



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

APRIL 24, 2023

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
April 24, 2023**

A joint meeting of the County and City Planning Commissions was held on April 24, 2023 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Doug Ode, Mike Ralston, Ryan VanDerVliet, Ryan VanDerVliet, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bradyn Neises, Kurt Johnson, Sean Ervin, Larry Luetke, John Paulson, and Janet Kittams.

STAFF PRESENT:

Scott Anderson and Mason Steffen – County Planning
Maggie Gillespie and Eric Bogue – States Attorney's Office
Fletcher Lacock– City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Janet Kittams.

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 there were several residents who spoke before the commission.

Tyler Childress, of 47677 Slip Us Creek Road, stated his thoughts on the newly adopted vacation home/short-term rental ordinance for the county, and what provisions he would like to see if the regulations are extended into the joint area with Sioux Falls.

Chad Theisen, of Berkshire Hathaway Realty, stated to the commission his thoughts on a potential vacation home/short-term rental ordinance within the joint area. Mr. Theisen also stated that a conditional use permit is not a guarantee, and therefore having this use as a conditional use permit will impact the real estate economy in the county.



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Consent Agenda

Commissioner Duffy read each item on the consent agenda and Item 2 was requested to be moved to the regular agenda.

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Kippley to **approve** the consent agenda consisting of Items 1. The motion passed unanimously.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the consent agenda consisting of Items 1. The motion passed unanimously.

ITEM 1. Approval of Minutes – January 23, 2023

As part of the consent agenda, a motion was made for the County by Commissioner Ralston and seconded by Commissioner Kippley to **approve** the meeting minutes from January 23, 2023. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the meeting minutes from January 23, 2023. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



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Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #23-13 to allow a Public Utility Facility (Collector Well) on the property legally described as Tract 1 & 2 (Ex. H-1) NE¼ SW¼ Section 29 T102N-R49W Mapleton Township.

Petitioner: City of Sioux Falls

Property Owner: Same

Location: Located North of Sioux Falls, along N Ditch Road

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 & 2 (Ex. H-1) NE¼ SW¼ Section 29 T102N-R49W

Mapleton Township

Present Zoning – RC Recreation/Conservation District

Existing Land Use – Woodland

Parcel Size – 26.74 Acres

Staff Report: Mason Steffen

Staff Analysis: The city of Sioux Falls is proposing to construct a new collector well on the site of an existing well. The city has stated that the current collector well no longer produces at adequate levels, and that the new collector well will allow for better water access at various times throughout the year. Along with the new collector well the city will be constructing a 17' x 25' building, which will house the necessary above ground equipment to operate the well. Due to the project being located within the floodway, the petitioner was required to obtain a flood plain development permit, as well as provide a no-rise certificate to the planning office. These items were received prior to this application and the flood plain development permit for the collector well was approved on February 1st, 2023.

On April 10, 2023, staff conducted a site visit of the subject property and surrounding area. The land in the surrounding area is almost entirely comprised of agricultural land, and is also mostly located within the floodway of the Big Sioux River. Additionally, the proposed collector well will allow for the city to provide adequate water levels, and this location should not affect future development in the area. Finally, the property will be accessed from N Ditch Road and the collector well will be operated remotely, so once construction is complete the only traffic to the site will be for maintenance.

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 proposed facility will be an upgrade to the existing collector well, and therefore it should not have a negative effect upon the uses already permitted in the area. Given the location of the property, a majority of the existing uses in the area are for agricultural purposes, and the continued use of this property as an updated collector well will not affect these uses.



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

The vacant property in the area is predominantly agricultural in use, and this will likely continue into the foreseeable future given the location of the floodway and lack of building eligibilities in the area. Also, the proposed collector well will be a part of the city of Sioux Falls water system and will help provide adequate water to present and future developments within Sioux Falls.

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

This property will be accessed from N Ditch Road and the city will provide all the other necessary utilities to the site. The drainage on the property will need to be properly maintained in order to prevent erosion and sedimentation of the drainage ways and bodies of water in the area. Finally, the city of Sioux Falls and HDR Engineering submitted a flood plain development permit and no rise certificate to the planning office that was approved earlier this year, so the proposed project should not impact the Big Sioux River or its floodway.

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

The petitioner has stated that the collector well will be operated remotely, and that they will be providing parking spaces to be utilized by maintenance staff. Each parking space provided should measure a minimum of nine feet by eighteen feet, and should be properly maintained in order to limit the potential of dust becoming a nuisance.

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 proposed use should not create any offensive nuisances to the surrounding area, and any increase in traffic to the area will be minimal given the remote operation of the collector well. Additionally, any lighting that is installed in conjunction with the collector well should be of a fully cutoff and shielded design to prevent light pollution from spilling onto adjacent properties.

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

The proposed use will generally benefit the health, safety and general welfare of the public by allowing the city to properly provide adequate water levels throughout the year. Additionally, one of the goals of the 2035 Envision Comprehensive Plan is to, "Coordinate growth and land use planning among Minnehaha County, Cities, Townships, and other relative organizations." The proposed operation meets this goal of the 2035 Envision Comprehensive Plan by providing the city of Sioux Falls with a location to adequately collect water for their municipal use & development.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-13 with the following conditions:

- 1) That a minimum of two (2) off-street parking spaces be provided and that each parking space shall be at least nine feet by eighteen feet and be properly maintained.
- 2) That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 3) That a building permit must be obtained prior to any construction taking place on the site.



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Discussion

Scott Anderson, the County Planning Director, explained to the commission that the State's Attorney Office has brought to his attention that a public utility facility is not a listed conditional use within the R/C Zoning District of the Joint Zoning Ordinance with Sioux Falls. Therefore, Scott stated that this item would need to be deferred until the July Planning Commission meeting, in order for staff to properly amend the Joint Zoning Ordinance.

Action

A motion was made for the County by Commissioner Kippley to **defer** Conditional Use Permit #23-13 to the July 24, 2023 meeting. The motion was seconded by Commissioner Randall. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson to **defer** Conditional Use Permit #23-13 to the July 24, 2023 meeting. The motion was seconded by Commission Paulson. The motion passed unanimously with 5 votes in favor and 0 votes against the motion

Conditional Use Permit #23-13 – Deferred to the July 24, 2023 Meeting



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Old Business

None.

New Business

Scott Anderson, the County Planning Director, explained that he will be presenting a draft ordinance for vacation home/short-term rentals in the joint area at the next meeting. Scott stated that this will provide the opportunity to discuss the proposed ordinance with the commission and how they would like to move forward. Finally, Scott explained the vacation home/short-term rental ordinance that was recently adopted for the county, and that within this ordinance this land use will be regulated through a conditional use permit.

Adjourn

A motion was made by the County to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion passed unanimously.

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

The meeting was **adjourned** at 7:14 p.m.