

Additional Staff Comments: The proposed personal storage use will be contained inside, and will not produce any negative factors.

D. The proposed use shall not adversely affect the public.

Staff believes that the proposed personal storage accessory building will not adversely affect the public for the following reasons: (1) the proposed building will be comparable to the size and scale of surrounding properties; (2) the proposal is a similar use as neighboring properties.

Recommendation: Based upon the analysis/findings listed in the staff report and the testimony heard, I move to approve the proposed conditional use with the following conditions:

1. A floodplain development permit from Lincoln County shall be approved prior to building permit approval for the proposed accessory building.
2. The lowest floor of the proposed accessory building shall be constructed to at least two (2) feet above the base flood elevation.
3. A building permit from Lincoln County is required prior to construction of the proposed accessory building.
4. The total area of accessory buildings shall not exceed 2,880 square feet.

Public Comment and Discussion:

Toby Brown presented the staff report and noted the office had posted a sign on the property, and went above and beyond the joint zoning ordinance by requesting the petitioner send paper notices to his neighbors.

Kent Fisher, the petitioner, noted that he needs more personal storage space to clean up his property. Pashby asked if there were drainage plans for this project. Kent noted that it would drain to the south, and would have no effect on neighboring properties since he owns the land to the south. Pashby also asked if this was professionally planned. Kent noted he had worked with Eric Willadson to draft the site plan.

Commissioner Derosseau asked for public comment.

Steve Anderson, speaking on behalf of Jan Liebsch, noted that she did not receive a notice. She is concerned that the building will restrict the flow of water during a rain event. Mr. Anderson proceeded to display a variety of photos from a 2014 rain event. He said she has no opposition to the building as long as the flooding issue was addressed. Derosseau noted that according to the picture the water flows away from her property. Pashby asked for confirmation that Ms. Liebsch did not receive notice. She confirmed this.

Toby noted once again that the paper notices were above and beyond ordinance requirements, and that Kent Fisher did send back to our office a signed "Certificate of Mailing" that says he sent the notices on May 3rd.

Jon Peters, County GIS and Floodplain Administrator, noted that the owner has submitted an application for floodplain development. He noted that the site plans show that the building will be outside of the 40 foot drainage way, and that part of the floodplain development permit requires that the adjacent grade will also be above base flood elevation. Chontos asked if engineering was part of the recommended conditions. Jon noted that the floodplain development permit requires an engineer's approval.

Seeing no further public testimony, Derosseau closed the floor to the public, and asked for any further comments or questions from the board.

Pashby asked if the petitioner is required to sign an affidavit of mailing. Toby clarified that the requirement is only part of the county's zoning ordinance, and is not a requirement in the joint zoning ordinance. Pashby then asked for clarification from Mr. Fisher of what happened. He noted that he sent the notices but that he was under the impression that Ms. Liebsch did not live at that address.

Hearing no further discussion, Derosseau asked for motion on the application.

Action:

A motion was made for the County by Klatt to approve the Conditional Use Permit #17-002 with the recommended conditions, and was seconded by Larson. The motion passed 4-0-1 with Pashby abstaining. The same motion was made for the City by Sershen, and was seconded by Luetke. The motion passed unanimously.

Conditional Use Permit #17-002 – Approved

5. **PUBLIC HEARING:** Review and consideration of a recommendation for adoption of text amendments to the 2006 Joint Zoning Regulations for Lincoln County and the City of Sioux Falls (Section 1.01/158.001 Title, Section 1.02/158.002 Purpose, Section 2.01/158.015 Boundaries of Joint and Platting Jurisdiction and Section 2.03/158.017 Incorporated by Reference).

Staff Analysis: Jeff Schmitt

Jeff Schmitt presented the history on the amendments to the Joint Zoning Ordinance. Both planning commissions and elected officials have approved the Comprehensive Plan, so the date of approval the Comprehensive Plan need to be updated in the Zoning Ordinance. The amendments would also update the boundary of the Joint Jurisdiction area, which was previously approved with the Comprehensive Plan. He also noted staff had talked about removing the requirement to no longer need the signature of the chairperson of the board on the official copy of the map. He continued to say that in the section titled "Incorporated by Reference" they could also remove the requirement to have the map filed with the Sioux Falls City Clerk and Lincoln County Auditor, and instead amend the section to have the map on file in the Lincoln County and City of Sioux Falls Planning offices.

Recommendation: Adoption as presented with an amendment to have the map on file in the Lincoln County and City of Sioux Falls Planning offices.

Public Comment and Discussion:

Commissioner Derausseau asked for public comment, seeing none, Derausseau closed the floor to the public, and asked for any further comments or questions from the board. Hearing none, Derausseau asked for motion on the item.

Action:

A motion was made for the County by Pashby to amend the presented amendment to allow the map to be filed with the Planning office, and was seconded by Albers. The motion passed unanimously. The same motion was made for the City by Chontos, and was seconded by Luetke. The motion passed unanimously.

A second motion was made for the City by Lutke and was seconded by Chontos to recommend adoption of the text amendments, as further amended as follows:

"The official zoning map(s) of the area of joint jurisdiction, together with all the explanatory matter thereon and attached thereto, is hereby adopted by reference and is declared to be a part of these regulations, and the map(s) shall be on file in the Lincoln County and City of Sioux Falls Planning Offices."

The motion passed unanimously.

The same motion was made for the County by Klatt and was seconded by Pashby. The motion passed unanimously.

Text amendments of the 2006 Joint Zoning Regulations – Recommend Adoption

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

A motion was made for the County by Albers, and was seconded by Klatt to adjourn at 7:45pm. The motion passed unanimously. Same motion was made for the City by Luetke, and was seconded by Sershen. The motion passed unanimously.

*Respectfully submitted,
Joan Doss
County Planner*