



## **TRANSFER OF BUILDING ELIGIBILITY**

Before a residence may be constructed in the unincorporated portions of Minnehaha County a residential building eligibility must be available for the property. Transfers of building eligibilities in the unincorporated area may be approved by the Minnehaha County Planning Commission through a conditional use permit procedure. The properties between which the eligibility is to be transferred must be both contiguous and under the same ownership.

The Planning Commission typically meets the fourth Monday of each month at 7:00 p.m. (except December and holidays). The meetings are held in the Minnehaha County Administration Building located at 415 N. Dakota Avenue in Sioux Falls.

The application deadline for submitting a conditional use permit application is 3-1/2 weeks before the meeting date. The full application packet must include the following:

- A completed application form (attached) indicating the specific properties from which the eligibility is to be transferred and that to which it is being moved.
- A completed Transfer of Building Eligibility Questionnaire (attached),
- A written narrative indicating where the petitioner proposes to place the homes, and
- The required \$250 non-refundable application fee for the permit.

The applicant will be provided with a notification

sign which must be posted on the subject property for one week before the Planning Commission meeting. They are also required to send a notice to the owners of all properties within 500 feet of the property listed on the application form. These letters must be mailed at least one week prior to the meeting. The Planning Department will provide the appropriate forms for the mailing and a list of the names and addresses of the surrounding property owners. The petitioner must sign an affidavit confirming that the mailing has been completed and file the affidavit with the Planning Department at least five working days before the meeting.

A reminder of the hearing date and time, along with the staff report on the item, will be mailed to the applicant prior to the meeting. Either the applicant or their representative must attend the Planning Commission meeting.

At the meeting, the Planning Commission will hear background information from staff and will take testimony on the application from both proponents and opponents. The commission will then take action to approve the permit with conditions or deny the application.

The decision of the Planning Commission will become effective five working days following the meeting unless a written appeal of the decision is filed with the County Planning Department within the five-day time frame. Appeals require that the item be heard by the Minnehaha County Commission on the third Tuesday of the following month.

**CONDITIONAL USE PERMIT  
APPLICATION CHECKLIST**

- Complete application form
- Complete transfer of building eligibility questionnaire.
- Written narrative describing any aspects of the proposed use. Be sure to describe the proposed location(s) for the home(s).
- \$250 permit application fee.



**CONDITIONAL USE PERMIT APPLICATION**  
**(for Transfer of a Building Eligibility)**

Minnehaha County Planning Department, 415 N. Dakota Avenue, Sioux Falls, SD 57104, (605)367-4204

**Legal Description:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Address or General Location:**

\_\_\_\_\_

**Existing Zoning District:**

\_\_\_\_\_

**Purpose:**

From Legal Description and MPID #(s):

\_\_\_\_\_  
\_\_\_\_\_

To Legal Description and MPID #:

\_\_\_\_\_  
\_\_\_\_\_

I/We, the undersigned, do hereby petition for approval of a conditional use permit on the above described property and authorize representatives of Minnehaha County to enter the property now and in the future for inspection purposes.

**Petitioner (Print):**

\_\_\_\_\_

**Signature:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**Daytime Phone:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip*

\_\_\_\_\_ Minnehaha County

\_\_\_\_\_ Sioux Falls Joint

\_\_\_\_\_ Dell Rapids Joint

**Owner (Print):**

\_\_\_\_\_

*If different than above*

**Signature:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**Daytime Phone:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip*

Petition No.:	_____
Date:	_____
Filing Fee:	<b>\$250.00</b>
Receipt No.:	_____

**FILING FEE IS NON-REFUNDABLE**



## TRANSFER OF BUILDING ELIGIBILITY CONDITIONAL USE PERMIT APPLICATION

In reviewing an application for the transfer of a building eligibility the Planning Commission considers the impact this action will have on established farming operations, the preservation of prime farm land, the potential number of driveways, and possible future transfer requests in the area.

To aid the Commission in their review, the following questionnaire must be completed and returned with the conditional use permit application.

Petition #: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

From MPID: \_\_\_\_\_

To MPID: \_\_\_\_\_

List the reasons the new building site(s) is a better location for a dwelling than the current location.

How does the current location compare in terms of agricultural use (i.e. crop/pasture) and production capability to the land where the transfer is proposed?

How long have you owned the property? Have you informed your neighbors about the proposed eligibility transfer?

Will the transfer have a positive or negative impact on agricultural operations? Are there any concentrated animal feeding operations (feedlots) located within one mile of the building site? If yes, identify location and type.

Will shared driveways be used to reduce the number of road access points and has the appropriate government agency been contacted concerning access to the roadway?

Do you have other building eligibilities that could be transferred? If yes, how many and what are your plans for those eligibilities?