

**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION**  
September 22, 2014

A meeting of the Planning Commission was held on September 22, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Bonnie Duffy, Becky Randall, Mark Rogen, Bill Even, and Jeff Barth.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning  
Sara Show – States Attorney Office

The meeting was chaired by Mike Cypher.

**CONSENT AGENDA**

Opening remarks and the consent agenda was read.

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** the consent agenda consisting of Items 1 and 2. The motion passed unanimously.

**ITEM 1. Approval of Minutes – August 25, 2014**

**ACTION:**

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** the minutes from August 25, 2014. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #14-42 to allow a single family dwelling on the property legally described as SE1/4 SW1/4, Section 32-T102N-R51W in Hartford Township.**

Petitioner: Bryan Albers

Property Owner: same

Location: 46155 262nd St. approximately 2 miles southwest of Hartford

Staff Report: Scott Anderson

To allow a single family dwelling.

**General Information:**

Legal Description – SE1/4 SW1/4, Section 32-T102N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 95.19 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant wants to utilize one (1) building eligibility in the SE ¼ of Section 25 of Wall Lake Township to allow for the development of a residence. There is an existing eligibility that requires conditional use permit approval.

On September 10, 2014, staff conducted a site visit. There are no animal confinement operations near the location of the transfer. There are three (3) existing single family residences located within a half (1/2) mile radius of the subject property, two west of the subject property and one to the south of the site. The applicant has not indicated an exact location of the proposed single family dwelling.

**Conditional Use Permit Criteria:**

**1. The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The placement of a single family residence does not increase the number of dwelling units allowed in this section.

**3. That utilities, access roads, drainage, and other necessary facilities are provided.**

Rural water is available in the area and a waste water system will be utilized. The applicant will be using the existing driveway and approach from S.D. Highway 17.

**4. That the off-street parking and loading requirements of these Zoning Ordinances are met.**

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property. Two (2) off-street parking spaces are required for each single family residence. Typically this is accomplished with an attached garage.

**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 conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

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

The health, safety, general welfare of the public will not be impacted by the placement of a single family residence on the subject property. The intent of the Comprehensive Plan will be met, as density zoning will be followed.

**Recommendation:** Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #14-42 with the following condition:

1. That a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit.

**ACTION:**

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** Conditional Use Permit #14-42. The motion passed unanimously.

**Conditional Use Permit #14-42 - Approved**

**ITEM 3. CONDITIONAL USE PERMIT #14-43 to allow semi-trailer sales and service on the property legally described as Lot 4B, Block 4 of Haug's Second Addition in the SE ¼ of Section 12-T102N-R50W in Benton Township.**

Petitioner: Dale Jones, Timpte Inc.

Property Owner: Dale Jones

Location: 25768 Cottonwood Ave. – approximately ¼ mile north on Cottonwood Ave on the Northwest corner of the Crooks-Renner Exit

Staff Report: Kevin Hoekman

To allow outdoor sales and display of new and used semi-trailers and a facility for maintenance, repair, and service of semi-trailers on the property.

**General Information:**

Legal Description – Lot 4B, Block 4 of Haug's Second Addition in the SE ¼ of Section 12-T102N-R50W

Present Zoning – I1

Existing Land Use – Storage Yard

Parcel Size – 5 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The property is located approximately ¼ mile north on Cottonwood Ave on the northwest corner of the Crooks-Renner Exit. The site is located within an established industrial park along Interstate 29. Equipment sales, display, and repair requires a conditional use in the I1 zoning district.

The petitioner would like to construct a 14,554 square foot sales and service facility for semi-truck trailers. The facility would include approximately 2000 square feet of office space what includes employee facilities and customer service. A mezzanine for storage is proposed to be located above the office portion. The remaining building would be for service and repair of trailers and utility space.

The site plan includes a paved parking lot and driveway with two (2) entrances off of Cottonwood Avenue. The parking lot surrounds the building and includes parking for employees, customers, displaying trailers for sale, and for trailers before and after service. The proposed parking provides enough spaces to meet the 1990 Revised Zoning Ordinance of Minnehaha County parking requirements for an industrial establishment.

The submitted site plan also includes a monument sign to be located along Cottonwood Avenue and a pylon sign to be located along Interstate 29.

The parcel is currently being used for outdoor storage and the southern half of the parcel has a six foot fence surrounding the storage site. The area within the current fence is covered in crushed

asphalt and gravel. Nearby land uses include warehouses, mini-storage units and various other service and repair shops.

**Staff Analysis:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The land use of a trailer sales and service facility will have little effect on the surrounding properties. The Interstate Highway borders the east property line. Large warehouses, light manufacturing, and storage units are common within the development. There are still many more lots that can be developed.

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

The predominant use in this area is already industrial type uses. There is vacant land to the north that can still be developed that will contribute additional traffic on Cottonwood Avenue which is the only street in or out of the northern portion of the industrial park. This development will not add more wear on the street system than any other type of development would.

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

Access will be provided via the existing double driveway. The site plan includes a large area of impervious hard surfacing that may increase the amount of drainage off the site. A management plan for excess storm water should be provided to prevent excessive water from entering neighboring parcels. The existing road is paved and truck traffic is already common. No other new infrastructure is required.

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

The site plan includes 32 parking spots other than those for trailers. The office portion of the building would require one space for every 300 square feet and this would amount to approximately 7 space. The remaining 25 spaces can be used to fulfill the service shop requirement of two spaces for every 3 employees and additional parking for customers. The parking lot and driveway must be paved.

**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.**

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed land use will minimal effect on the health, safety and general welfare of the public. It is an industrial use within an established industrial park. The location of this industrial use is in a rural service area within the Comprehensive Plan.

**Recommendation:**

Staff finds that the proposed trailer service and sales facility conforms to the surrounding land uses and future development. Staff recommends **approval** of Conditional Use Permit #14-43 with the following conditions:

- 1.) That the facility shall conform to the provided site plans.
- 2.) That all driveways and parking shall be hard surfaced.
- 4.) That all storage of items other than trailers (such as parts, tools, scrap materials, and similar items) shall be screened with a 90% opaque fence or stored inside.
- 5.) That a building permit is required before proposed signage is erected and approval from the SD DOT is required for the proposed sign facing I-29.
- 6.) That a storm water management plan shall be submitted and approved by the Planning and Zoning Department prior to the commencement of this use.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 8.) That a building permit is required prior to construction of the accessory building.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

**ACTION:**

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** Conditional Use Permit #14-43. The motion passed unanimously.

**Conditional Use Permit #14-43 - Approved**

**Regular Agenda**

A motion was made by Commissioner Barth and seconded by Commissioner Randal to **approve** the regular agenda. The motion passed unanimously.

**ITEM 4. AGRICULTURAL TOURISM PERMIT #14-01 to allow a home winery on the property legally described as SE1/4 SE1/4 (EX N 198' E 220' & EX S 1111.29' E 220' & EX W 99' E 394.16' S 295.16' & EX H-1 & H-2) of Section 16-T101N-R51W in Wall Lake Township.**

Petitioner: Richard Larson.

Property Owner: Same

Location: 46284 264<sup>th</sup> St. – approximately ¼ mile west of Wall Lake Corner

Staff Report: Kevin Hoekman

To allow outdoor a home winery to produce, market, and sell wine. This will include a tasting room and occasional events.

**General Information:**

Legal Description – SE1/4 SE1/4 (EX N 198' E 220' & EX S 1111.29' E 220' & EX W 99' E 394.16' S 295.16' & EX H-1 & H-2) of Section 16-T101N-R51W

Present Zoning – A1

Existing Land Use – Residence

Parcel Size – 31.72 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

This property is located approximately five and a half (5.5) miles west of Sioux Falls on South Dakota Highway 42 in the Wall Lake Township. The site is located on the northwest corner of what is known as the Wall Lake Corner.

The petitioner would like a home winery, tentatively called Wall Lake Winery at this location. The production of wine, tasting room, and sales are proposed to be located within the former residence on the south side of the farmstead. This house was abandoned as a residence when the current residence was built on the north side of the farmstead. The petitioner's current plan is to have the tasting room open during the busier seasons of spring through Christmas with the late winter months being closed. The planned operating days would be Wednesday through Saturday from noon to 10:00p.m. Other buildings on the site are not proposed to be a part of the winery operation, but the property owner noted that they may be used in future expansions.

The production of grapes and fruits used for the winery will be located on a minimum of one acre. There are no current fruits located on the property and the one acre should be planted as soon as possible. The proposed location of fruit production is on the south side between the farmstead and the highway. Occasional private and public events will be a part of the operation of the winery. Outdoor event space will be located on the farmstead in the approximately 1/3

acre yard to the west of the tasting room. The petitioner also plans on having an on-site sign located along highway 42.

The petitioner is still early in the planning stage of forming the winery and business plan. The proposed land use and site plan meet the Ag Tourism requirements of the zoning code. The beginning of the business is planned to be small with the potential for expansion. An amendment to this Ag Tourism Permit is required for any substantial expansion of the winery operation.

The current proposal meets all Ag Tourism requirements of the 1990 Revised Zoning Ordinance of Minnehaha County except the petitioner is requesting approximately 400 additional square feet of sign to be located on the roof of his house. Staff feels that the proposed type of roof sign is not an appropriate style or size for current or future development within the county, and that this proposed sign would set an unwanted precedent. Therefore, the conditions and recommendation for this conditional use does not reflect the addition of this sign. If the Planning Commission feels that the sign is appropriate, staff would request that a specific square foot size requirement be added to the conditions as part of this permit. Without the request for the sign the Ag Tourism permit could have been approved as a permitted special use in the A1 Agriculture district, because it meets all other special use requirements.

**Criteria for Conditional Use Permit:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

A mix of land uses are located nearby this site, and this is mostly due to the proximity of Wall Lake less than a half mile away. Wall Lake is largely developed with residential houses lining the lakeshore. The Wall Lake Corner is located less than ¼ mile to the east of the site's driveway, and the corner is considered a rural service center that includes several parcels of commercial land that may increase as development pressures more need for commercial use. Agriculture is still the predominant land use of the area. The land use of a winery will unlikely effect the preceding land uses and development. Adjacent to the east side of the property is a subdivision of land that includes several single family dwellings on small A1 zoned lots. These neighbors would be the most likely to bear any nuisances that the winery may produce.

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

The site is located within a ¼ mile of a major intersection of SD Highway 42 and County Highway 151. This particular intersection is designated as a Rural Service Center in the Comprehensive Plan. Traffic here is heavy, but it is also slower than most highway locations because of vehicles either slowing down or just picking up speed from the 4-way-stop.

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

All needed infrastructure is in place. No other new infrastructure is required. Access will be provided via the existing driveway which is gravel. The driveway entrance should be maintained wide enough to allow two parallel cars for vehicles entering and exiting at the same time.

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

A winery is not specified in the parking and loading regulations. The winery and tasting room would then fall under the general rule of one parking space per 300 square feet. Since the house is approximately 2,000 square feet there would be a required seven (7) parking spaces. Private and public events at the site will likely attract more people and cars to the site. An area should be in place to hold additional parking for at a minimum of one vehicle per three (3) people expected to attend an event. At no time shall any parking be allowed on the SD Highway 42 Right of Way.

**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.**

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. Any use of sound equipment outdoors for an event should be directed away from neighbors and shall not exceed the duration of normal operating hours. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The presence of a winery will have minimal effect on the health, safety, and general welfare of the public. The land use will allow on-site consumption of alcohol; however, the intent of on-site consumption of alcohol is to provide samples for “tasting” and to promote the sale of wine, not for a full service bar.

Certain types of Ag Tourism Permits, including wineries, allow special events. Special events may bring in large amounts of people, traffic, and potential noise to the area. A proper temporary use permit and plan should be submitted to the Planning Department prior to each event in order to ensure standards and mitigations are followed.

**Recommendation:**

Staff finds that the site for the proposed Wall Lake Winery meets county regulations to allow for the planting of fruit and accessibility for visitors. The land use of a winery also fits with the comprehensive plan at this location. Staff recommends **approval** of Ag Tourism Permit #14-01 with the following conditions:

- 1.) The winery shall be secondary to the principle use of the property as residential site and to the use of the property for agriculture production. If the residential use or agriculture production on the site ceases, the winery operation shall cease.
- 2.) The owner or occupant of the dwelling shall be engaged in the winery occupation. The winery shall have a limit of two full-time, non-resident employees, not to exceed four (4) full-time employees on site.
- 3.) All aspects of the wine production and sales shall conform to the provisions of SDCL 35-12.
- 4.) All aspects of the wine production and sales shall conform to the provisions of Article 12.13 of the 1990 Revised Zoning Ordinance of Minnehaha County.
- 5.) Wine tasting and sales shall be considered an accessory use to the winery. Wine tasting and sales shall be contained within the former residence that was marked on the provided site plan.

- 6.) A maximum of 4 special events with an expected attendance of more than 450 people per day shall be allowed in any calendar year. No special event shall exceed four days in duration.
- 7.) A minimum of 60 days prior to any special event, the petitioner shall submit an event plan in the form of a Temporary Use Permit for Planning Director approval. The event plan shall include the location of proposed parking, numbers and placement of sanitary facilities such as port-a-potties or garbage dumpsters, a plan of proposed signage, for the event, and an emergency plan detailing procedures to be followed in case of severe weather and any provisions for first aid.
- 8.) A private event shall not exceed 450 people in size because the parking plan does not support the needed parking for more people. This is based on the shown parking area containing enough space for approximately 150 cars (one car per three (3) people).
- 9.) The hours of operation for the tasting room, public, and private events shall be within 6:00am and 10:00pm, including set up and break down of events.
- 10.) A minimum of seven (7) parking spaces must be available for the winery and tasting room, and all event parking must be contained onsite as specified in the event plan. No parking shall be allowed on SD Highway 42 at any time.
- 11.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 12.) The former dwelling shall be used for the winery and tasting room only. No person shall reside in any part of the former dwelling at any time.
- 13.) A building permit is required for any remodeling that requires structural changes and additions to the proposed winery/tasting room.
- 14.) Any expansion or changes to the site plan will require application and approval from the Planning Director. Expansions include but are not limited to additions to the winery and tasting building, utilizing a building for producing, selling, or tasting wine other than those specified in the site plan, and any requests for increased capacity in private or public events.
- 15.) That the total allowed permanent on-site signage shall not exceed 32 square feet.
- 16.) A building permit is required before any and all permanent signs are to be erected.
- 17.) That the Planning & Zoning Department reserves the right to enter and inspect the winery operation at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

**PUBLIC TESTIMONY:**

Staff presented a brief summary of the proposed Ag Tourism Permit including location, site plan, and operation of the winery

Staff was asked by Commissioner Even to clarify what a Rural Service Center is.

Richard Larson spoke as the petitioner for the permit. He discussed his intent of why he was building a winery. He noted that the house was a historical home and that's why he did not want to destroy it when he built his new home. He decided that a winery would be the best way to conserve the home. He then explained his application process that included contacting the planning office after the application and finding out that a CUP was needed when he thought that

it was not needed. He then noted that he was called about the word WINE on his roof and that sign would need a CUP. He continued that his intent was never to have the roof be his sign, but rather to be used as decoration. He used farms with names on the side as his inspiration for decorating his winery. He finally noted that the 32 square foot sign will be placed along the highway.

Commissioner Even asked if the winery would obtain a liquor license for selling wine on site. Richard Larson responded that he did not need one at this point because he would only be offering free tasting and sales of bottled wine.

Commissioner Cypher asked if a Federal Winery Permit has been obtained or applied for where Richard Larson responded no he had not but he will if it is needed. Then Commissioner Cypher stated that the sign was absolutely wrong with our ordinance and he pointed out that there are no grapes currently grown on the site. He noted that without grapes growing on the site, the operation would be little more than a retail wine outlet. Richard Larson responded that he is simply modeling his winery off of other wineries in the area and state and that he will grow the necessary grapes on his property. He also noted that vines can be purchased at a larger size so that production may happen in approximately 2 years and that he would plant them in the spring.

Commissioner Barth asked how the sign was applied whether it was painted or if it was shingles. Response was that the sign was painted with an epoxy on it.

Rich asked a question about seeing signs on the sides of barns of farm names or horses. The Land O' Lakes barn was noted as having this type of sign. Commissioner Cypher corrected him by indicating it was a Lakeland Farms sign and that it was painted prior to the zoning ordinance.

Several more questions were raised about the production of grapes on one acre, and the sign. Richard Larson then commented that he was going to comply with state regulations of having South Dakota product made from South Dakota produce. He also mentioned that the state wants to have tourism to bring people into the state and that he wants to be a part of that.

Commissioner Barth asked what would happen if the wine business does not continue. Richard Larson noted that he does not plan on failing but if that were to happen he would take down the word.

Commissioner Cypher reiterated that the sign is inappropriate and sets a precedence. He also noted that the permit should not be issued because there is an enforcement issue present.

Commissioner Barth noted that the county should not discourage the entrepreneurial spirit and activity of people within the county, and there have been other sign violations in the county. Commissioner Barth then asked about federal and state permitting which Commissioner Cypher responded that both are needed.

Discussion of adding and amending conditions then started.

The first additions of a conditions were to add that no operation shall exist before Federal permits are acquired and that 1 acre of fruit must be planted with at least 1 half an acre of the fruit must be grapes.

Concern about the hours of operation was brought up with a 6:00am start time. It was noted that that was intended to allow for set up of events and matched other temporary use permits for other wineries. It was then suggested to change the start time to 8:00am.

Commissioner Even expressed more concern about the sign on the roof of the house and noted that he cannot support the sign. A discussion was made to add the provision that the 32 square feet total signage includes all roof area.

**ACTION:**

A motion was made by Commissioner Barth and seconded by Commissioner Even to **approve** Agriculture Tourism Permit #14-01 with the following amendments and additions to the conditions:

9.) The hours of operation for the tasting room, public, and private events shall be within 8:00am and 10:00pm, including set up and break down of events.

15.) That the total allowed permanent on-site signage shall not exceed 32 square feet including all roof area.

18.) The winery shall not start operations until all necessary Federal Permits are obtained.

19.) The winery shall not start operations until at least one (1) acre of fruit is planted with at least one half (1/2) of that acre to be planted with grapes.

The motion passed with 4 ayes and 2 nays. Commissioners Randal, Duffy, Even, and Barth voted aye. Commissioners Rogen and Cypher voted nay.

**Agricultural Tourism Permit #14-01 - Approved**

**ITEM 5. RECALL CONDITIONAL USE PERMIT #14-05 to allow a sanitation business.**

Petitioner: Todd Snyders, R&S Sanitation

Property Owner: LUFCO, Inc.

Location: 46314 265<sup>th</sup> St. approximately 5 miles south of Hartford

Staff Report: David Heinold

This would recall Conditional Use Permit #14-05 to review for failure to meet conditions of approval.

**General Information:**

Legal Description – E 359.65’ W 902.46’ S 481.5’ (Ex. H-1 & H-3) SW1/4, Section 15-T101N-R51W

Present Zoning – C Commercial District

Existing Land Use – Commercial

Parcel Size – 3.55 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

At a meeting held on January 27, 2014, the Minnehaha County Planning Commission approved Conditional Use Permit #14-05 to allow a sanitation business with the following conditions:

- 1.) That CUP #14-05 shall allow the operation of a sanitation business.
- 2.) That the property shall adhere to the submitted site plan received on 12-27-2013.
- 3.) That all outdoor storage areas be screened with a 90% opacity fence.
- 4.) That the existing drainage pattern shall be maintained as shown on the site plan received on 12-27-2013.
- 5.) That a building permit is required prior to the installation of any signage.
- 6.) That no materials, parts, tires, etc. shall be allowed outside of the fenced area.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the sanitation business at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.
- 9.) That the maintenance of all sanitation trucks, equipment, and garbage containers be performed inside the main building.
- 10.) That all sanitation trucks, equipment, and garbage containers shall be cleaned out prior to arrival at the site to ensure that no public nuisances will be caused by the sanitation business.
- 11.) The Minnehaha County Emergency Management Department shall be notified if there is any storage of a regulated substance.

On June 3, 2014, staff received a complaint from Bahne Bahnson that R&S Sanitation has not installed a screen fence for the outdoor storage area for the sanitation business. I inspected the

property and confirmed that the fence on the east side of the property between the sanitation business and the neighbor's property has not been installed yet.

On June 3, 2014, I contacted Todd Snyders, R&S Sanitation, and asked him if he had a contractor lined up for the installation of the screen fence for the outdoor storage area. Mr. Snyders told me that he has been busy working on other things this spring and he is waiting for contractors to return his inquiries. I informed him that he is in violation of the conditions approved by the Planning Commission on January 27, 2014 and that he would have two (2) months to install the fence. If the fence has not been installed by August 4, 2014, then we will need to take corrective action on Conditional Use Permit #14-05.

On August 7, 2014, I met with Mr. Snyders to get an update on the fence and he mentioned that they are waiting to get the sheet metal for the fence panels. He stated that the fence posts should be up within the next couple weeks.

On August 19, 2014, Kay Bahnsen asked what the next step in the process will be since the screen fence has not been put up yet. I told her that R&S Sanitation needs to have the fence put up by August 29 or the item will need to be placed on the September Planning Commission agenda for corrective action.

On August 29, 2014, I inspected the property and spoke with R&S Sanitation staff members. They indicated that the fence should put up within a couple days and that Todd was out of town.

On September 5, 2014, I spoke with Mr. Snyders and he indicated that they are still working with the contractor to get the fence panels. He noted that the post holes were filled in because they were not ready to install the posts and as a safety precaution. He mentioned that it has become more challenging than he thought because the location of the fence is so close to the drainageway on the east side that it is always too wet and muddy. He understands that the fence needs to be put up as soon as possible before winter comes and the ground is frozen.

**Recommendation:**

Staff finds that the petitioner has had a reasonable amount of time to install the fence and recommends that if the fence is not installed prior to October 27, 2014, then Conditional Use Permit #14-05 should be revoked.

**PUBLIC TESTIMONY:**

Staff presented a brief summary and event log of the inspections and notice given for the applicant to complete the required fence.

Todd Snyder, the petitioner, spoke about his process and difficulty of obtaining fence posts. He noted that he was now received the posts as of Friday.

Commissioner Barth asked Todd if he could have the fence complete by October 27<sup>th</sup>. Todd Snyder responded that he definitely would have the required screening fence installed by October 27, 2014.

**ACTION:**

A motion was made by Commissioner Barth and seconded by Commissioner Rogen to revoke Conditional Use Permit # 14-05 if the fence is not complete by October 27, 2014. Motion passed unanimously.

**Recall of Conditional Use Permit #14-05 - Approved**

**Old Business**

None

**New Business**

Staff announced again the continuation of Envision 2035 Comprehensive Plan. The Task force meeting on October 14<sup>th</sup> and a community meeting on October 16<sup>th</sup>.

Scott Anderson updated the Planning Commission on the rezoning decision for Rezoning Permit # 14-05 was approved by the County Commission as the petitioner had originally requested.

**Adjourn**

Commissioner Even motioned to adjourn, and Commissioner Barth seconded. Motion passed unanimously. Meeting adjourned.