



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 24, 2025

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
March 24, 2025**

A joint meeting of the County and City Planning Commissions was held on March 24, 2025 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS' PRESENT: Commissioners Bonnie Duffy, Mike Ralston, Adam Mohrhauser, Ryan VanDerVliet, Cindy Heiberger and Joe Kippely.

CITY PLANNING COMMISSION MEMBERS PRESENT: Aaron Norman, Mike Gray, Erica Mullaly, Bradyn Neises and Dave Van Nieuwenhuyzen.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Karla Resendiz – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Aaron Norman.

Chair Duffy called the Joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT

Chair Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda and no items were requested to be moved to the regular agenda.

A motion was made for the County by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Nyberg and seconded by Commissioner Mullaly to **approve** the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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ITEM 1. Approval of Minutes – February 24, 2025

As part of the consent agenda, a motion was made for the County by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from February 24, 2025. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Nyberg and seconded by Commissioner Mullaly to **approve** the meeting minutes from February 24, 2025. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-15 to transfer four (4) building eligibilities from the N½ NE¼ Section 26 to the SW¼ NW¼ Section 25 all within T102N-R49W Mapleton Township.

Petitioner: Nineteen Flags LLC.

Property Owner: Same

Location: Located between Slip Up Creek Road & Interstate 90, approximately 1 mile north of Sioux Falls.

Staff Report: Kevin Hoekman

General Information:

Legal Description – SW¼ NW¼ Section 25 T102N-R49W Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Farmland

Parcel Size – 40.00 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to transfer four building eligibilities from a small corner of land that remained A1-Agriculturally zoned when the Mapleton Golf Planned Development zoning district was approved to a 40-acre section of land recently approved to rezoned back to A1 Agriculture. The receiving parcel will likely be a temporary location for the building eligibilities until another transfer can happen to another parcel at a later date. Another building eligibility transfer will require another conditional use permit at a future meeting.

The subject property is located north of Interstate 90 and south of Slip Up Creek Road. The receiving parcel was approved for a rezoning to the A1-Agricultural zoning district. The golf course and many of the buildings are under construction in the area that remains under the Mapleton Golf Planned Development district.

A transfer of building eligibility must review several specific criteria. These criteria are in addition to the standard criteria for any conditional use permit. The criteria for a transfer request are listed below with staff comments under each criterion.

1.) The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this ordinance same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel. (MC30-13-06 7/17/06)

The sending parcel and the receiving parcel are both owned by the same property owners, and they are contiguous to each other at the corner of the lots and through another parcel with the same property owner.



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2.) Suitability as a building site based on the following factors:

- a.) Agricultural productivity of the soil.**
- b.) Soil limitations.**
- c.) Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.**

The sending parcel is no longer used for agriculture. The receiving parcel is 40 acres in size and approximately 12.5 of those acres are used for agriculture crop production. A small area around Slip Up Creek is within a regulated floodplain. A septic system will need to be designed by testing the soil capacity before any new house is to be built anywhere in the county. The receiving parcel does not currently have access to a public right-of-way. The petitioner expressed to staff that the intent will be to transfer the building eligibilities again, therefore access will not be a problem. Staff recommends a requirement to submit a preliminary subdivision plan prior to the use of the building eligibilities. With a preliminary subdivision plan, access will need to be established before platting individual lots.

3.) The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.

Minimum lot size in the A1 Agricultural district is one acre. There is enough land in the receiving parcel to accommodate the one-acre requirement.

4.) The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.

The sending parcel is a corner of A1-Agricultural zoned land left during the rezoning of the Mapleton Planned Development District. The applicant plans for the area to be annexed into the city in the near future.

5.) Approval has been granted by the appropriate governing entity for access onto a public road.

The receiving parcel does not currently have access to a public right-of-way. The petitioner expressed to staff that the intent will be to transfer the building eligibilities again, therefore access will not be a problem. Staff recommends a requirement for the petitioner to plat properties and submit a preliminary subdivision plan prior to the use of the building eligibilities. With a preliminary subdivision plan, access will need to be established before platting individual lots.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The receiving parcel is located in a remote area near Interstate Highway 90. The Mapleton Golf Course is under construction to the west of the site and agricultural crop and grazing land is located to the east of the site. If development happens in the 40 acre receiving parcel, it will not change conditions of current land uses. The petitioner stated that it is likely another request will happen to transfer the building eligibilities further east. A second transfer will require another



conditional use permit.

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

The receiving parcel is located north of Interstate 90 and in an area surrounded by pasture and crop land. The petitioner stated that he plans to sell the building eligibilities further east of the receiving parcel. That action will require another conditional use permit. The receiving parcel and land further east is not located with any growth tier of the Shape Sioux Falls Growth Area Map. Therefore, the development area is likely not going to be annexed until after 2048.

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

If approved, four single-family residential dwellings can be built on the receiving parcel. The developer will need to supply all required utilities, access roads, and wastewater treatment. Drainage will not be significantly altered by four single family dwellings on 40 acres.

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

Off-street parking requirements will be met at the time for building permits for each individual single-family dwelling.

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 result of this transfer of a building eligibilities will be available four single family dwellings. Single-family dwellings do not typically create nuisances. Each property will need to comply with the Minnehaha County Public Nuisance Ordinance.

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

The location of the receiving parcel is outside of the current future development tiers for the Sioux Falls Growth Management Plan. The growth management tiers project growth out to the year 2048. The applicant recently petitioned Sioux Falls to amend the Future Land Use Map for the area including the sending parcel. The application was approved and the intent of the applicant is to annex the area of land with the sending parcel. The amendment also changed the future light industrial area of the sending location to future residential land use. The transfer will utilize existing building eligibilities and will not increase the total allowed dwellings in the rural area. If the transfer is not approved the building eligibilities will dissolve when the sending parcel is annexed.

Sioux Falls planning staff provided comments for the proposed transfer. Comments were gathered from several departments as they were received by staff. City planning staff recommendation is for approval of the transfer.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-15 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 a single-family dwelling.



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- 2) That prior to approval of a building permit, the applicant will need to an Approach Permit from the appropriate road authority if required.
- 3) Each lot shall be platted prior to obtaining a building permit for each building eligibility.
- 4) A preliminary subdivision plan shall be submitted for review and approval prior to platting any lots.

Action

As part of the consent agenda, a motion was made for the County by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-15 with staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Nyberg and seconded by Commissioner Mullaly to **approve** Conditional Use Permit #25-15 with staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-15 – Approved



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Regular Agenda

ITEM 3. ZONING TEXT AMENDMENT #25-04 to amend the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to add Accessory Dwelling Unit (ADU) Regulations.

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

Staff Report: Kevin Hoekman

Staff Analysis:

County staff reviewed and updated the Envision 2035 comprehensive plan throughout 2024. The County Commission adopted the updated comprehensive plan with the extended timeframe and name to Envision 2045. New figures and predictions are included in the updates, and new policies and plans for residential housing was included in the plan as well.

Staff reviewed accessory dwelling units with a residential density task force while writing updates to the comprehensive plan. Accessory dwelling units allow flexibility for property owners to extend the use of an existing property. An accessory dwelling unit can be used to support relatives in need, generate a rental income, have an available space for guests to stay during a visit, or other uses. The development of rules for ADUs can be implemented within the current structure of building eligibilities to guide rural development.

The proposed ordinance to regulate accessory dwelling units include the land use in all zoning districts that allow a single family dwelling if a conditional use permit is approved. Staff developed rules intended to maintain the character of rural development with limitations to ADU size and development standards. Any other use of the ADU such as major home occupation or short term rental will require a separate conditional use permit and public hearing.

The Envision 2045 comprehensive plan includes residential growth goals and actions within the Growth Management chapter of the plan. Accessory dwelling units are part of the following goal and action:

Goal 4.11. Ensure maximum efficiency in the provision of public services and facilities to promote cohesive and attractive development in the rural area.

Action 3. Develop, adopt and implement an ordinance amendment to allow accessory dwelling units within the county.

Included with this memo is a draft copy of the ordinance with staff comments throughout the draft. In addition to the draft copy, a copy of the proposed ordinance is included as it would be adopted by the Joint County Commission and City Council. Any amendments made by the Planning Commissions will need to be changed in both drafts for the Joint County Commission and City Council meeting.



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Recommendation: Staff recommends **approval** of Zoning Text Amendment #25-04 adding Articles 3.04(bb), 4.04(p), 5.04(j), 6.04(j), 7.04(k), 8.04(j), 13.04(q), 15.20, and 24.02 to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and proposed ordinance amendment to the commission.

Commissioner Heiberger asked for clarification on the proposed regulation regarding when the septic system information would need to be provided for the ADU. Kevin Hoekman explained that the current wording would require the applicant for an ADU to provide the necessary documents to the planning office, prior to applying for the conditional use permit. Commissioner Heiberger asked if the ordinance states whether there can be a second septic system on the property to service the ADU. Planning staff stated that any septic system on a property must follow the regulations in the county's on-site wastewater ordinance, which regulates setbacks to buildings, property lines, and other features. Staff also stated that if these regulations are met then there would be no prohibition from having multiple septic systems on a property.

Commissioner Heiberger then asked about the regulation that would limit the number of driveways for a property with an ADU. She commented that changing this wording to reference a second access point versus a second driveway would be clearer for the public.

Commissioner Heiberger followed up and asked what the front yard setbacks would be for the primary dwelling and ADU. Kevin Hoekman stated that the front yard setbacks would be the same for the primary dwelling and ADU. The setback would be thirty feet along a subdivision road and fifty feet along a section line road or county highway.

Commissioner Heiberger commented that the city staff comments included references to ADUs only being allowed in the rear yard, and to detached ADUs being limited to a maximum of 40% of the primary dwelling. Commissioner Heiberger stated that she did not think these were necessary changes, and that they could be detrimental for the implementation of the ordinance in the rural area. City staff commented that these notes in the city staff comments were not recommendations, but that they would be the regulations if the property were to be annexed.

Commissioner Gray asked staff to explain the reason for requiring a conditional use permit for an ADU versus allowing them as a permitted special use. Kevin Hoekman explained that this ordinance is the county's first step towards allowing higher density in the rural area, and that the conditional use permit process would still include neighbor involvement. Scott Anderson, the County Planning Director, also commented that the conditional use permit would allow staff to review the request, especially the septic system information, before an ADU would be approved.

Commissioner Gray also asked staff to further explain the reasoning for the 50% detached size maximum and the 75% attached size maximum. Kevin Hoekman stated that limiting the detached ADU to 50% of the primary dwelling will help maintain the single-family character of the county and reduce the likelihood of duplexes and other multi-family structures. He also



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commented that the 75% attached ADU maximum would allow basements to be more easily converted into an attached ADU.

Commissioner Heiberger asked if her proposed change to the driveway regulation should have a motion and action by the commission. Scott Anderson explained that the commission would need to approve a motion to change the zoning ordinance amendment, prior to a motion to approve the text amendment. Scott Anderson also proposed that the wording of Article 15.20 (A)(5) within the text amendment be changed to the following:

- (5). No additional access from a township, county, or state highway may be constructed for separate use of the ADU.

Tyler Childress, of 47677 Slip Up Creek Road, Sioux Falls, SD, asked how the equalization office will handle the property taxes for ADUs. Scott Anderson stated that the ADU and primary dwelling must be located on the same platted lot, and therefore the taxes would not be similar to any other property in the county with multiple structures.

Action

A motion was made for the County by Commissioner Heiberger and seconded by Commissioner Kippley to **amend** Zoning Text Amendment #25-04 to change Article 15.20 (A)(5). The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Gray and seconded by Commissioner Neises to **amend** Zoning Text Amendment #25-04 to change Article 15.20 (A)(5). The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

A motion was then made for the County by Commissioner Heiberger and seconded by Commissioner Kippley to recommend **approval** of Zoning Text Amendment #25-04 as amended. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Gray and seconded by Commissioner Neises to recommend **approval** of Zoning Text Amendment #25-04 as amended. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Zoning Text Amendment #25-04 – Approval Recommended with the following changes:

Article 15.20 (A)(5)

- (5). No additional access from a township, county, or state highway may be constructed for separate use of the ADU.



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ITEM 4. ZONING TEXT AMENDMENT #25-05 to amend the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to change the Transfer of Building Eligibility Regulations.

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

Staff Report: Kevin Hoekman

Staff Analysis:

County staff reviewed and updated the Envision 2035 comprehensive plan throughout 2024. The County Commission adopted the updated comprehensive plan with the extended timeframe and name to Envision 2045. New figures and predictions are included in the updates, and new policies and plans for residential housing was included in the plan as well.

Staff reviewed the process and requirements for transferring building eligibilities within the county with a task force dedicated to reviewing density and housing in the rural area. The density task force was created to assist in updating the comprehensive plan.

Transferring eligibilities are already a part of the county zoning ordinance. The proposed rule will amend a requirement for transfer to allow two adjacent property owners to move one or more building eligibilities between two parcels. This would allow more flexibility in allowing transfers to take place, but the change will continue to limit the extent of transfers by continuing the requirement for properties to be adjacent.

The Envision 2045 comprehensive plan includes housing density goals and actions within the Rural Conservation chapter of the plan. Changing requirements for transfers of building eligibilities are part of the following goal and action:

Goal 5.6. Maintain and strengthen low density residential standards in the agricultural district.

Action 4. Revise ordinance restrictions for building eligibility transfers to allow transfers between properties with different owners when it is appropriate to do so.

Included with this memo is a draft copy of the ordinance with staff comments throughout the draft. In addition to the draft copy, a copy of the proposed ordinance is included as it would be adopted by the Joint County Commission and City Council. Any amendments made by the Planning Commissions will need to be changed in both drafts for the Joint County Commission and City Council meeting.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #25-05 to amend Article 3.04(u) and Article 13.04(j) of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.



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Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and proposed ordinance amendment to the commission.

Commissioner Gray asked planning staff if building eligibilities can be sold. Kevin Hoekman stated that they can be sold, and this ordinance amendment would allow the sale of building eligibilities without having to transfer ownership of the property itself.

Commissioner Kippley noted that this ordinance change is largely a clean up for the Register of Deeds Office, and that historically, people have found ways to work around the common ownership requirement.

Commissioner Norman asked if there would be a maximum number of building eligibilities that could be transferred, and if a subdivision plan would be required. Kevin Hoekman explained that there is not a maximum number of building eligibilities that can be transferred, but that any development of four or more lots would require a preliminary subdivision plan and review.

Commissioner Ralson also commented that he sees this ordinance amendment as a formality and a better way to handle requests that are already coming through to the planning commission.

Action

A motion was made for the County by Commissioner Ralston and seconded by Commissioner VanDerVliet to recommend **approval** of Zoning Text Amendment #25-05. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Gray and seconded by Commissioner Mullaly to recommend **approval** of Zoning Text Amendment #25-05. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Zoning Text Amendment #25-05 – Approval Recommended



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Kippley and seconded by Commissioner Heiberger. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Gray and seconded by Commissioner Neises. The motion passed unanimously.

The meeting was **adjourned** at 7:36 p.m.