

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
March 28, 2005**

A meeting of the Planning Commission was held on March 28, 2005 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Mike Cypher, Anne Hajek, Susie O'Hara, Don South and Wayne Steinhauer.

STAFF PRESENT: Scott Anderson, Phil Kappen and Pat Herman.

The meeting was chaired by Don South.

APPROVAL OF THE CONSENT AGENDA

There being no objections from the Planning Commission or audience, a motion was made by Cypher and seconded by Bunde to approve the consent agenda. The motion passed unanimously.

ITEM 1. APPROVAL OF MINUTES – February 28, 2005.

A motion was made by Cypher and seconded by Bunde to approve the minutes. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT to transfer one residential building eligibility.

From – Tr. 1A DeSchepper's Addition in Section 18-T03N-R47W
To - NE1/4 SE1/4 in Section 18-T103N-R47W
Location - west edge of Garretson
Petitioner / Owner- Dorothy DeSchepper Trust
Present zoning - A-1 Agricultural
Existing Land Use - Agriculture
Parcel Size - 40 Acres

Report by: Pat Herman

Staff Analysis

The petitioner is requesting a transfer of one residential building eligibility. The property is located on the west edge of Garretson, abutting Highway 11. Property to the north and west is zoned A-1 Agricultural, commercial zoning is south of the site, and the City of Garretson is to the east. There is an implement dealership and 120' cellular monopole tower south of the site and a single family dwelling on the property where the eligibility is currently located. The receiving parcel is currently in agricultural production.

In September 2004, the Planning Commission approved the transfer of this building eligibility from the NW1/4 SE1/4 to its current location. After further assessment the petitioner determined that the existing shelterbelt and dwelling unit limited the possibilities of a second house being constructed on the site.

The receiving parcel has one permissive building eligibility, so approval of this transfer would result in two building eligibilities in the NE1/4 SE1/4. Access to the site is from Hwy 11. The petitioner has indicated that a shared driveway would not be a problem. There is an existing field access in the north corner of the property. The location of the two dwellings has not been determined at this time. The petitioner will need to obtain written approval from the SDDOT for a driveway approach. The driveway must be shown on the plat as an access easement.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area. The transfer of the building eligibility does not increase the number of dwelling units allowed in this quarter.

Access is from Highway 11 and will be dictated by the State. Rural water is available in the area and a waste water system will be utilized.

Staff found the request to be consistent with density zoning and recommended approval of the conditional use permit with the following conditions:

- 1) The lots shall be platted and a right-to-farm notice covenant shall be placed on the deeds prior

- to the issuance of a building permit.
- 2) Written approval shall be obtained from the SDDOT for a driveway approach and shown on the plat as an access easement.

Based on the staff review, a motion was made by Cypher and seconded by Bunde to approve the conditional use permit with the conditions as stated. The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT for a Class One Major Home Occupation- Lawn Care and Snow Removal Service.

Legal Description – E347.8’ S77.8’ (ex. N250’) SE1/4 SW1/4 in Section 7-T102N-R49W
Location - 2.5 miles west of Renner
Petitioner / Owner- Brian Hardy
Present Zoning - A-1 Agricultural
Existing Land Use - Agricultural
Parcel Size – 4.2 Acres

Report by: Pat Herman

Staff Analysis

The property is located at the intersection of Kiwanis Ave. and 258th St. (Hwy 130). Properties to the north, east, and west are zoned A-1 Agricultural. The property immediately south of the site is zoned RR Rural Residential. There are existing residences north and south of this property and Renberg School is to the east.

The application is for a Class One Major Home Occupation for a lawn care and snow removal service. The petitioner owns a large commercial building in Sioux Falls and is currently working on finding a tenant for that building. When that building is leased the petitioner will move his equipment to this location.

A new morton building will be constructed on the site to house the business equipment and to provide personal storage. The building will be constructed south of the existing shelter belt on the south side of the dwelling. The equipment of the business will consist of a truck and 6’ x 14’ trailer. The petitioner is comfortable with the portion of the building dedicated to the business being limited to 750 sq. ft. There will be no outside storage of equipment or materials. No chemicals, such as lawn fertilizers, will be used in the business.

At this time the petitioner will be the only employee in the business but is possible he will require one non-resident employee in the future. There will be no sale of merchandise on this site and no site visits from customers. The applicant has not indicated that any signs will be posted at this time. Any signage should be limited to the sizes specified in the zoning ordinance.

Access to the site is from Kiwanis Ave. which in this area is a township gravel road. The petitioner has obtained permission from Mapleton Township for a driveway approach to access the future accessory building.

The requested home occupation should not impede on the character of the surrounding neighborhood as it is clearly subordinate to the residential use of this property. The recommended conditions should ensure that this home occupation does not impact the residential/agricultural uses that are predominant in the area.

The utilities needed for the accessory building are available in the area and the petitioner has obtained authorization for driveway access onto Kiwanis Avenue. No customers will be coming to this site so no off-street parking is needed. Other than storage of the equipment, the business will be conducted off-site and should not create a nuisance.

Staff found that proposed home occupation is clearly incidental to the residential use of the property and should not affect the integrity of the surrounding neighborhood. Staff recommended approval of the conditional use permit with the following conditions:

- (1) The occupation shall be conducted entirely within a dwelling or accessory building and clearly incidental to the use of the structure for residential purposes.

- (2) The occupation shall be operated by a member of the family residing in the dwelling.
- (3) Employees of the occupation shall be limited to residents of the dwelling and up to one (1) non-resident employee, not to exceed four (4) employees on site.
- (4) In addition to the dwelling, up to 750 square feet of accessory building space may be used for the occupation.
- (5) The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to the normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These off the property noise standards shall not apply to public and railroad rights-of-way.
- (6) The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
- (7) No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur.
- (8) A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation. No off premise signs shall be used.
- (9) The occupation shall not generate any client visits to the property.
- (10) There shall be no sale of products conducted on the premise.
- (11) The number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.

Based on the staff review, a motion was made by Cypher and seconded by Bunde to approve the conditional use permit with the conditions as stated. The motion passed unanimously.

ITEM 4. CONDITIONAL USE PERMIT to transfer one residential building eligibility.

From – SE1/4 NW1/4 in Section 28-T102N-R48W
To - N1/2 NW1/4 in Section 28-T102N-R48W
Location - 2 miles northwest of Valley Springs
Petitioner / Owner- Dale Nelson
Present Zoning – A-1 Agriculture
Existing Land Use - Agriculture
Parcel Size – 156 acres

Report by: Phil Kappen

Staff Analysis

The subject property is located to the east of 486th Avenue (Co. Hwy 105) and south of 260th Street, a township road. The petitioner wishes to transfer the eligibility from the land-locked quarter-quarter to along 260th Street. The surrounding properties are agricultural. An area to the southwest of the subject property (at the Valley Springs I-90 interchange) has been rezoned to I-1 Industrial, but is, at present, vacant.

There is one building eligibility automatically remaining on the northwest quarter of the northwest quarter. The transfer of one more eligibility to along the township road should pose no impact on neighboring properties. The predominant use in the area is agriculture. The placement of the potential residences along the north road will allow the remainder of the property to be more easily farmed and should pose no impact to the development of the industrial area almost ¼ mile to the south. A right-to-farm notice covenant should be required on the property to inform potential buyers of the predominant agricultural use in the area.

The west end of the subject property is along Co. Hwy 105. A maximum of one driveway should be allowed onto the highway and written approval from the Minnehaha County Highway Department should be required prior to the issuance of any building permit. Any access onto the township road (260th St.)

should be allowed only via written approval from the township. Any residence in this area would need to be served by a septic system for wastewater treatment and staff believes that rural water would likely provide water. No on-street parking is allowed. Offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs should not be of a concern from a residential structure.

Staff found that the proposed use complies with the precepts of density zoning and can be accomplished in a manner that will limit conflicts with surrounding land uses. Staff, therefore recommended approval of the conditional use permit with the following conditions:

1. All lots shall be platted and a right-to-farm notice covenant filed on each lot prior to the issuance of any building permit.
2. Access onto 486th Avenue (County Highway 105) shall be limited to one access point and any access must be approved in writing by the Minnehaha County Highway Department prior to the issuance of any building permit.
3. Any access onto 260th Street shall be approved in writing by Red Rock Township prior to the issuance of any building permit.

Based on the staff review, a motion was made by Cypher and seconded by Bunde to approve the conditional use permit with the conditions as stated. The motion passed unanimously.

ITEM 5. CONDITIONAL USE PERMIT to allow a single family dwelling.

Legal Description- S1/2 SW1/4 (ex Kloxin's Addn.) in Section 14-T104N-R52W
Location - 5 miles northwest of Colton
Petitioner / Owner- Steve Green
Present Zoning - A-1 Agricultural
Existing Land Use - Agricultural
Parcel Size - 25.32 Acres

Report by: Pat Herman

The property is located in a rural area five miles northwest of Colton. The surrounding property is in agricultural production with a few scattered acreages. This property was platted as a parcel between 1978 (property recorded prior to this date is a "lot of record") and 1988 when density zoning was instituted. The zoning ordinance specifies that property recorded between these two dates has a residential building eligibility by conditional use permit.

There is a livestock facility approximately 1/2 mile south of this site. There is a church and two dwelling units located 1/2 mile to the east. The Planning Commission approved a conditional use permit allowing an additional residence in the area at the April 2004 meeting.

Planning staff does not anticipate approval of this conditional use permit will negatively affect the existing uses in the area. This is an agricultural area and a right-to-farm notice covenant should be required on the deed of the lot. A waste water system will be required. Access is from 247th St., a gravel township road. Driveway access must be approved by Buffalo Township.

Staff found that a single family dwelling will conform to the surrounding neighborhood and recommended approval with the following conditions:

- 1) The lot shall be platted and a right-to-farm notice covenant filed on the deed prior to the issuance of a building permit.
- 2) Written approval for driveway access shall be obtained from Buffalo Township.

Based on the staff review, a motion was made by Cypher and seconded by Bunde to approve the conditional use permit with the conditions as stated. The motion passed unanimously.

ITEM 6. CONDITIONAL USE PERMIT to allow an agricultural waste holding pond for an existing CAFO.

Legal Description – NE1/4 in Section 35-T104N-R35W
Location - 8 miles north of Humboldt

Petitioner / Owner- JPJ Enterprises
Present Zoning – A-1 Agricultural
Existing Land Use - Agriculture
Parcel Size – 160 acres

Report by: Phil Kappen

The subject property is located about 1 mile northwest of Clear Lake in northwestern Minnehaha County. There is an existing 2500 animal unit feedlot on the site. The petitioner wishes to construct a animal waste holding pond as a part of his animal waste system which will help him to obtain a permit from the SD DENR.

The petitioner has no plans to increase the number of animal units on the site. They will construct a new barn in the farmstead area but some animals which are currently on site will be housed in the barn. They will have to obtain a building permit prior to the construction of the barn. A holding pond would be constructed in the southeast corner of the feedlot/farmstead area.

The proposed holding pond will be constructed across the road from another farmstead area. The area in which the pond will be constructed is currently used for cropland and for feed storage. To avoid the possibility of added impacts to the neighboring farm house a 4 to 5-row shelterbelt could be planted along the east side of the pond. Such a shelterbelt, however, could also deposit additional snow onto 459th Avenue, a township road. In lieu of the shelterbelt, the petitioner could provide a waiver from the owner of the affected farm house.

Though it is not required by the zoning ordinance for a holding pond CUP, staff sent out a notice to the owners of the four closest residences. Staff has not received any comments from those home owners. The area is planned for continued agricultural uses in the county comprehensive plan. The surrounding properties are also predominantly agricultural. This is a continuation of an existing agricultural use.

Neither the feedlot nor the proposed holding pond lies over a water source protection area. Surface run off will be directed into the holding pond resulting in an improvement in the surface water quality of the area. The holding pond will be constructed and lined in conformance with SD DENR requirements.

As a part of their state permit requirements the petitioners will have to develop a nutrient management plan and will have to annually update the plan. Copies of all the state approved plans should be filed with the Minnehaha County Planning Department

Staff found the proposed use to be consistent with the uses found in the agricultural area, can be accomplished in an environmentally-friendly manner, and can be done in a manner which will not pose additional impacts on neighboring properties. Staff, therefore, recommended approval of the conditional use permit with the following conditions:

1. The petitioner shall either establish a minimum of a four-row shelterbelt along the east boundary of the feedlot and holding pond area (to the south of the existing driveway) or shall provide a written waiver from the home owner directly to the east of the subject property. Any shelterbelt shall be planted and maintained according to Minnehaha Conservation District/NRCS standards.
2. The petitioner shall provide the Minnehaha County Planning Department with copies of all state-approved construction plans and annual nutrient management plans, and shall follow all state-approved plans.

Based on the staff review, a motion was made by Cypher and seconded by Bunde to approve the conditional use permit with the conditions as stated. The motion passed unanimously.

The Dell Rapids Planning Commission jointed the meeting. Members Present: Roger Dearduff, Darrel Donelan, Dale Dunn, Chair Bob Lamberty, Chris Mullaney, and Larry Skatvold.

Item 7 was heard jointly with the Dell Rapids Planning Commission.

ITEM 7. CONDITIONAL USE PERMIT to allow the stabling of horses (ponies) for personal use.
Legal Description – Overvaag Tr. 8 SW1/4 in Section 8-T104N-R49W
Location - ½ mile west of Dell Rapids

Petitioner / Owner- Russ Nelsen
Present Zoning - RR-5 Rural Residential
Existing Land Use - Residential
Parcel Size - 6.3 Acres

Reported by: Pat Herman

The subject property is located on the west edge of Dell Rapids and north of Highway 115. The parcel is zoned RR-5 Rural Residential with a required minimum lot size of five acres. This zoning district is only found on the west and south edges of Dell Rapids. The Dell Rapids Comprehensive Plan 2000-2020 depicts this area for residential development. The surrounding properties are zoned RR-5 Rural Residential except for one lot to the west which is zoned for commercial use.

Last month the Planning Commissions granted the applicant's request to increase the accessory building area on this lot. Now that the petitioner has sufficient space to provide shelter, he is requesting approval to allow the stabling of horses (ponies) on this site. The zoning ordinance requires conditional use permit approval for the stabling of horses, provided they are owned by the resident of the property and not used as a commercial operation on the property. The Planning Commissions approved the same request for a property on the south side of the highway in April 2002.

The zoning district requires all lots in the neighborhood to be a minimum of 5 acres in size. This provides an adequate setback for the limited number of ponies being requested. There are no vacant lots adjoining this property. Building lots are available on the south side of the highway where there are existing horses.

Staff found the required large lot size neutralizes any negative impact this use would have on the residential neighborhood and recommended approval of the conditional use permit with the following conditions:

- 1) There shall not be more than three (3) horses (ponies) on the property.
- 2) No commercial stabling of horses is allowed.

Public Testimony

The petitioner, Russ Nelson, was in attendance and in agreement with the stated conditions.

No one else wished to speak to the item and the floor was closed to public testimony.

Based on the staff review and public testimony, a motion was made for the County by Hajek and seconded by Bunde to approve the conditional use permit with the conditions as stated. The motion passed unanimously. Same motion for the City by Mullaney and seconded by Dunn. The motion passed unanimously.

New Business

Dell Rapids Planning Commission members Bob Lamberty and Roger Dearduff raised concerns that petitioners were not always present at the meetings. They would like to see the letter sent to all petitioners have more forceful wording addressing meeting attendance. It was agreed that the Planning Department would obtain a written legal opinion from the Office of the State's Attorney as to the appropriate wording. Proposed changes can then be addressed.

The Dell Rapids Planning Commission adjourned and left the meeting.

ITEM 8. CONDITIONAL USE PERMIT #05-25: to allow a 672 sq. ft. sign on property zoned I-1 Light Industrial.

Legal Description – SW1/4 (ex. H-1 & H-2 & Muchow Tr. & ex. Brower Addn. & ex. Brower's 2nd Addn.) in Section 27-T102N-R51W
Location - S Edge of Hartford
Petitioner / Owner- Front Row Outdoor Advertising / Richard Brower
Present zoning - I-1 Light Industrial District
Existing Land Use - Agriculture
Parcel Size - approx. 56 acres

Report by: Scott Anderson

The intent of the Zoning Ordinance in dealing with off-premise signs is to prevent the uncontrolled use in an effort to promote the health, safety and general welfare of those persons using the public rights-of-way. Furthermore, the standards outlined in the Zoning Ordinance are intended to preserve the overall landscape quality of the county while allowing the reasonable use of signs to promote advertising and inform the public.

The intent of the Zoning Ordinance is accomplished through standardization of size, location, and lighting. The applicant is requesting a Conditional Use Permit to allow an off-premise sign that exceeds the standards outlined by the Zoning Ordinance. Section 17.03(A) of the Zoning Ordinance indicates that a Conditional Use Permit is required for signs exceeding 288 square feet to a maximum of 672 square feet.

The applicant provided a site plan and diagram of the proposed sign, which has been included for your review. No information was provided with the application on the need for a sign that exceeds 288 square feet. The applicant indicated that signs across the interstate are larger than 288 square feet.

On March 9, 2005, staff conducted a site inspection and noted that there was at least one sign located on the north side of Interstate 90 that exceeded the size standard as specified in the Zoning Ordinance. This sign is located with the corporate limits of Hartford and not subject to the County's regulations. The closest off-premise sign subject to the County's regulations is located approximately ½ mile to the east on the south side of Interstate 90. At this location there are actually two signs. One sign, advertising Kelly Inn, is 12 feet by 40 feet and was erected on July 3, 1979. According to the S.D. Department of Transportation, the other sign is currently vacant, measures 13 feet by 20 feet and was erected on May 15, 1992. Furthermore, another off-premise sign is located approximately 1 mile to the west along the south side of Interstate 90. This back to back sign measures 10 feet by 40 feet or 400 square feet and was erected November 1, 1970. The surround existing land uses consist primarily of agricultural uses, row crops. There is a small area of commercial development located south of the Hartford exit.

The subject property is zoned I-1 Light Industrial. While the property is currently vacant and being used for agricultural production, a sign should not negatively impact any future industrial uses. A sign located within an industrial zoned area should not negatively impact the normal or orderly development of vacant property in the area. The applicant has not indicated whether the sign will be lighted or not. Staff did not observe any nearby electric utility lines. Currently there are no existing roads servicing the area where the signs would be placed. Typically, this type of land use does not require much infrastructure other than during construction.

The proposed sign, once erected, would not produce any odor, fumes, dust, noise or vibration. Any lighting associated with a sign is required by the Zoning Ordinance to be shielded, shaded or directed so that emissions do not adversely affect surrounding properties or the traveling public.

The applicant indicated the need for better visibility as the only consideration on the need for a larger sign. The request appears to be the result of a need for a competitive edge in the advertising field. The approval of this Conditional Use Permit could set a precedent for allowing larger signs throughout the county. The proposed sign is not typical of the size of the existing off-premise signs located within the general vicinity under Minnehaha County's jurisdiction. The existing signs range in area from 260 square feet to 480 square feet. The applicant's proposed sign is between 28% to 61% larger than the existing off-premise signs located to the east and west under the County's control. The applicant is allowed to place a 288 square foot sign without any special approval other than obtaining a building permit from the County. The permitted size of 288 square feet is more in line with the existing signage and allows the applicant use of the property.

Staff recommended **denial** of Conditional Use Permit #05-25 to allow a 672 square foot off-premise sign on the above described property.

Public Testimony

The petitioner, Cody Wittrock with Front Row Outdoor Advertising, stated that 672 sq. ft. is a standardized size for signs and they must be able to offer this size in order to land national contracts. The state maximum is 1200 sq. ft. and they have obtained the state permits for this site. Mr. Wittrock presented the Commission with pictures of existing signs that would be similar to the ones his company would erect. Front Row Outdoor Advertising does not currently have any signs in South Dakota. No sign will be left vacant. If nothing is being advertised the sign will carry a positive message such as "be good". Being able to offer the larger size will make it easier to obtain contracts. A larger size will also be easier for motorists to read. Trees are also an issue here.

No one else wished to address the item and the floor was closed to public testimony.

Commissioner Hajek mentioned that putting up a sign and renting out space was a good way to make a living, however that has to be balanced with keeping Minnehaha County attractive. The requested size is awfully large.

Citing that the requested size was 135% larger than any existing signs in the area, was excessive, and no compelling reason was given to approve the request, Commissioner Steinhauer made a motion to deny the conditional use permit. Motion seconded by Cypher. The motion carried unanimously.

ITEM 9. CONDITIONAL USE PERMIT #05-26: to allow a 672 sq. ft. sign on property zoned I-1 Light Industrial.

Legal Description – SW1/4 (ex. H-1 & H-2 & Muchow Tr. & ex. Brower Addn. & ex. Brower's 2nd Addn.) in Section 27-T102N-R51W
Location - S Edge of Hartford
Petitioner / Owner- Front Row Outdoor Advertising / Richard Brower
Present zoning - I-1 Light Industrial District
Existing Land Use - Agriculture
Parcel Size - approx. 56 acres

Report by: Scott Anderson

Staff Analysis

The intent of the Zoning Ordinance in dealing with off-premise signs is to prevent the uncontrolled use in an effort to promote the health, safety and general welfare of those persons using the public rights-of-way. Furthermore, the standards outlined in the Zoning Ordinance are intended to preserve the overall landscape quality of the county while allowing the reasonable use of signs to promote advertising and inform the public.

The intent of the Zoning Ordinance is accomplished through standardization of size, location, and lighting. The applicant is requesting a Conditional Use Permit to allow an off-premise sign that exceeds the standards outlined by the Zoning Ordinance. Section 17.03(A) of the Zoning Ordinance indicates that a Conditional Use Permit is required for signs exceeding 288 square feet to a maximum of 672 square feet.

The applicant provided a site plan and diagram of the proposed sign, which has been included for your review. No information was provided with the application on the need for a sign that exceeds 288 square feet. The applicant indicated that signs across the interstate are larger than 288 square feet.

On March 9, 2005, staff conducted a site inspection and noted that there was at least one sign located on the north side of Interstate 90 that exceeded the size standard as specified in the Zoning Ordinance. This sign is located within the corporate limits of Hartford and not subject to the County's regulations. The closest off-premise sign subject to the County's regulations is located approximately ½ mile to the east on the south side of Interstate 90. At this location there are actually two signs. One sign, advertising Kelly Inn, is 12 feet by 40 feet and was erected on July 3, 1979. According to the S.D. Department of Transportation, the other sign is currently vacant, measures 13 feet by 20 feet and was erected on May 15, 1992. Furthermore, another off-premise sign is located approximately 1 mile to the west along the south side of Interstate 90. This back to back sign measures 10 feet by 40 feet or 400 square feet and was erected November 1, 1970. The surrounding existing land uses consist primarily of agricultural uses, row crops. There is a small area of commercial development located south of the Hartford exit.

The subject property is zoned I-1 Light Industrial. While the property is currently vacant and being used for agricultural production, a proposed sign should not negatively impact any future industrial uses. A sign located within an industrial zoned area should not negatively impact the normal or orderly development of vacant property in the area.

The applicant has not indicated whether the sign will be lighted or not. Staff did not observe any nearby electric utility lines. Currently there are no existing roads servicing the area where the signs would be placed. Typically, this type of land use does not require much infrastructure other than during construction.

No off-street parking requirements would be required for this specific use.

The proposed sign once erected would not produce any odor, fumes, dust, noise or vibration. Any lighting associated with a sign is required by the Zoning Ordinance to be shielded, shaded or directed so that emissions do not adversely affect surrounding properties or the traveling public.

The applicant indicated the need for better visibility as the only consideration on the need for a larger sign. The request appears to be the result of a need for a competitive edge in the advertising field. The approval of this Conditional Use Permit could set a precedent for allowing larger signs throughout the county. The proposed sign is not typical of the size of the existing off-premise signs located within the general vicinity under Minnehaha County's jurisdiction. The existing signs range in area from 260 square feet to 480 square feet. The applicant's proposed sign is between 28% to 61% larger than the existing off-premise signs located to the east and west under the County's control. The applicant is allowed to place a 288 square foot sign without any special approval other than obtaining a building permit from the County. The permitted size of 288 square feet is more in line with the existing signage, and allows use of the property by the applicant.

Staff recommended denial of Conditional Use Permit #05-26 to allow a 672 square foot off-premise sign on the above described property.

Public Testimony

The petitioner, Cody Wittrock with Front Row Outdoor Advertising, stated that 672 sq. ft. is a standardized size for signs and they must be able to offer this size in order to land national contracts. The state maximum is 1200 sq. ft. and they have obtained the state permits for this site. Mr. Wittrock presented the Commission with existing signs that would be similar to the ones his company would erect.

Front Row Outdoor Advertising does not currently have any signs in South Dakota. No sign will be left vacant. If nothing is being advertised the sign will carry a positive message such as "be good". Being able to offer the larger size will make it easier to obtain contracts. A larger size will also be easier for motorists to read. Trees are also an issue here. Mr. Wittrock pointed out that there would be a sign here no matter what. He's only asking for half of the size permitted by the State. He also noted that the area will be developed as an industrial subdivision.

No one else wished to address the item and the floor was closed to public testimony.

Commissioner Cypher stated that Minnehaha County doesn't care what size sign the State allows. There is nothing uglier than a huge sign.

Citing that the requested size was 135% larger than any existing signs in the area, was excessive, and no compelling reason was given to approve the request, Commissioner Steinhauer made a motion to deny the conditional use permit. Motion seconded by Bunde. The motion carried unanimously.

New Business

A. New Planning Commission Members

Four candidates interested in serving on the Planning Commission were in attendance at the meeting and each briefly addressed the Commission. The candidates were Paul Evenson 47594 257th St. in Mapleton Township, Mark Rogen 48790 246th St. in Highland Township, Elaine Hendrickson 24887 465th Ave. in Taopi Township, and John Rave 24530 480th Ave. in Logan Township. The Commission agreed that any of the candidates would be a good addition to the board. The applicant's names will be forwarded to the County Commission.

B. Drinking Water Committee

Mr. Anderson asked for volunteers to serve on the drinking water committee being formed to look at septic tanks and the maintenance of those tanks throughout the County. Both Commissioners Cypher and Bunde agreed to serve on the committee.