instance the building is needed for agricultural purposes.

As the population of the County has grown, there has been an increase in the number of

applications for storage buildings in the rural area. There are numerous requests from people who have purchased lots of 10 acres or less for a house but wish to have a storage building on the property until such time as they are ready to begin construction, be it in 6 months or 3 years. For those properties clearly intended for residential use, the ordinance is absolute in prohibiting a storage/accessory building until the main building, the house, is under construction.

The issue becomes cloudy in dealing with large parcels in the 20-35 acre range. The Planning Department is faced with numerous claims as to how the storage building will be used for agricultural purposes. Typically, a landowner will apply to put up a storage building for their own property – a boat, RV, cars etc. When told that a personal storage building is not allowed, land owners then claim a storage building is needed for their horses, but after construction horses never appear on the property. Other property owners have claimed they are hay farmers but only produce two bales a year. Storage buildings on bare ground are an enforcement issue for the County as the buildings are rented out like storage units or for commercial businesses. Both of these uses, storage units and a commercial business such as automotive repair, require commercial zoning.

In consultation with the Office of the State's Attorney, it was determined that the public would be better served if the zoning ordinance clearly specified when an agricultural storage building was allowed. The underlined text would be added to both the A-1 Agricultural and RC Recreation/Conservation Districts.

3.02 & 13.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the A-1 Agricultural District:

- (a). Agriculture. A building for the storage of agricultural equipment or products shall be allowed provided the following conditions have been met:
  - 1) Ownership of contiguous parcel(s) of not less than forty (40) acres.
  - 2) The property's principal use is devoted to agriculture.
  - 3) At least 33.33 percent of the total family gross income of the owner is derived from the pursuit of agriculture.

Allowing contiguous properties to be combined to equal 40 acres takes into account those parcels which may be divided by roads, rivers, railroads or other obstructions which would cause the property to be recorded as separate legal descriptions. The figure for the third requirement, gross family income, is duplicated from the state regulations used to define land for agricultural tax purposes. This regulation is already used by the County Equalization Office.

Any property owner who cannot satisfy the specified requirements does have grounds for appeal. As this is a permitted use, the owner would have to submit an application for an appeal of an administration decision and appear before the Zoning Board of Adjustment.

### **Recommendation**

The Planning Department believes zoning text amendment #06-21 will assist the public in determining the placement of agricultural used storage buildings and recommends **approval** of the amendment.

Based on the staff report a motion was made for the County by Bunde and seconded by Zweep to recommend approval of zoning text amendment #06-21. The motion passed unanimously. Same motion for the City by Van Veldhuizen and seconded by Metzger. The motion passed unanimously.

**ITEM 3. CONDITIONAL USE PERMIT #06-60 to allow an additional twelve outdoor runs at an existing dog kennel.**

Legal Description – Lot 2 Veenker's Addition in Section 18-T101N-R48W

Location - 6701 E. Madison St. ½ mile east of Sioux Falls

Petitioner - Gerald Geraets

**Item 3 was withdrawn by the petitioner the week before the meeting.**