

CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was called to order by Chairman Jongeling on February 22, 2022 at 6:30 p.m. in the Commission Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Planning Commission members present were Erik Scott, Collin Enstad, Mark Johnson, Wendi Hogan, Scott Green, and Chairman Jerry Jongeling. Staff present were Toby Brown and Jennifer Cleveland. William Golden, Chief Civil Deputy State's Attorney, was also present.

APPROVAL OF THE MEETING MINUTES

- 1) Chairman Jongeling called for comments or corrections to the minutes from January 18, 2022. Hearing none, he asked for a motion to approve. A motion was made by Commissioner Scott and seconded by Commissioner Johnson to approve the meeting minutes from January 18, 2022. A roll call vote was taken. Yeas: Scott, Enstad, Johnson, Hogan, Green, Jongeling. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Chairman Jongeling asked if there were any changes to the meeting agenda. No one proposed any changes. A motion was made by Commissioner Hogan and seconded by Commissioner Johnson to approve the meeting agenda. A roll call vote was taken. Yeas: Scott, Enstad, Johnson, Hogan, Green, Jongeling. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Chairman Jongeling opened the floor for public comment. Julie Van Luvanee commented on the current strong county growth/economic development and the important role/leadership that the planning commission members have as citizen representatives in the process.

OLD BUSINESS

No unfinished business was discussed.

PUBLIC HEARINGS

- 1) Toby Brown introduced the application and presented a brief summary of the staff report. The applicant, Bret Merkle, was available by phone to speak and answer questions. Chairman Jongeling opened the floor to public comment. No one spoke in favor or in opposition to the application. Hearing no comments, Chairman Jongeling closed the floor to public comment. A motion was made by Commissioner Johnson and seconded by Commissioner Scott to approve the application with the recommended conditions:
 1. The Conditional Use Permit applies only to the transfer of one (1) building eligibility from the N1/2 SE1/4 (Ex. S386' of N883' of E350' and except Part Pederson Tract 1), Section 8-T99N-R50W to the S1/2 SE1/4 (Ex. Frankman Tract 1 and Merkle Addition Tract 9A), Section 8-T99N-R50W
 2. That the applicant shall obtain a Building Permit prior to the commencement of any future construction activities.
 3. That prior to commencement of any construction activities, a driveway permit shall be obtained from the appropriate road authority.
 4. A right-to-farm notice covenant shall be placed on the deed prior to issuance of a building permit for a single-family dwelling.

A roll call vote was taken. Yeas: Enstad, Green, Hogan, Johnson, Scot, Jongeling. Nays: None. Motion carried 6-0.

- 2) Toby Brown introduced the application and presented a brief summary of the staff report. The applicant, Andy Hulscher – Alliance Communications, was present to speak and answer questions. Chairman Jongeling opened the floor to public comment. No one spoke in favor or in opposition to the application. Hearing no comments, Chairman Jongeling closed the floor to public comment. A motion was made by Commissioner Hogan and seconded by Commissioner Enstad to approve the application with the recommended conditions:
1. That the fiber hut conforms to the site plan dated January 7, 2022.
 2. That all materials and equipment shall be stored in an enclosed building.
 3. That there shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
 4. That all access to public roads must be approved by the appropriate road authority.
 5. That appropriate building permits shall be obtained.

A roll call vote was taken. Yeas: Enstad, Green, Hogan, Johnson, Scott, Jongeling. Nays: None. Motion carried 6-0.

- 3) Toby Brown introduced the application and presented a brief summary of the staff report. The applicant, Ross Hulstein, was present to speak and answer questions. Chairman Jongeling opened the floor to public comment in favor of the application.

Nic Rowe, applicant's engineer and Andy Scholting, applicant's nutrient advisor, spoke to the application materials. Shane Zylstra, 28863 471st Avenue, spoke in support of the application.

Tony Ventura, 47763 292nd Street, Ernest Stratmeyer, 28503 474th Avenue, Paul Paulson, 1309 W. Murphy Drive, Dr. Faye Fossum, 48071 289th Street, Jean Reilly, 29217 SD Highway 11, Pam Gillespie, 1125 E. Elder Street, Dave Gillespie, 1125 E. Elder Street, Nicholas Abbas, 46905 281st Street, and Dylan Paulson, 29129 480th Avenue, spoke against the application. Hearing no additional comments, Chairman Jongeling closed the floor to public comment.

A motion was made by Commissioner Scott and seconded by Johnson to approve Conditional Use Permit USE-0002-2020 to amend Conditional Use Permit USE-0002-2020 with the following revised conditions:

1. That the deep pit cattle confinement barn conforms to the site plan dated January 17, 2022.
2. That the CAFO be located on a single, legally described parcel consisting of a minimum of 20 contiguous acres, as amended in the Lincoln County Zoning Ordinance. The parcel shall be a parcel of record, properly recorded in the Lincoln County Register of Deeds.
3. That appropriate building permits shall be obtained.
4. That the facility shall have coverage and continuous compliance with the General Permit from the DANR.
5. That the application of manure shall comply with standards set forth by the DANR

and the County. The applicants manure management plan must be reviewed by the operator each year and updated each year and adjusted for any changes in the amount of manure production, manure nutrient test results and transfer of manure ownership. Records of manure transfer shall be maintained as required by DANR. Manure application setback standards for the fields on which the manure is applied shall be followed as required by the DANR and the County.

6. That the disposal of dead animals be consistent with the South Dakota Animal Industry Board regulations, and when rendering is used as a mortality disposal the applicant shall provide an enclosed location for the pick-up, outside of right-of-way.

7. That adequate measures be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.

8. That all manure storage structures must be designed by a registered engineer.

9. That within 60 days of completion of any new or modified manure storage area, the applicant will furnish the final construction report to the County Planning Department verifying that the concrete manure storage structure was constructed per approved engineered design plan. Said construction report shall be signed by the design engineer.

10. That any complaints submitted to the Lincoln County Planning Director must include dates and times relative to the complaint. Complaints shall be forwarded to the facility operator and the operator shall report to the Planning Department the possible cause of problems that resulted in the complaint and the actions that will be taken to address the problems.

11. That the maximum size of the facility shall be limited to 2,000 cattle.

A roll call vote was taken. Yeas: Enstad, Johnson, Scott, Jongeling. Nays: Hogan, Green. Motion carried 4-2.

NEW BUSINESS

- 1) A motion was made by Commissioner Scott and seconded by Commissioner Johnson to nominate Commissioner Jongeling to be Chairperson. A roll call vote was taken. Yeas: Scott, Enstad, Johnson, Hogan, Green. Nays: None. Abstain: Jongeling. Motion carried.

A motion was made by Commissioner Johnson and seconded by Commissioner Scott to nominate Commissioner Hogan to be Vice-Chairperson. A roll call vote was taken. Yeas: Scott, Enstad, Johnson, Green, Jongeling. Nays: None. Abstain: Hogan. Motion carried.

A motion was made by Commissioner Jongeling and seconded by Commissioner Scott to reappoint Ron Albers and Monty Derousseau as alternates. A roll call vote was taken. Yeas: Scott, Enstad, Johnson, Hogan, Green, Jongeling. Nays: None. Motion carried.

ADJOURNMENT

A motion was made to adjourn the meeting at 8:19 p.m. by Commissioner Jongeling and seconded by Commissioner Scott. A voice vote was taken. Yeas: All. Nays: None. Motion carried.