

**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION  
January 23, 2006**

A meeting of the Planning Commission was held on January 23, 2006 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Susie O'Hara, Don South, Wayne Steinhauer and Jim Zweep.

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 O'Hara and seconded by Rogan to approve the consent agenda . The motion passed unanimously.

**ITEM 1. MINUTES – December 12, 2005.**

A motion was made by O'Hara and seconded by Rogan to approve the minutes. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #06-01 to allow motor vehicle sales and display.**

Legal Description – Lot 5 Block 2 Haug's 2<sup>nd</sup> Addition SE1/4 of Section 12-T102N-R50W  
Location - 25769 Cottonwood Ave., Crooks I-29 exit  
Petitioner / Owner- Bryan Peters

**General Information**

Present zoning - I-1 Light Industrial  
Existing Land Use - Commercial  
Parcel Size - 1.21 Acres

**Report by:** Phil Kappen

**Staff Analysis**

The subject property is located in a commercial and industrial subdivision located in the northwest quadrant of the Crook/Renner interchange on I-29. Commercial or industrial properties are located to the north, east and south, to the west is agricultural land. The petitioner wishes to sell a small number of vehicles on the property in addition to the current use of the property for an office and warehouse. The current use did not require a conditional use permit.

The petitioner has indicated that it is likely that the vehicles for sale would usually be kept inside the building for security purposes.

**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 proposed use should have no impact on the surrounding properties.

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

The proposed use should have no impact on the development of surrounding vacant properties.

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

Access to the property is via Sagebrush Street. Sagebrush is a hard-surfaced road and all driving and parking areas on the property will have to be hard surfaced. The petitioner currently has a concrete pad along the south portion of the building. Any parking area to the south of that pad will have to be hard-surfaced and the driveway out to Sagebrush will have to be hard-surfaced.

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

There is ample area on the property for all parking requirements. No on-street parking is allowed. The petitioner has not supplied an adequate site plan showing all aspects of the property so a revised site plan will be required.

**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.**

All outdoor lights should be of a shoebox style that directs light downward and prevents the spillage of light beyond the property boundaries. All signs on the property must conform to the requirements on the zoning ordinance and a building permit will be obtained prior to the erection of any sign. The petitioner does have an existing free standing on-premise sign in the vicinity of the southeast corner of the property. That sign, however, is located within the street right-of-way and will have to be moved back onto the subject property.

**Recommendation**

Staff found that the proposed use is consistent with the types of uses found in commercially or industrially-zoned areas and recommended approval of conditional use permit #06-01 with the following conditions:

- 1) The petitioner shall prepare an adequate revised site plan showing all aspects off the property. The plan shall be submitted by February 13, 2006 for staff review.
- 2) All driveways and parking areas shall be hard-surfaced. All hard-surfacing must be completed by June 1, 2006.
- 3) The existing free-standing sign in the right-of-way shall be moved onto the subject property by June 1, 2006.
- 4) All outdoor lighting shall be of a shoebox style which prevents the spillage of light beyond the boundary of the property.
- 5) The petitioner shall maintain a state motor vehicle sales license. If the state license is allowed to lapse, this conditional use permit shall become void.

Based on the staff report a motion was made by O'Hara and seconded by Rogen to approve conditional use permit #06-01 with the conditions as stated. The motion passed unanimously.

**ITEM 3. CONDITIONAL USE PERMIT #06-02 to transfer five residential building eligibilities.**

From – NW1/4 NW1/4, NE1/4 NW1/4, SE1/4 NW1/4, SW1/4 NW1/4 & SW1/4 NE1/4  
in Section 33-T103N-R47W

To- E1/2 NE1/4 (Ex H-1 & Ex Yates Tr. 1) in Section 33-T103N-R47W

Location - 2 miles south of Garretson

Petitioner / Owner- Jerome Johnson

**General Information**

Present zoning - A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size - 80 Acres

**Report by:** Pat Herman

**Staff Analysis**

The property is located two miles south of Garretson in a rural part of the County. The surrounding land use is agriculture. The petitioner is requesting to transfer five residential building eligibilities. The receiving parcel has one available eligibility so the end result would be a subdivision with six dwelling units.

**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.**

Transfer to this site would move houses a mile away from the Bly Brothers large swine finishing facility. This would also move the new houses away from the Garretson Sportsman Club which is located at the intersection of 255<sup>th</sup> St. and 486<sup>th</sup> Ave.

At this time the petitioner is not interested in selling the eligibilities and there is no plan as to how the subdivision will be designed. The petitioner should be required to submit a preliminary plan which includes the subdivision layout, roads, and the other required items as listed in section 4.01 of the

Subdivision Ordinance. No development of the area will be allowed until this plan is approved by both the Planning and County Commissions.

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

Transfer of the eligibilities should not effect the development of the vacant property. The clustering of the dwelling units will allow for uninterrupted farming of the remaining land. This is an agricultural area and a right-to-farm notice covenant should be required.

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

Road access would either be from County Highway 124 or township road 487<sup>th</sup> Ave. Access should be limited to one approach from either the Highway or the gravel road unless the petitioner can satisfactorily justify additional approaches. The number of approaches will be considered as part of the preliminary subdivision plan review. The access from either road must be platted as a 66' right-of-way with a 24' driving surface. The new road may be dedicated as either a private or public right-of-way, but a certificate of maintenance is required for either option.

Petitioner's Note: If access is taken from the highway hard surfacing is required for the new road.

**Recommendation**

The application is consistent with density zoning and the clustering of housing as sited in the comprehensive plan. Staff recommended approval of conditional use permit #06-02 with the following conditions:

- 1) A preliminary plan and final plat shall be submitted and approved prior to the issuance of any building permits.
- 2) A right-to-farm notice covenant shall be filed on the deed of each lot prior to the issuance of any building permits.
- 3) Access to all lots shall be from the private or public road to be shown on the preliminary plan and final plat.

Based on the staff report a motion was made by O'Hara and seconded by Rogen to approve conditional use permit #06-02 with the conditions as stated. The motion passed unanimously.

**ITEM 4. CONDITIONAL USE PERMIT #06-03 to amend CUP #04-98 to extend removal time for 2<sup>nd</sup> dwelling.**

Legal Description – W783.45' E982.29' S3560' S1/2 NE1/4 in Section 7-T103N-R49W

Location - 25150 Big Sioux Rd., 1 mile south of Baltic

Petitioner / Owner- Mary Ann Foss

**General Information**

Present zoning - A-1 Agricultural

Existing Land Use - Residential

Parcel Size - 10 Acres

**Report by:** Pat Herman

**Staff Analysis**

On November 22, 2004 the Planning Commission approved conditional use permit #04-98 allowing an existing house to be replaced by a manufactured dwelling. The petitioner was required to remove the house within one year of the issuance of a building permit. Permit # 04-508 was issued on December 21, 2004.

In early December the petitioner indicated that the house was to be moved off the property but that she had run into some problems. An existing bridge was too narrow to accommodate the house, but was scheduled to be replaced. After the bridge was replaced the mover was not available and winter weather had set in.

The petitioner anticipates that the house will be moved by the 1<sup>st</sup> week in February but, given the past roadblocks, is asking for an extension until April 1, 2006. Staff would recommend supporting this request as the petitioner has shown a good faith effort in trying to remove the house. She has indicated a willingness to tear down the structure if the house cannot be moved within the extended timeframe. The petitioner has met all of the other requirements of the conditional use permit and staff has not received any complaints from area residents about this property.

**Petitioner's Note:** If the house is to be moved onto a property within Minnehaha County a building inspection and permit is required.

**Recommendation**

Staff recommended approval of conditional use permit #06-03 by amending the following requirement of conditional use permit #04-98:

The existing dwelling shall be removed from the property no later than 5:00 p.m. on April 1, 2006.

Based on the staff report a motion was made by O'Hara and seconded by Rogen to approve conditional use permit #06-03 with the condition as stated. The motion passed unanimously.

**Item was deferred from the October 24, 2005 meeting.**

**ITEM 5. CONDITIONAL USE PERMIT #05-90 to allow a campground.**

Legal Description - E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (ex. H-1 & ex. Tr. 1 Alvines Addition) in Section 36-T101N-R51W

Location - 26767 466<sup>th</sup> Ave. 3 miles west of Sioux Falls

Petitioner / Owner- Francis Phillips

**General Information**

Present zoning - A-1 Agricultural

Existing Land Use - Commercial

Parcel Size - 55.59 Acres

**Report by:** Scott Anderson

**Recommendation**

The petitioner contacted the Planning Department and requested that this item be deferred until the April 24, 2006 meeting. Staff recommended the deferral of CUP #05-90.

Based on the staff report a motion was made by O'Hara and seconded by Rogen to defer conditional use permit #05-90 until April 24, 2006. The motion passed unanimously.

**ITEM 6. CONDITIONAL USE PERMIT #06-04 to amend CUP #01-08 changing the requirements of waste storage.**

Legal Description - Lot 10 Haug's Addn. in Section 12-T102N-R50W

Location - 25784 Cottonwood Ave., Crooks exit from I-29

Petitioner / Owner- Bob Vanderlinde

**General Information**

Present zoning - I-1 Light Industrial

Existing Land Use - Light Industrial

Parcel Size - 1.28 Acres

**Report by:** Phil Kappen

**Staff Analysis**

The subject property is located in the northwest quadrant of the Crooks/Renner interchange on I-29. The surrounding properties are all commercial uses. The property was approved in 2001 for a medical waste treatment operation with the following conditions:

- 1) The facility shall be used only for the treatment of approved medical waste which has been packaged and labeled according to the provisions of ARSD 74:35:01. Medical waste such as chemotherapy, pathological, radioactive, chemical, or hazardous waste shall not be treated or processed at the site.
- 2) All transfer, treatment and baling/solidifying of wastes shall be conducted within an enclosed building.
- 3) All waste to be treated shall be treated within two calendar days of receipt on the site. Wastes not approved for treatment (condition #1) shall be either held on the site within an enclosed vehicle parked within a fenced area with locked gates no longer than overnight or placed in refrigerated storage within the building for a maximum of ninety-six hours.
- 4) The medical waste treatment process shall be monitored with a biological indicator (*Bacillus stearothermophilus*) at least once every 40 hours of operation.
- 5) There shall be no outside storage of untreated or treated medical waste on the site unless in an enclosed truck.
- 6) All wastes shall be maintained in a non-putrescible state, using refrigeration when necessary and shall comply with all other storage requirements of ARSD 74:35:01.
- 7) The post treatment product shall be either baled or treated with adhesive or solidifying agents to prevent wind-blown dispersal into the air.
- 8) All discharge from rinsing containers or any water from washing vehicles shall be contained in a holding tank and taken to a publicly-operated wastewater treatment facility.
- 9) The operator shall prepare a contingency plan approved by the State DENR and provide training to all employees regarding standard operating procedures, contingency plan procedures and permit requirements.
- 10) Copies of shipping manifests or waste tracking documentation, state inspection reports or waste monitoring reports shall be provided to the Planning Department upon request. The operator shall allow unrestricted entry upon demand during regular business hours for inspection by state of South Dakota, Minnehaha County, and local fire department officials.
- 11) A surety performance bond shall be filed with the Planning Department in the amount of \$10,000 to assure that funds are available to dispose of waste if the property is abandoned.
- 12) The operator shall obtain all necessary local, state and federal permits before commencing operation of the facility. In addition, the operator shall, at all times, operate the facility in compliance with applicable local, state and federal rules and regulations.

The medical waste is treated by shredding within the treatment machine and being subjected to microwave heating in order to treat the waste. Treated waste is disposed of at the landfill.

The petitioner also has a state solid waste permit which, among other items, requires the following:

- I. Cannot exceed the approved 1.28 acres site.
- II. Both regulated and treated medical waste must be stored in rigid, leak-resistant, covered containers.
- III. May not treat chemotherapy waste, pathological waste, radioactive waste, chemical waste or hazardous waste.
- IV. All regulated medical waste accepted for treatment must be treated within two calendar days of receipt at the facility.
- V. Regulated medical waste not approved for treatment (see III) must be stored in an enclosed vehicle parked within the fenced area of the lot no longer than overnight or placed in refrigerated storage within the building for a maximum of 96 hours.
- VI. Must comply with ARSD 74:35:01:21 which governs the integrity of the packaging, and requires that the waste be maintained in a nonputrescent state and refrigerated when necessary, outside storage areas must be locked, waste must be protected from animals and not provide a breeding place for food for insects or rodents, waste must be in an area accessible only to authorized personnel and contained so that no discharge or release occurs.
- VII. Treated wastes must be disposed at a licensed landfill.
- VIII. The treatment process must be monitored with a *Bacillus subtilis* test.
- IX. Any medical waste treated during the 48-hour incubation period for the monitoring test must be held on the site until treatment is assured.

The petitioner has proposed amending their conditional use permit to allow them to treat the waste within 4 days of receipt onsite (instead of 2 days – condition #3). He also wishes to amend condition 3 to allow those wastes not approved for treatment to be stored on the site for a maximum of 14 days rather than the current 96 hour maximum. Mr. Vanderlinde has supplied a letter which outlines his request (attached).

Staff also notes that the type of bacteriological indicator required by the state does not match that listed in condition number 4. Staff feels that condition number four should be revised to match the state requirement.

County staff has contacted the DENR in Pierre with Mr. Vanderlinde's requested changes. The DENR staff has indicated that they would be supportive of the proposed changes and, should the county amend their conditional use permit, they would also amend the affected portions of the state permit (i.e. 96 hour storage limitation).

**Recommendation**

Staff found that the proposed changes could be accomplished without impacting the area or the county. Staff recommended approval of conditional use permit #06-04 to amended conditional use permit #01-08 with conditions number 3 and 4 to read as follows:

- 3) All waste to be treated shall be treated within four calendar days of receipt on the site. Wastes not approved for treatment (condition #1) shall be either held on the site within an enclosed vehicle parked within a fenced area with locked gates no longer than overnight or placed in refrigerated storage within the building for a maximum of fourteen calendar days.
- 4) The medical waste treatment process shall be monitored with a biological indicator approved by the State of South Dakota Department of Environment and Natural Resources at least once every 40 hours of operation.

Based on the staff report a motion was made by O'Hara and seconded by Rogen to approve conditional use permit #06-04 with the conditions as stated. The motion passed unanimously.

**ITEM 7. TEMPORARY USE PERMIT #06-01 - Christian Music Festival with overnight camping.**

Legal Description - NE1/4 SW1/4 & N1/2 SE1/4 & Tr. 1 Alvine's Addn SE1/4 & Tr. 2 Matzen's Addn. NE1/4 in Section 36-T101N-R51W

Location - 26767 466<sup>th</sup> Ave. 3 miles west of Sioux Falls

Petitioner / Owner- Alan Greene with LifeLight Communications Inc. / Wild Water West Water Park

**General Information**

Present zoning - A-1 Agricultural

Existing Land Use - Recreation

Parcel Size - 55Acres

**Report by:** Scott Anderson

**Staff Analysis** –

The applicant is requesting a Temporary Use Permit to allow for a music festival with associated camping and vending from September 1-3, 2005. Festival attendance is expected to be between 200,000 and 275,000 over the three day event. The event is proposed to be held at the Wild Water West Water Park grounds, approximately three (3) miles west of Sioux Falls. This year would be the second year the event will be held on the proposed site. The 2005 event ran smoothly. Staff did not receive a single complaint about the 2005 event.

The applicant has prepared a narrative of the proposed event. This narrative has been provided to each Planning Commissioner and County Commissioner for review. There will be two (2) primary stage areas and four (4) smaller performance areas for a total of six entertainment areas where performers will sing. Camping will also be offered on the festival grounds. The applicant has indicated that 2,000 camping sites will be provided for festival attendees. Electrical hook-ups will be provided to 500 sites. Portable showers will be provided by the applicant free of charge to those camping on the property.

The narrative addresses several issues such as rodent and insect management, crowd hydration and cooling and temporary vending requirements. The narrative indicates that should the long-range weather forecast predict extreme heat, the placement of two misting stations might be provided. This is somewhat

vague and staff prefers requiring misting stations once the temperature exceeds 90 degrees.

The applicant has provided a detailed medical care plan for emergency needs. They have obtained one mobile clinic from Sioux Valley Hospital. The plan shows that two first aid stations will be provided. This appears to meet potential needs of the festival. Staff recommends that the location of each first aid station be clearly identified in the programs provided to festival attendees.

A command center will be located on the site. The narrative indicates that staff from the Sheriff's office will be used for an undetermined amount of protection. The Sheriff's department has been included in discussions with LifeLight and is aware that his manpower will be utilized for the event. In addition, the Metro Communications Center has indicated that they will be providing personnel time for the event. The applicant has offered to reimburse the County for personnel costs associated with event security and administration. Staff will include this in the recommended conditions of approval.

State approval is being sought by the applicant for a temporary campground. Shower facilities will be provided to campers. Information shall be provided to each camp site listing the location of the first aid station and information center. Furthermore, the temporary camping area shall only be allowed with the approval from the State.

Vendors will be located around the stage area of the festival grounds. The number and types of vendors has not been indicated within the narrative. Staff concludes that vendors are compatible with the proposed use, but will require that each vendor has obtained the necessary state sales tax license and state food license for the sale of food.

Provisions have been made for a mobile weather station to be located on the festival grounds during the event. The mobile weather station will be used to tract any severe weather that may arise. A weather emergency plan has been developed. Any severe weather will be assessed by festival management and public safety individuals. Any festival goers requiring shelter would be shuttled to the First Assembly of God Church located on 41<sup>st</sup> Street, six miles to the east. The narrative does not indicate the number of people this facility can shelter, nor an approximate time needed to move people to the shelter. This portion of the submitted plan is not adequate. Staff will need to have written confirmation from the First Assembly of God Church that they are willing to provide their facility as a storm shelter. The applicants will also need to provide an estimate on the duration needed to evacuate the facility and parking lots. The traffic capacity of the roads is approximately 1500 vehicles per hour. Should a severe weather arise during peak hours, any evacuation would require several hours. Campers would be at most risk. The applicant shall provide shelter information to each camper as part of the registration.

The plan does not address any temporary signage that may be used by LifeLight. The Zoning Ordinance does not specifically allow the placement of any banners or temporary signs for Temporary Uses, however, allows them in conjunction with roadside stands and firework stands when a Conditional Use Permit is obtained. Based on general intent of the Zoning Ordinance a limited number of temporary signs should be allowed. No temporary signs or banners however, shall be allowed to be displayed within any public right-of-ways. Staff observed many signs displayed in the right-of-way during 2005's event. The applicant shall provide a Signage Plan to the staff for review and approval prior to the Planning Commission meeting. The plans shall identify the type, number, size, message, and location of each sign or banner and shall guarantee that no signs are placed in any road right-of-way. The applicant shall be required to obtain the property owners permission to place signs on private property. All temporary signs or banners shall be removed by September 8, 2006. Directional traffic signs are not considered advertising signs such as banners or other temporary advertising signs.

### **Vehicular Traffic**

Both S.D. Highway 17 and County Highway 148 (267<sup>th</sup> Street) have a maximum carrying capacity of 1900 vehicles per hour. The applicant has provided a plan that attempts to limit the amount of traffic that will be seen at this intersection. Traffic from the west will be directed from Interstate 90 down County Highway 151 (463<sup>rd</sup> Avenue). Traffic from Sioux Falls will be directed to S.D. Highway 42 and then south on S.D. Highway 17 to the north parking lots. Traffic arriving from the south on Interstate 29 will be routed to Exit 84 and then north. Traffic from the south appears to be parking in the east and west parking area. A temporary road will be constructed from the west parking area to 465<sup>th</sup> Avenue. The applicant has attempted to eliminate as much traffic volume at the intersection of 41<sup>st</sup> Street and S.D.

Highway 17 as possible. Temporary signage will be used to direct festival goers to the closest and most suitable parking areas. The single largest event day is projected to be Sunday with up to 60,000 attendees. Based on this figure, staff projects that 24,000 spaces are needed to meet the parking demand. The narrative provided by the applicant indicates that in total over 35,000 parking spaces are available.

The applicant has indicated that the Temporary Use Permit application will be supplemented with approval of the traffic plan by the S.D. Department of Transportation, Minnehaha County Highway Department, Lincoln County Highway Department, Minnehaha County Sheriff, and the S.D. Highway Patrol. Each of these agencies has been provided with the plan and their comments solicited for improvements. The traffic plan is rather detailed, indicating traffic routes, signage, and parking. Staff recommends as a condition of approval that prior to Planning Commission approval, the applicant supply the written approvals from the above identified agencies for traffic, signage and parking plans.

### **Pedestrian Traffic**

The narrative addresses pedestrian traffic by proposing the use of colored, plastic snow fencing as a pedestrian corridor. Pedestrian Traffic would be guided to specific crossing points across 41<sup>st</sup> and S.D. Highway 17. The plan proposes that each crossing point will be staffed by either the Sheriff's Department or reserve. Staff would prefer that a full-time law enforcement officer direct the pedestrian crossing. Staff will include this in the recommended conditions of approval. The proposed volume of pedestrians crossing these roads will further reduce the traffic capacity. Any festival goers not utilizing the crossing areas will further reduce traffic flows.

#### **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.**

As this is a temporary use, extending only over a three (3) day period, no long lasting impacts on use or property values should occur. All existing residences will face temporary impacts on level of traffic services. The significant amount of traffic generated by this event will negatively impact the existing uses in the area for the duration of the event.

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

The proposed use, due to its temporary nature, should not impede the orderly development of the area.

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

The applicant is proposing the creation of two (2) new access points into the west parking lot of the festival area. The new approaches will come off of 465<sup>th</sup> Avenue. Staff has concerns with the use of these roads to access the west parking area. The roads will be constructed primarily over existing cropland. Any rain will result in mud being tracked out onto the county maintained road, unless adequate measures are taken. The road must be at least twenty-four (24) feet wide, constructed to allow for adequate drainage off of the road bed, not impede any natural drainage way, and constructed with at least three (3) inch gravel surface.

The applicant has made provisions for a minimum of 160 porta potties to be serviced twice per day. Hand washing stations will be provided near each pod of portable toilets. This number of portable toilets appears to be sufficient.

The application/narrative addresses solid waste/trash management by indicating that it will be coordinated by festival volunteers. Trash receptacles will be placed throughout the venue and collected on a regular basis. The LifeLight group touted its history of leaving each venue in better condition than when they arrived. Staff recommends that a \$250.00 surety be held by the County to make sure that all trash and debris is cleaned not only from the festival area, but also from the parking areas and corridors leading to and from the event. Upon inspection and approval by the Planning Department, the surety shall be released minus a \$35.00 inspection fee.

The festival grounds are located within the Hartford Fire and Rescue service area. The Hartford Fire and Rescue is a volunteer organization. Staff wants to determine that an event of this size will not overwhelm

the volunteer group. Staff recommends that prior to Planning Commission approval of the Temporary Use Permit, the applicant shall obtain a written statement from the Hartford Fire and Rescue that they have reviewed the plans and will be able to provide fire and rescue services during the event.

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

The applicant has indicated that over 15,000 parking spaces will be provided. Some parking will be provided on-site. Some ADA parking is being provided by the applicant on the site. Additional parking will be located ½ to 1 mile to the north and east of the festival site. This parking configuration will require attendees to walk or use a shuttle service. The applicant has indicated that a tram system may be utilized to shuttle festival goers from the parking areas to festival site. The plan indicates that attendees can also walk to the festival site. Last year pedestrian traffic was prohibited from walking in the road right-of-way. In 2005, a shuttle system was required to reduce the number of pedestrians walking in the highway right-of-way. This seemed to work well and has included this requirement as a recommended condition of approval for this year.

Rain would reduce the amount of parking. The utilization of grass field is certainly not the best case scenario. Mike Samp, agent for the applicant, indicated that the west parking area will be tilled and planted into a crop that provides the optimum ground cover. Should a major rain event take place during the gathering, low areas could become muddy or inundated with water. Other issues faced with field parking are dust and maintaining an orderly parking configuration. The numbers provided by the applicant represent an optimum use of the grass parking lots. Irregular parking will reduce the number of parking spaces. In no case shall any vehicles park within the public right-of-ways. Any vehicles parking within the right-of-ways shall be ticketed by the Sheriff and towed at the owner's expense.

The applicant is proposing that the west parking lot will be accessed from 465<sup>th</sup> Avenue. The County Highway Superintendent has indicated that a temporary easement is needed from the property owner for the access road leading from 465<sup>th</sup> Avenue to the west parking lot and dust controls measures on both 465<sup>th</sup> Avenue and 268<sup>th</sup> Street. Staff will include these items as recommended conditions of approval. The applicant has not indicated the width, or construction method of the driveway approach into the west parking lot. Staff recommends that all driveway approaches into temporary parking areas have a minimum width of twenty (20) feet and be constructed with a minimum of three (3) inches of gravel. Furthermore, no natural drainage way shall be obstructed.

The parking lots will have temporary lighting. No lighting has been provided along the routes proposed to be utilized by foot traffic from the festival site to the north and northeast. As the concerts will be ends after dark, pedestrians will be walking along a state highway in the dark, which will result in reduce safety for the pedestrians. Staff recommends that temporary lighting also be included in the pedestrian paths between the parking areas and festival site.

The narrative indicates that the water park will remain open during the music festival. Water park goers were able to find parking during the 2005 event. All water park patrons will be able park in any available spaces found in the temporary parking lots.

**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.**

This event will generate noise, dust and additional lighting not typically found in a residential/urban fringe area. The vehicle traffic and pedestrians will generate noise and dust. Staff has serious concerns about dust resulting from the use of grassy fields and pastures for parking, as this was an issue in 2005. In order to mitigate dust, staff recommends that all parking areas be monitored and driving lanes watered down if needed as determined by the Planning Director or Sheriff. The applicant has indicated that 268<sup>th</sup> Street bordering the south side of Country Acres, one mile of 465<sup>th</sup> Avenue and 268<sup>th</sup> Street will be treated with magnesium chloride, a dust retardant, prior to the start of the festival. The narrative indicates that an unspecified number of water trucks will be donated to apply water on areas causing dust.

Last year staff recommended that all concert activities cease by 11:00. The applicant appealed to the Planning Commission to change this proposed condition. The Planning Commission agreed with the applicant and indicated that the concert should end by 1:00 a.m. Staff will recommend a 1:00 a.m. finish time. It should also be noted that the Planning Department did not receive any complaints about noise from the 2005 event.

Temporary lighting will be used in the temporary parking areas and corridors leading to and from the parking areas to the festival ground. While these lights are necessary, they will produce a significant amount of light not typically found in this residential/agricultural area. Staff recommends that the lighting be limited to minimize the impacts on the surrounding properties. All temporary lights should be directed towards the ground and must be shut off by midnight.

Originally, staff had concerned with the event taking place at Wild Water West. Staff concerns were primarily focused on the projected number of attendees at LifeLight that could potentially overwhelm the existing traffic network. The applicant did an adequate job in mitigating these impacts. There was heavy traffic, but the peak traffic flow occurred late in the evening, which lessened the impacts on area residents. Staff believes that recommended conditions of approval for this event will help mitigate most significant issues.

### **Recommendation**

Staff recommended approval of Temporary Use Permit #06-01 to allow for a three (3) day music festival with associated camping and vendor sales with the following conditions:

- 1) That all parking areas shall be monitored and driving lanes watered down if needed as determined by the Planning Director or Sheriff.
- 2) That a shuttle service be provided for people parking in the northeast parking area.
- 3) That prior to the event a lighting plan be submitted for the parking areas and that temporary lighting also be included in the pedestrian paths between the parking areas and festival site.
- 4) That all concerts conclude by 1:00 a.m.
- 5) That a \$250.00 surety be held by the County to make sure that all trash and debris is cleaned not only from the festival area, but also the parking areas and corridors leading to and from the event. Upon inspection and approval by the Planning Department, the surety shall be released, minus a \$35.00 inspection fee.
- 6) That a minimum of 160 portable toilets be provided for each day of the event. Each portable toilet shall be serviced as needed with all waste be properly disposed of.
- 7) The location of both first aid stations shall be clearly identified in the programs provided to festival attendees. The applicant shall have appropriately trained medical personnel manning each station while festival attendees are on the subject property.
- 8) That prior to the start of LifeLight, the applicant shall reimburse the County for law enforcement used at the site for security and/or traffic management, for Metro Communications cost; and for Emergency Management reserve law enforcement officer cost and be deposited with the County Treasurer prior to August 15, 2006.
- 9) That two (2) misting stations be provided for crowd cooling once the temperature exceeds 90 degrees.
- 10) That the number of temporary campsites shall not exceed 2000 sites and shall obtain approval from the State. Information shall be provided to each camp site listing the location of the first aid station and information center.
- 11) That prior to Planning Commission approval, the applicant supply the written approvals from the S.D. Department of Transportation, Minnehaha County Highway Department, Lincoln County Highway Department, Minnehaha County Sheriff, and S.D. Highway Patrol for traffic, signage and parking plans.
- 12) That the applicant provides County Planning with a written confirmation from the First Assembly of God Church that they are willing to provide their facility as a storm shelter with the maximum occupancy indicated.
- 13) That prior to August 15, 2006, the applicants shall provide an estimate on the duration needed to evacuate the facility and parking lots, and shelter capacity and location to the County Emergency Management Office for review and approval.

- 14) That prior to August 15, 2006, the applicant shall obtain a written statement from the Hartford Fire and Rescue that they have reviewed the plans and will be able to provide fire and rescue services during the event.
- 15) Each vendor shall obtain the necessary state sales tax license and food handling permits for the sale of food from the State of South Dakota.
- 16) That each proposed pedestrian crossing point on 41<sup>st</sup> Street and S.D. Highway 17 be staffed by a representative of the Sheriff's Office or S.D. Highway Patrol.
- 17) That the temporary lighting located in all parking areas and corridors to and from the festival grounds should be directed towards the ground and must be shut off by 1:45 a.m. unless extended by the Sheriff.
- 18) The applicant shall provide a Signage Plan to the staff for review and approval prior to the Planning Commission meeting. The plans shall identify the type, number, size, message, and location of each sign or banner and state that no temporary signs shall be placed any right-of-way without the consent of the agency governing that right-of-way. The applicant shall be required to obtain the property owners permission to place signs on private property. All temporary signs or banners shall be removed by September 8, 2006.
- 19) That the applicant shall abide by SDCL 31-32-9 by preventing festival patrons from obstructing the highway or ditches by parking vehicles or placing other material there.
- 20) That prior to Planning Commission approval, that applicant has to obtain a temporary easement from the property owner(s) to the west of the west parking area for the access roads leading out of the west parking area.
- 21) That prior to the start of the LifeLight festival, the one mile of 465<sup>th</sup> Avenue located between 267<sup>th</sup> and 268<sup>th</sup> Streets and the one (1) mile of 268<sup>th</sup> Street located between 465<sup>th</sup> Avenue and S.D. Highway 17 shall be treated with magnesium chloride or an equivalent dust suppressant.
- 22) That all driveway approaches into the temporary parking areas have a minimum width of twenty-four (24) feet and be constructed with a minimum of three (3) inches of gravel. Furthermore, no natural drainage way shall be obstructed. The applicant shall obtain Approach Permits from the appropriate agency for any new approaches to be constructed.
- 23) That prior to the construction of any temporary or permanent approaches, the applicant shall obtain an approved approach permit from either the County Highway Department or the S.D. Department of Transportation, depending on jurisdiction.

Based on the staff report a motion was made by O'Hara and seconded by Rogen to approve temporary use permit #06-01 with the conditions as stated. The motion passed unanimously.

#### **APPROVAL OF THE REGULAR AGENDA**

A motion was made by Bunde and seconded by O'Hara to approve the regular agenda. The motion passed unanimously.

#### **ITEM 8. CONDITIONAL USE PERMIT #06-06 to allow an animal shelter.**

Legal Description – Lot A Tract I Matzen Addition NE1/4 of Section 36-T101N-R51W  
Location - 26707 466<sup>th</sup> Ave., 2.5 miles west of Sioux Falls  
Petitioner / Owner- Rosey Quinn / F.G.G.A. Partners LLP

#### **General Information**

Present zoning - C Commercial  
Existing Land Use - vacant  
Parcel Size - 2.31 Acres

**Report by:** Pat Herman

#### **Recommendation**

An application for an animal shelter was submitted by a representative of the petitioner on December 27, 2005. This consisted only of the application sheet, no additional information was included. At that time staff explained that a site plan, interior layout plan, and a detailed narrative describing the operation were

required as part of the application. (The petitioner has previously been told these items would be required.) At the representative's request, staff extended the submittal deadline beyond the required December 30 deadline, allowing these items to be submitted early the next week. Unfortunately, the Planning Department did not receive any additional information.

Due to an incomplete application staff is recommending that conditional use permit #06-06 be **deferred** until the February 27, 2006 meeting.

### **Public Testimony**

No one in the audience wished to speak to the item and the floor was closed for public testimony.

Based on the staff report a motion was made by Zweep and seconded by Bunde to defer conditional use permit #06-06 until February 27, 2006. The motion passed unanimously.

### **OLD BUSINESS**

Phil Kappen reviewed the potential use of the USDA Natural Resource and Conservation Service LESA (Land Evaluation Site Assessment) Program for evaluating development. He explained that the program quantifies various aspects regarding development and allows a means of evaluating development proposals. He expressed concern that the program is more complicated that would be needed.

Mr. Kappen also showed a series of maps showing potential CAFOs in the county and various buffers (1100', 1320' and 1980') around those points. He noted that the maps were based on the review of air photos and that much more study would be necessary before the maps were really useful.

He expressed interest in working with SDSU to find standards that would allow the use of the Minnesota OFFSET Model for setting the separation criteria for CAFOS. That model would provide scientific data to back up the separation criteria. The Planning Commission directed Mr. Kappen to continue working on this idea.

The Planning Commission also directed staff to provide a copy of the right-to-farm notice covenant to each applicant for a building permit. They directed staff to prepare an amendment the zoning ordinance which would require a right-to-farm notice be filed on the deed of the property for all dwelling units, not just those governed by CUP permits.

### **NEW BUSINESS**

A motion was made by Bunde and seconded by Steinhauer to appoint Don South as Chair and Susie O'Hara as Vice-Chair for the 2006 Planning Commission. The motion passed unanimously.