

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was brought to order by Chairman Pashby, at 06:30 PM on February 16, 2021, with Commissioners Erik Scott, Colin Enstad, Michael Poppens, Ron Albers, and Wendi Hogan present. Toby Brown and Joan Doss from County Planning were also present.

APPROVAL OF MINUTES

- 1) MOTION by Scott and seconded by Enstad to approve the meeting minutes from January 19, 2021. Ayes; Scott, Enstad, Albers, Hogan, Poppens, Pashby. Motion carried.

APPROVAL OF AGENDA

MOTION by Scott and seconded by Hogan to approve the agenda. Ayes; Scott, Enstad, Albers, Hogan, Poppens, and Pashby. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA

No comments were presented.

PUBLIC HEARINGS –

- 1) Toby gave an overview of the application. George Hofer, owner, noted the business is looking to expand, and needed to rezone.
Pashby open the floor to public comment; hearing none he closed the floor.
MOTION by Scott and seconded by Albers to recommend approval. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens Motion carried.
- 2) Toby gave an overview of the application. George Hofer, owner, noted that like the previous application the business is looking to expand, and needed to rezone.
Pashby open the floor to public comment; hearing none he closed the floor.
MOTION by Scott and seconded by Enstad to recommend approval. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens Motion carried.
- 3) Toby gave an overview of the application, with the proposed conditions as follows:
1. The permit transfers one (1) building eligibility to the property described as Lot 1 in Tract 2 of Hyronimus's Addition in the NW1/4 of Section 20-T100N-R51W of the 5th Principal Meridian, Lincoln County, South Dakota. 2. Two (2) building eligibilities remain on the property described as NE1/4 except Wetering Addition and Tract A, in Section 19-T100N-R51W of the 5th Principal Meridian, Lincoln County, South Dakota. 3. 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. Drew Wetering, applicant, noted they will be building on home on the new site.
Pashby opened the floor for public comment; hearing none he closed the floor.
MOTION by Scott and seconded by Hogan to approve the permit with the conditions. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens Motion carried.
- 4) Toby gave an overview of the application with the recommended conditions as follows:
1. USE-004-2021 allows Suite 4 at 46993 Sunset Boulevard to be utilized for motor vehicle sales, display, and service. 2. Outdoor display shall be limited to the 5 parking spaces in front of, and fenced area behind, Suite 4. 3. A zoning permit to change the occupancy of Suite 4 shall be approved prior to commencement of the use. Stephan Newell noted it will be a small dealership, and is aware of the permit conditions.
Pashby opened the floor for public comment; hearing none he closed the floor.

MOTION by Hogan and seconded by Albers to approve the permit with the conditions. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens Motion carried.

- 5) Toby gave an overview of the application with the recommended conditions as follows:
1. The Conditional Use Permit (USE-0112-2021) is approved for the use of warehousing up to 23,040 square feet on the premise. 2. The site development shall be substantially in accordance with City of Tea approved project plans. The City of Tea approved plans shall be requirements of this permit and any approved building permit(s). 3. No unscreened outdoor storage. 4. Lighting used for outdoor illumination shall be installed to deflect light away from adjoining property. The sources of light shall be hooded or controlled so light does not shine upward nor light adjoining property. 5. A building/zoning permit is required before work to construct, enlarge, alter, repair, move, or demolish a building or structure, or to change the occupancy (use) of a building or structure. The applicant was not in attendance
Pashby opened the floor for public comment; hearing none he closed the floor.
MOTION by Scott and seconded by Albers to table the application. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens Motion carried.
- 6) Toby gave an overview of the permit history. Josh Spielman noted he installed a fence, will plant trees on the proposed berms, have instructed employees to direct traffic south of the property, and is working on allowing employees to drive equipment home at night.
Pashby opened the floor for public comment.
Koln Fink, representing Mr. Spielman, noted the land was purchased with the end goal of purchasing on off-site shop and this is a temporary situation. Brian Corner noted his only concern is traffic. Hearing no further comments Pashby closed the floor.
MOTION by Hogan and seconded by Albers to amend the permit to add conditions of conformance with the site plan date 1/11/2021 and to be reviewed again in March of 2025. Ayes; Enstad, Albers, Hogan, and Pashby. Nays; Scott Abstain; Poppens Motion carried.
- 7) Toby gave an overview of the proposed amendment, noting it mostly clarifies language and changes the Class C setback to now be different from a Class D CAFO.
Pashby opened the floor to public comment.
Don Hoffman noted he won't be able to stay in the county if the rules keep changing, and that CAFOs don't impact property values. Randy Henderson noted this would prevent new operations. Craig Anderson noted that quality and biosecurity are very important to producers and there are already many other siting requirements producers need to adhere to. Tony Ventura noted this is trespass zoning and prevents landowners from using their property. Ernest Strameyer noted the setbacks don't protect landowners. Lynn Hurley noted the setbacks increased 60% since 2012 but buildings and and nutrient management have improved in the same time. Emails from Cindy Thomas and Dave Gillespie were read into the record and included concerns the setbacks don't protect landowners and should be measured from the property line. Hearing no further comments, Pashby closed the floor.
Commissioner Scott noted he appreciated hearing from all sides but takes issue with making it harder for new operations. He proposed changing Class D to 660 foot setback.
MOTION by Albers and seconded by Scott to amend the setback chart to keep Class C to 1,320 feet, and to not change Class D. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens Motion carried.

MOTION by Scott and seconded by Albers to recommend approval of the ordinance amendment, as revised. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens. Motion carried.

OLD BUSINESS

- 1) Toby gave an overview of the bylaw changes, and noted it would streamline the agenda.

MOTION by Scott and seconded by Albers to adopt the amended bylaws. Ayes; Scott, Enstad, Albers, Hogan, and Pashby. Abstain; Poppens. Motion carried.

OPEN DISCUSSION FOR COMMISSION MEMBERS FOR ISSUES NOT ON THE AGENDA

No comments heard.

REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION

Poppens noted the courthouse improvement committee has met a few times.

NEW BUSINESS

- 1) Erik Scott nominated Jerry Jongeling to be the chairman, and Wendi Hogan nominated Erik Scott to be vice-chair.

MOTION by Poppens and seconded by Albers to appoint Jerry Jongeling as chairman and Erik Scott as vice-chair. Ayes; Scott, Enstad, Albers, Hogan, Poppens, and Pashby. Motion carried.

ADJOURNMENT

MOTION by Hogan and seconded by Albers to adjourn at 9:10 PM. Ayes; Scott, Enstad, Albers, Hogan, Poppens, and Pashby. Motion carried.