



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
JULY 27, 2020**

A meeting of the Planning Commission was held on JULY 27, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, presented Zoom Meeting Room instructions on raising hands to speak on agenda items.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: David Heinold called roll of members present to determine a quorum. Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Mike Ralston, Ryan VanDerVliet, Doug Ode, and Jeff Barth responded present at the meeting.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Donna Kelly – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

ITEM 1. Approval of Minutes – June 22, 2020

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or amendments.

A motion was made by Commissioner Randall and seconded by Commissioner Barth to approve the meeting minutes from June 22, 2020. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #20-20 to transfer one (1) building eligibility from Tract 1 Miller's Addition, NW1/4 NE1/4 to Tract 4 Miller's Addition, NE1/4 NW1/4; all in Section 27-T101N-R51W.

Petitioner: Ronald & Cheryl Nelson

Property Owner: same

Location: 46351 266th St. - Located Approximately 5.5 miles south of Hartford

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 1 Miller's Addition, NW1/4 NE1/4 to Tract 4 Miller's Addition, NE1/4 NW1/4; all in Section 27-T101N-R51W

Present Zoning – A1-Agriculture

Existing Land Use – Acreage with pasture

Parcel Size – Approximately 33.44 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting the transfer of a building eligibility to allow the eligibility to be used along 266th Street, approximately 5.5 miles south of Hartford or ½ mile east of Wall Lake Park. The area is a mix of agricultural land and some residents. There is extensive residential development along Wall Lake, which is approximately ½ mile to the west.

Staff conducted a site visit on July 7, 2020 and noted that the section of 266th Street between the subject property and County Highway 151 to the west is very low and could be covered in water at times. There is an existing shelter belt on the subject property which will screen any residence from the residences to the west. The site is currently pasture and sloughs and not in crop production. The applicant owns the residence closest to the proposed transfer.

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 area around the proposed building eligibility site is primarily agricultural uses with several residential acreages along 266th Street. One additional building site will not likely change the character of the area since many eligibilities have already been developed in the few miles around the proposed site. No known CAFOs are located within a mile of the proposed building site.

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

The property is located about 5 miles away from Hartford and Sioux Falls, and therefore will not be affected by development pressure from either city. The area is fairly well developed by residential acreages already. Much of the land will now be permanently preserved for agricultural production as the density zoning intended.



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

The property owner will be required to extend any needed utilities to the property. The development of a residential acreage will likely not change overall patterns of drainage. The property owner will be responsible for getting a driveway permit for any new access to the proposed property.

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

Off street parking will be met at the time a dwelling is constructed on the property.

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.

A new residential acreage site should not create any offensive odor, fumes, dust, noise, vibration, and lighting. The property will have to be maintained to meet the public nuisance ordinance for Minnehaha County.

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

The health, safety, and general welfare of the public will not be negatively affected by the availability of the building eligibility. The Envision 2035 Comprehensive Plan includes planning to encourage the clustering of building eligibilities in order to preserve large tracts of land for agriculture.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-20 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for the single-family dwelling.

Public Testimony

Scott Anderson, County Planning Director, presented a brief summary of the staff report for Conditional Use Permit #20-20.

Ronald and Cheryl Nelson, 46351 266th St., identified themselves as the petitioners and explained that they are requesting to move the building eligibility back to where it was originally intended to be located.

Commissioner Ode asked the petitioner why the building eligibility was moved in the past.

Mr. Nelson explained that the building eligibility was used for the existing farmhouse, but is no longer needed for that purpose.

No hands were raised in the Zoom Meeting Room.

Action



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

July 27, 2020

A motion was made by Commissioner Mohrhauser to **approve** Conditional Use Permit #20-20. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-20 – Approved



ITEM 3. REZONING #20-03 to rezone from the A-1 Agricultural District to the C Commercial District on the property legally described as Tract 2A, Wold Tracts, NW1/4 NW1/4, Section 27-T103N-R49W.

Petitioner: Ransom, LLC

Property Owner: Bruce Vollan

Location: 25404 475th Ave.

Located approximately 4 miles south of Baltic

Staff Report: David Heinold

General Information:

Legal Description – Tract 2A, Wold Tracts, NW1/4 NW1/4, NW1/4 NW1/4, Section 27-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 0.45 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to rezone the subject property from the A-1 Agricultural District to the C Commercial District. Currently, the property has a single-family dwelling with the allotted building eligibility. The surrounding properties to the north and east are zoned commercial. The Planning Commission and County Commission both recently approved rezoning of the property to the south for commercial use over the past few months.

The petitioner plans to further expand business operations from the existing repair shop onto both the subject property and the land to the immediate south. The Envision 2035 Comprehensive Plan encourages both commercial and industrial land uses to occur at existing Rural Service Areas where State and County highways intersect. The proposed rezoning to commercial fits within the purpose of the Envision 2035 Comprehensive Plan to develop a countywide land use pattern that ensures compatibility and functional relationships among jurisdictions and related land use activity. The proposed zoning change aligns with the goals and policies of the Envision 2035 Comprehensive Plan.

Recommendation:

Staff finds that the proposed rezoning from A-1 Agricultural District to the C Commercial District is an appropriate transition given the existing land uses in the immediate vicinity. Staff recommends **approval** of Rezoning #20-03.

Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for Rezoning #20-03.

Commissioner Ode asked if the existing single family dwelling on the subject property is currently being lived in by anyone.



David Heinold mentioned that the petitioner is present at the meeting and can clarify on the question.

Todd Ibis, 1600 W. Wicklow Dr., identified himself as the petitioner for the rezoning request. Mr. Ibis explained that the occupants of the existing single-family dwelling moved out two weeks ago.

Commissioner Ode asked about the plan for the existing single-family dwelling.

Mr. Ibis explained that they are working on trying to sell both single family dwellings to be moved.

Commissioner Ode questioned the building eligibilities on the two parcels and Mr. Ibis explained that the houses will be removed to build a future commercial building on the properties.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner VanDerVliet to **recommend approval** of Rezoning #20-03. The motion was seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Rezoning #20-03 – Approval Recommended



ITEM 4. CONDITIONAL USE PERMIT #20-19 to allow Gravel Extraction on the property legally described as N 1/2 NE1/4, Section 24-T102N-R51W.

Petitioner: Zacharias Construction, Inc.

Property Owner: Roger Person

Location: 46618 Benton St. Located Approximately 2 miles east of Hartford

Staff Report: Kevin Hoekman

General Information:

Legal Description – N 1/2 NE1/4, Section 24-T102N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – Agricultural crop and pasture

Parcel Size – 80 acres

Staff Analysis:

The applicant is requesting conditional use permit approval to allow gravel extraction on approximately 24 acres located in the N1/2 NE1/4 of Section 24, Hartford Township. Gravel extraction is allowed within the A1 Agricultural zoning district with a conditional use permit. The planned gravel mine is located along the Skunk Creek river valley, and it is planned not to be open for public but rather for use for Zacharias Construction. County Planning staff noticed the Hartford Township at the time neighboring property owners were noticed, and the petitioner attended the July 7th Hartford Township meeting.

The following list is the Developmental and Operational Criteria for Rock, Sand, and Gravel Extraction in the 1990 Revised Zoning Ordinance for Minnehaha County:

(G). Developmental and Operational Criteria.

The following criteria shall be considered in developing conditions for applications involving rock, sand and gravel extractions. More stringent requirements may be imposed by the County or the applicant may present arguments to relax the requirements based on specific characteristics of the site.

Buffer Area.

There are no residents within the required 1,000 foot setback from the proposed mining area. The petitioner must adhere to the submitted site plan to avoid the operation from getting too close to neighboring residents.

Hours of Operation.

The application narrative states that the proposed hours of operation will be Monday through Friday, 7:00 a.m. – 6:00 p.m. This is typical working hours allowed for gravel mines. The ordinance allows operations on Saturdays from 8:00 am to noon as well.



Visual Considerations.

No plans for berms or other visual barriers have been submitted for the proposed mining operation. The mining area easily meets the buffer areas from houses and is difficult to see from any right-of-way as the area is setback approximately ¼ mile from the roads. Staff finds the location is appropriate for not requiring visual barriers.

Blasting.

No blasting will be done on this property for mining purposes.

Noise.

The zoning ordinance requires that the noise level produced from rock, sand and gravel operations should not exceed an average of 55 decibels recorded over a 10 minute period measured at the nearest existing residence to the extraction operation. Off- site activities which contribute to background noise levels should be taken into consideration when monitoring an operation. Blasting should not be recorded as part of the noise level.

Air Quality.

The zoning ordinance requires the following air quality measures:

- (1). Air quality monitoring should be conducted at the operator's expense when conditions warrant.
- (2). Ambient air quality: total suspended particulate matter - 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once per year, and 60 micrograms per cubic meter of air as an arithmetic mean; PM¹⁰ (10 micrometers or less in size) consistent with the regulations of the State of South Dakota.
- (3). Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement and process operations.
- (4). Dust control agents should be applied to township gravel roads designated as haul routes and all driving surfaces within the extraction area.

The gravel quarry is planned to be excavated in small 3 acre sections at a time with cover materials returned as progress continues. The reduced disturbance area should reduce the amount of dust from the extraction site. Dust control should be a requirement of the driveways of the gravel extraction site to prevent dust nearby residential dwellings and lots. The



petitioner will have to work with the township to determine best practices for dust control on the township roads.

Hydrology, Dewatering and Drainage.

The petitioner has not submitted any test borings for the property. Test borings are typically completed to determine if water is present within the gravel vein or not. The site is indicated to be located within the Skunk Creek aquifer area, and there are a couple former gravel mines filled with water nearby. The petitioner stated during a phone call that he did not find any water in the holes that they have tested for the site. Water may be present in the aquifer area. Any dewatering must not draw down wells in the area and must not create flooding downstream. The restoration plan states that agriculture is expected to resume after mining. This restoration plan implies that water is not expected to be part of the gravel mine area.

Haul Roads.

The applicant has met with Hartford Township about haul roads. The minutes from the July 7th township meeting shows that the petitioner will be required to blade and dust control 466th Avenue from the driveway to SD Hwy 38.

The site plan shows a possible driveway to the north of the site. This could be used to move trucks north onto Skunk Creek Avenue. This route was not mentioned in the minutes of the township meeting. This north route should be limited use or included with the haul road agreement with Hartford Township.

Benton Street passes east and west of the driveway for the proposed quarry. A group of residential acreages exist in either direction east or west. Since a paved road is located within a mile of the proposed quarry to the north and to the south, traffic is not necessary to travel east and west on Benton Street. Truck traffic on Benton Street should be limited to only local deliveries of gravel within 2 miles of the extraction site.

Operator Surety.

The zoning ordinance suggests that a surety bond be placed on gravel quarries in order to provide some assurance that the project will not be abandoned prior to restoration. Staff has required \$5000 surety bond for a recent gravel quarry and suggests the same for this proposal. The ordinance states the following:

- (1). A surety bond should be filed with the County Auditor to protect the County in the event the operator abandons a site without completing*



the conditions imposed by the conditional use, including fulfillment of the agreement with the township concerning repair of designated haul roads. In lieu of the required surety, the operator may deposit cash with the County in the amount equal to the required surety.

Reclamation.

The petitioner submitted a letter with some written plans for the gravel quarry. The plan is to return the land for use as agriculture after extraction. During a phone conversation, the petitioner explained that the mining will leave a depression in the ground but no water will fill the depression as it is above the ground water table. The topsoil is to be replaced for use the property as used in the past.

Additional Considerations.

The ordinance includes the following additional considerations for gravel extraction:

The property should be secured during non-working hours by means of gates and fencing. The property should continue to be secured until all required reclamation activities have been completed.

On July 2nd, staff visited the proposed gravel extraction site and determined that the use is compatible with the surrounding area, in part, because there are several former quarries existing already. The applicant should continue to work with the Hartford Township supervisors to maintain the haul roads that will be used in conjunction with the gravel extraction operation.

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 area around the proposed gravel quarry is located in an active agricultural area with several residential acreages and farmsteads nearby. Several dwellings are located to the northwest of the mining area along Skunk Creek Avenue. These dwellings are largely developed by family of petitioner. A former gravel pit has been converted into a recreational pond near where the north driveway is proposed to be located. The most likely negative effect of a gravel quarry is dust created by gravel extraction and by truck driving haul routes and driveways. Dust should be controlled on site, driveways, and along 466th Avenue as required by the township road agreement.

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

The area is primarily agricultural uses with scattered residential farmsteads and acreages. All of the building eligibilities have been used from the quarter section north of the site. Two small



groups of residential acreages exist about a half mile east and west of the site along Benton Street. Traffic should be limited in these east and west directions to limit dust and disturbances of these residences. The use will temporarily reduce agricultural production in the area, but this should return according to the reclamation plan.

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

The applicant has indicated that the haul roads to be used 466th Avenue to South Dakota State Highway 38. All other utilities needed for the operation have been provided.

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

The applicant meets all off-street parking and loading requirements.

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.

At a minimum, there should be a condition requiring application of dust control along the gravel portions of the haul route on 466th Avenue. Any increase in the amount and frequency of vehicular traffic will produce dust from travel on gravel surfaces. The small scale of the proposed operation and the use of the operation for one construction company will reduce the duration of mining activities and noise on the site. There will not be any blasting to cause vibrations off site.

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

Goal 5 of the Environmental Stewardship chapter of the Envision 2035 Comprehensive Plan states, *“Recognize that sand and gravel deposits within the County are an un-renewable natural resource and beneficial to the economy of the County and welfare of its people.”* The Envision 2035 Comprehensive then has an action statement that suggests that conflicts with existing neighborhoods should be minimized.

Recommendation:

Staff finds that the proposed use for gravel extraction is compatible with surrounding land uses as well as the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #20-19 with the following conditions:

1. An annual fee shall be paid to the County in accordance with Section 15.14 of the zoning regulations. (Note: An annual fee of \$10 per acre of unreclaimed land is assessed to the operator.)
2. There shall be no fuel storage on the site.
3. Hours of operation shall be from 7:00 am to 6:00 pm on weekdays and 8:00 am to noon on Saturdays.
4. That all of the requirements in the Haul Road Agreement between Hartford Township be followed continually. Dust control shall be applied according to the haul road agreement and at a minimum of once per year on 466th Avenue south of the driveway to the paved



portion of the road.

5. Gravel hauling trucks shall not use Benton Street as a haul road unless delivering gravel within 2 miles of the site.
6. The ambient air quality standards for total suspended particulate matter shall be 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once a year, and 60 micrograms per cubic meter of air as an annual arithmetic mean. The standards for PM¹⁰ (10 micrometers or less in size) shall be consistent with the regulations of the State of South Dakota.
7. The County Planning Department shall direct the operator to install air quality sampling stations if the standards appear to be exceeded. Such monitoring shall be at the operator's expense.
8. The sound level from on-site operations shall not exceed an average of 55 decibels recorded over a 10 minute period measured at the nearest residence.
9. That one (1) off-street parking place for each employee and two (2) customer off-street parking spaces shall be provided.
10. The boundaries of the extraction area shall conform to the site plan submitted with the application.
11. Topsoil shall remain on the site and be used in final reclamation.
12. Only clean fill shall be used as backfill.
13. There shall be no storage or accumulation of inoperable or discarded equipment or parts.
14. A gate shall be required at the driveway entrances to the property. The entire driveway entrances shall have a dust control agent applied at least twice per year.
15. That all mining activity is concluded by January 1, 2032 and that reclamation shall be in accordance with the plan filed with the State and outlined in the application and all reclamation of the site shall be completed by December 31, 2032.
16. That if one (1) or more acres of area is disturbed the applicant is required to obtain a General Permit from the Department of Environment and Natural Resources.
17. That the applicant provides the Minnehaha County Auditor with a surety bond or cash in the amount of \$5,000.00.
18. That the Planning & Zoning Department reserves the right to enter and inspect the gravel extraction 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

Kevin Hoekman gave a brief presentation of the staff report.

Commissioner Mohrhauser asked if there is a setback for the quarry to the river. Staff responded that there was not.

Commissioner Randall asked for clarification of who will be returning the land to original state. Staff noted that the petitioner is typically required to reclaim the land, and the land owner will plant a crop after the mine has been reclaimed.

Jeff Zacharias, 25854 Skunk Creek Ave, was present for any questions. He noted that bond is typically posted with the DENR for the company doing the mining, and he will be responsible to reclaim the land.

Wonda Jandl, 25961 465th Ave., noted that the haul routes were a little unclear and asked if trucks will travel 465th Avenue. She noted her road has several soft spots. Jeff Zacharias responded that the primary haul route will be straight south of the property along 466th Avenue, and that other directions are limited if gravel is being delivered within 2 miles of the quarry.

Commissioner Ode asked the petitioner how many residences are located along the haul route. The petitioner noted only the one residence along the route. Commissioner Ode then asked how many years is projected for the pit. Jeff Zacharias noted that there are about 600,000 tones of gravel and they expect that it will last them about 10 to 12 years.

Commissioner Mohrhauser asked if the gravel will be sold out of the pit. The petitioner responded that the gravel pit is not for sale to the public and use only for their construction company. Commissioner Mohrhauser also asked if dust control will be used on the haul road. The petitioner stated that the township road agreement is to use dust control as needed and to maintain the road to the current condition.

Commissioner Barth asked if there is a limit to the number of years the operation can continue. Staff pointed out the condition #15 limits the duration of the permit.

Action

A motion was made by Commissioner Randall to **approve** Conditional Use Permit #20-19 with staff recommended conditions. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-19 – Approved



ITEM 5. RECALL CONDITIONAL USE PERMIT #16-85 to allow Truck and Trailer Storage & Repair on the property legally described as Lot 2, Block 1, Green Valley Addition, NE1/4, Section 12-T102N-R50W.

Petitioner: Steve Schreiner

Property Owner: same

Location: 47174 Haylie St. Located approximately 2 miles north of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Lot 2, Block 1, Green Valley Addition, NE1/4,
Section 12-T102N-R50W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Repair Shop & Storage

Parcel Size – 1.43 Acres

Staff Report: David Heinold

Staff Analysis:

On November 28, 2016, the Minnehaha County Planning Commission approved Conditional Use Permit #16-85 with the following conditions:

- 1.) That CUP #16-85 shall allow the use of the property for Truck and Trailer Storage & Repair.
- 2.) That a building permit is required prior to the construction of all storage buildings and for the installation of any signage.
- 3.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard surfaced areas must be completed by August 31, 2017.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the 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.

Currently, the petitioner has made no progress on meeting condition #4, which states that the driving and parking areas be hard surfaced in accordance with the standards set forth in Section 15.04 Minimum Improvement and Maintenance Standards of the 1990 Revised Zoning Ordinance for Minnehaha County. Staff has sent a total of six notification letters informing the petitioner of the Conditional Use Permit violation since January 24, 2018. In addition to the first letter, there were letters sent to the petitioner in 2018 on May 4, September 7, and October 24.



One letter was sent July 26, 2019 with notification that the Minnehaha County Planning Commission has the authority to revoke a conditional use permit during a regularly scheduled Planning Commission meeting.

On June 15, 2020, staff sent written notification to the property owner with the date and time of the July 27th Planning Commission meeting. Currently, the property owner has also not made the required deadlines for property tax payments for the prior year on the subject property. The following condition states the requirement for driveway hard surfacing and includes a deadline:

4.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard-surfaced areas must be completed by August 31, 2017.

On July 14, 2020, staff received email correspondence from the petitioner stating that he got an estimate from Mitchell Construction to come hard surface the driveway by the second week of August. Mitchell Construction sent a text message to Mr. Schreiner stating that they will pave the driveway the first week of August.

On July 15, 2020, staff inspected the property and the driveway has not been hard surfaced yet. The subject property is listed for sale by Mark Luke Companies with a sign and on their listing webpage.

Recommendation:

Staff finds that the property owner has had appropriate notice from the Minnehaha County Planning Department to resolve the Conditional Use Permit violation. Staff recommends that Conditional Use Permit #16-85 be **deferred until the August 24th Planning Commission meeting**. Staff suggests that a deadline of August 13, 2020 be set for the petitioner to complete the required hard surfacing of all driving areas adjacent to the public right-of-way.

Public Testimony

David Heinold, County Planning Department, presented a brief update on the recall of Conditional Use Permit #16-85.

Commissioner Mohrhauser asked what needs to be paved on the property. Mr. Heinold stated that the hard surface needs to extend all the way to the front of the building. Mr. Heinold continued to mention that there may be concrete pad around the exterior of the building already.

Commissioner Duffy questioned if there will be compliance with the staff recommendations. Mr. Heinold stated that he hopes the petitioner stands by his email correspondence for the contractor to complete the required paving by the staff recommended deadline of August 13th.

Commissioner Duffy called for the petitioner to speak but no one was present to speak on the item.



Commissioner Barth asked if the taxes have been paid for the subject property. Mr. Heinold has not seen any updates on the property tax website.

Commissioner Duffy called for public testimony but no one moved to speak.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Barth to **defer** the recall of Conditional Use Permit #16-85 until the August 24th Planning Commission meeting. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Recall of Conditional Use Permit #16-85 – Deferred until the August 24th Planning Commission meeting



Old Business

Commissioner Ode asked for clarification of the process taken to allow Huset's Speedway to hold races again. Scott Anderson provided the Planning Commissioners with the letter which was provided to the previous owner and the current owner. Commissioner Ode stated that he did not agree with the County Commission overriding the normal process to have a planning commission hearing first.

Scott Anderson, planning staff, updated the planning commission on the status of the Cedar Ridge Planned Development District amendment. The County Commission approved larger buildings, and overruled the planning commission by approving the requested expansion residential area.

New Business

There was none.

Adjourn

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

The meeting was **adjourned** at 7:43 pm.