

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 5:00 PM on January 24, 2023, pursuant to adjournment on January 24, 2023. COMMISSIONERS PRESENT WERE: Bender, Beninga, Bleyenbergh, Karsky, and Kippley. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

City Council Members present were: Barranco, Cole, Jensen, Merkouris, Neitzert, Selberg, Soehl, Starr, and Mayor Paul TenHaken.

Chair Bender called the meeting to order.

MOTION by Karsky, seconded by Beninga, to approve the agenda. 5 ayes. The City concurred.

CONDITIONAL USE PERMIT

Mason Steffen, Planner, was present for the decision for conditional use permit application #22-81. The conditional use permit application would allow a kennel on the property legally described as Tract A Shatter's Addition E 1/2 SW 1/4 Section 28-T102N-R50W Benton Township. The land owner and petitioner is Jeremy Schelhaas. The property is currently zoned as A1 Agriculture. The petitioner is requesting to operate a kennel for the purpose of raising and breeding dogs. A kennel is defined in the joint zoning ordinance as " Any premise or portion thereon where dogs, cats, or other household pets are raised, trained, boarded, harbored, or kept for remuneration. There would not be regular visits to the property by customers. The petitioner will also be constructing a new detached accessory building on the property, and that the kennels for the dogs will be located within this building. This item was part of the consent agenda at the Joint Planning Commission meeting on November 28, 2022. A neighboring property owner was present and asked for the item to be removed from the consent agenda, so that their issues with the request could be discussed. The main concerns with the application are that the operation would produce noise and smell nuisances as well as the potential to devalue their property. The application was discussed at length by both planning commissions, planning staff, and the petitioner. The main concern during these discussions was the potential noise the operation could produce while being located next to two other residential properties. The Minnehaha County Planning Commission voted to approve the permit with staff recommended conditions, and did not add any additional conditions that would limit the noise from the operation. The Sioux Falls Planning Commission voted to deny the permit with the staff recommended conditions due to wanting the inclusion of a condition limiting the noise from the operation. This item is being brought forward without any recommendation.

Chair Bender asked for the proponents and opponents to speak on the topic.

Proponents

Jeremy Schelhaas, Petitioner and Proponent, stated they are currently using the property for agricultural-related activities and what they have planned should the conditional use permit be approved.

Rod Goeman, Sioux Falls, stated he is a neighbor to the Schelhaas and does not have concerns about the potential noise and smell associated with the proposed kennel.

Opponents

There was neighbor to the proposed conditional use permit spoke about concerns and will address her concerns directly with the Petitioner.

MOTION by Karsky, seconded by Kippley, to approve Conditional Use Permit 22-81 with all original staff recommended conditions and an additional that the Conditional Use Permit is not transferable to a future owner of the property. By roll call vote: 5 ayes. The City concurred.

PUBLIC COMMENT

Chad Bishop, Sioux Falls, spoke about updates for the City of Sioux Falls website regarding the COVID-19 vaccines.

Scott Ehrisman, Minnehaha County, spoke about COVID-19 vaccines, snow removal from curb to curb, and public comment concerns.

Dennis Haugen, Sioux Falls, spoke about public comment at the end of the meeting.

MOTION by Karsky, seconded by Beninga, to adjourn. 5 ayes. The City concurred.

The Commission adjourned until 9:00 a.m. on Tuesday, February 7, 2023.

APPROVED BY THE COMMISSION:

Jean Bender
Chair

ATTEST:

Kym Christiansen
Commission Recorder