CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was called to order by Chairman Jongeling on July 18, 2022 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Planning Commission members present were Wendi Hogan, Ron Albers, Erik Scott, and Jerry Jongeling. County staff present were Toby Brown, Jennifer Cleveland, and Noah Watson.

APPROVAL OF THE MEETING MINUTES

1) Chairman Jongeling asked if there were any changes to the meeting minutes from June 20, 2022. No one proposed any changes. A motion was made by Commissioner Scott and seconded by Commissioner Hogan. A roll call vote was taken. Yeas: Hogan, Albers, Scott, 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 Scott to approve the meeting agenda. A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Chairman Jongeling opened the floor for public comment on non-agenda items. Hearing none, he closed the floor to public comment on non-agenda items.

OLD BUSINESS

No old business was discussed.

PUBLIC HEARINGS

1) Toby Brown introduced the application and presented a brief summary of the staff report. Kelly Nielson was present to speak and answer questions. Chairman Jongeling opened the floor to public comment. Deb Thompson, 47856 270th St., and Don Hoffman, 47331 273rd St., spoke in opposition of the application. Hearing no additional comments, Chairman Jongeling closed the floor to public comment. A motion was made by Commissioner Hogan and seconded by Commissioner Albers to recommend approval of the application. A roll call vote was taken. Yeas: None. Nays: Hogan, Albers, Scott, Jongeling. Motion failed.

2) Toby Brown introduced the application and presented a brief summary of the staff report. Bret Merkle (via phone) spoke on behalf of the applicant and answered questions. Chairman Jongeling opened the floor to public comment. Hearing none, he closed the floor to public comment. A motion was made by Commissioner Albers and seconded by Commissioner Hogan to approve the application with the following conditions:

    1. That the Conditional Use Permit applies only to the transfer of one (1) building eligibility from the N1/2 NW1/4, Section 15-T99N-R50W LaValley Township to the W1/2 N1/2 NE1/4, Section 15-T99N-R50W LaValley Township.
    2. That all access to public roads must be approved by the appropriate road authority.

3. That a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
4. That appropriate building permits shall be obtained.

A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

3) Toby Brown introduced the application and presented a brief summary of the staff report. Craig Wynia was present on behalf of the applicant to speak and answer questions. Chairman Jongeling opened the floor to public comment. Hearing none, he closed the floor to public comment. A motion was made by Commissioner Scott and seconded by Commissioner Hogan to approve the application with the following conditions:

1. That the property conforms to the site plan dated January 14, 2022.
2. That the property shall not have unsecured outdoor storage. Any fencing installed shall be completely opaque.
3. That the storage of hazardous, flammable, or explosive materials is prohibited.
4. That there shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
5. That appropriate building permits shall be obtained.

A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

4) Toby Brown introduced the application and presented a brief summary of the staff report. Justin Zuraff was present to speak and answer questions. Chairman Jongeling opened the floor to public comment. Marlene Sweeter, 47158 283rd St, spoke in opposition of the application. Hearing no additional comments, Chairman Jongeling closed the floor to public comment. A motion was made by Commissioner Scott and seconded by Commissioner Albers to approve the application with the following conditions:

1. That the property conforms to the site plan dated June 20, 2022.
2. That all employees, customers, and vehicles/equipment for sale shall park on-site and in designated spaces.
3. That there shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
4. That appropriate building permits shall be obtained.
5. That there shall be no more than five (5) vehicles for sale at any one time.
6. That the property owner shall meet with the appropriate road authority about the project/property.

A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

5) Toby Brown introduced the application and presented a brief summary of the staff report. Phillip Hergert was present to speak and answer questions. Chairman Jongeling

opened the floor to public comment. Hearing none, he closed the floor to public comment. A motion was made by Commissioner Scott and seconded by Commissioner Hogan to approve the application with the following conditions:

1. That the property conforms to the site plan dated June 21, 2022.
2. That the total area of all accessory buildings may not exceed 2,932 square feet
3. That the building shall be an accessory use to the continued use of the property as an agricultural parcel.
4. That the building shall only be used for the storage of personal property, and no commercial uses and commercial storage shall take place.
5. That there shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. That appropriate building permits shall be obtained.

A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

6) Toby Brown introduced the application and presented a brief summary of the staff report. Daniel King was present to speak and answer questions. Chairman Jongeling opened the floor to public comment. Correspondence from Robert Price was read in favor of the application. Hearing no additional comments, Chairman Jongeling closed the floor to public comment. A motion was made by Commissioner Hogan and seconded by Commissioner Scott to approve the application with the following conditions:

1. That the property conforms to the site plan dated June 21, 2022.
2. That the total area of all accessory buildings may not exceed 1,728 square feet.
3. That the building shall be an accessory use to the continued use of the property as a rural residential parcel.
4. That the building shall only be used for the storage of personal property, and no commercial uses and commercial storage shall take place.
5. That there shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. That appropriate building permits shall be obtained.

A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

NEW BUSINESS

1) Toby Brown presented a brief description of the request to give consent to the removal of the “Right To Farm Notice Covenant” due to the withdrawal of the building permit application for the construction of a new single-family dwelling on the subject property. A motion was made by Commissioner Scott and seconded by Commissioner Albers to consent to the removal of the “Right To Farm Notice Covenant” from Parcel ID: 100.49.31.3000. A roll call vote was taken. Yeas: Hogan, Albers, Scott, Jongeling. Nays: None. Motion carried.

2) Toby Brown updated the Planning Commission regarding the Board of Commissioners decision (approval) regarding amending Chapter 154: Zoning, Sections 154.021, 154.057(8), 154.117(E), 154.137(F), 154.137(G), 154.137(H), and the addition of Section 154.137(I) for cannabis establishments.

ADJOURNMENT

A motion was made by Commissioner Jongeling and seconded by Commissioner Scott to adjourn the meeting at 8:08 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.