

CALL TO ORDER

The Lincoln County Planning Commission regular meeting was called to order by Chairman Jongeling on March 15, 2021 at 06:30 PM in the Commission Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Commission members Wendi Hogan, Colin Enstad, Mark Johnson, Jerry Jongeling, Gary Pashby (arrived at 6:38pm), and Michael Poppens were present. Additionally present were Toby Brown and Joan Doss from County Planning.

APPROVAL OF MINUTES

- 1) MOTION by Enstad and seconded by Johnson to approve the meeting minutes from February 16, 2021. Ayes; Enstad, Hogan, Johnson, Poppens, and Jongeling. Motion carried.

APPROVAL OF AGENDA

Toby noted the applicant for item #13 requested to be removed from the agenda. MOTION by Hogan and seconded by Johnson to approve the agenda by removing item #13. Ayes; Enstad, Hogan, Johnson, Poppens, and Jongeling. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

No comments were provided.

OLD BUSINESS

No old business was addressed.

PUBLIC HEARINGS –

- 1) Toby gave an overview of the application. Robert Kummer, representing Het Loo Farms, noted they would like to build a single family dwelling on the site. Jongeling opened the floor for public comment; hearing none he closed the floor. MOTION by Pashby and seconded by Enstad to recommend approval of the rezone. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens Motion carried.
- 2) Toby gave an overview of the application. Richard Peters noted this rezone would allow for more lots in a future subdivision. Jongeling opened the floor for public comment; hearing none he closed the floor. MOTION by Pashby and seconded by Hogan to recommend approval of the rezone. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain: Poppens. Motion carried.
- 3) Toby gave an overview of the application, and noted the concept plan would be for a future livestock processing operation. Paul Garbers noted approximately 20 acres would be rezoned. Jongeling opened the floor for public comment. Lynn Township officials offered comments in agreement with the application and noted they have an agreement to maintain roads. Comments in opposition noted concerns with odor, traffic, road maintenance, safety/crime, lack of emergency response preparedness, and claims that it wouldn't benefit the community. Commissioner Johnson noted he understands the concern, but this is the first step in the process and more information would be available once a conditional use permit application is submitted. Commissioner Jongeling and Hogan noted agreement about

concerns with roads and emergency response.

MOTION by Johnson and seconded by Pashby to recommend approval of the rezone. Ayes; Johnson, Pashby, and Jongeling. Nays; Enstad, and Hogan. Abstain; Poppens. Motion carried.

- 4) Toby gave an overview of the application and noted staff recommends approval with the following conditions: 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. Warehouse units may only be used for storage. Warehouse units may not be used for retail sales, industrial uses, vehicle repair, offices, any commercial or service activity, or human habitation. 4. No unscreened outdoor storage. 5. 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. 6. A grading and drainage plan submitted for review and acceptance prior to any site grading activities. 7. 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. Jeff Haas noted that the building would have individual storage units. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Enstad and seconded by Johnson to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 5) Toby gave an overview of the application and noted staff recommends approval with conditions as follows: 1. The permit transfers three (3) building eligibilities to the property described as E1/2SW1/4, except part sold, in Section 34-T100N-R49W of the 5th Principal Meridian, Lincoln County, South Dakota. This property will have a total of four (4) building eligibilities. 2. No building eligibilities remain on the property described as SE1/4 in Section 34-T100N-R49W 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. 4. All future building sites within the receiving parcel shall share a singular access or use a mutual access easement. Andrew Harr noted they would be moving eligibilities from the land that is being rezoned. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Pashby and seconded by Enstad to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 6) Toby gave an overview of the application, and noted staff recommends approval of the application with the following conditions: 1. USE-0013-2021 allows Suite 1 at 27058 Sunset Boulevard to be utilized for motor vehicle sales, display, and service. 2. Outdoor display shall be limited to the parking spaces in front of, and to the side of, Suite 1. 3. No motor vehicles in disrepair or waiting to be repaired shall be stored outside. 4. All junk, debris, and other discarded items must be promptly removed from the site. 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. James Carder noted he would likely have 2-3 cars for sale at a time. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Hogan and seconded by Enstad to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 7) Toby gave an overview of the application and noted staff recommends approval with the conditions as follows: 1. USE-0014-2021 allows the property to be utilized for contractor's shops and storage yard. 2. The building's units may only be used for contractor shops. 3. Privacy fencing shall be installed to enclose any outdoor storage area; this fencing shall provide a complete visual screen. 4. All junk, debris, and other discarded items must be promptly removed from the site. 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. Chad Javers noted the intent of the building was always going to be contractor's shops, and that the northern units would still need to be built. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Pashby and seconded by Johnson to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 8) Toby gave an overview of the application, and noted staff recommends approval with the conditions as follows: 1. USE-0017-2021 allows for light manufacturing. 2. Parking shall be developed in conformance with Article 15 of the 2009 Revised Zoning Ordinance. 3. The property shall be maintained in a neat and orderly manner. 4. Outdoor storage shall be screened by planting of trees, in conformance with the site plan dated February 12, 2021. Trees shall be planted within 1 year of permit approval. 5. A grading and drainage plan submitted for review and acceptance prior to any site grading activities. 6. 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. Brock DeVries noted the equipment is very quiet and there wouldn't be customer traffic since a showroom would be off-site. Jongeling opened the floor for public comment; hearing none he closed the floor. Jongeling opened the floor for public comment; hearing none he closed the floor. MOTION by Enstad and seconded by Johnson to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Poppens, and Jongeling. Absent; Pashby. Motion carried.

- 9) Toby gave an overview of the application, and noted staff recommends approval with the conditions as follows: 1. USE-0019-2021 allows for an agriculturally related operation, specifically, seed sales. 2. All outside storage shall be screened from neighboring properties and the public road. Any fencing installed shall be opaque. 3. 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. 4. A grading and drainage plan submitted for review and acceptance prior to any site grading activities. 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. Dave Kuper noted this would fill the gap of a few businesses that have retired, and is a central location to previous Pioneer businesses. Jongeling opened the floor for public comment. Jamie Nielson noted that Nielson Construction is excited to support this new business and that everything would be completed to code. Hearing no further comments, Jongeling closed the floor.

MOTION by Enstad and seconded by Johnson to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 10) Toby gave an overview of the application and noted staff recommends approval with the conditions as follows, specifically removing #3 as written in the staff report: 1. USE-0016-2021 allows for a public utility facility. 2. The property shall be maintained in a neat and orderly manner. 3. Access to the property shall be approved by the Lincoln County Highway department prior to building permit approval. 4. A perimeter fence shall be installed in accordance with the site plan dated January 29, 2021 and shall provide a visual screen from adjacent properties. 5. 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. 6. A grading and drainage plan submitted for review and acceptance prior to any site grading activities. 7. 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. Brian Kruger, from Northern Natural Gas, noted the site will be developed based upon a facility easement, not a land purchase nor lease, and that a security fence is planned around the site. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Hogan and seconded by Enstad to approve with the findings and conditions as presented, by removing condition #3 listed in the staff report. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 11) Toby gave an overview of the application and noted staff recommends approval with the conditions as follows: 1. USE-0020-2021 allows for an agriculturally related operation as described with the application materials dated February 12, 2021. 2. The property shall be maintained in a neat and orderly manner. 3. Access to the property shall be approved by Delaware Township prior to building permit approval. 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 grading and drainage plan submitted for review and acceptance prior to any site grading activities. 6. 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. Rich Cooper noted that DTE owns 11 renewable natural gas facilities, but this would be the first in South Dakota. He explained that the manure would be pumped from the livestock sites through underground sewer pipes, treated, and then the digestant would be pumped back to the livestock sites. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Pashby and seconded by Enstad to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

- 12) Toby gave an overview of the application, and noted staff recommends approval with the conditions as follows: 1. The project (telecommunication tower) is developed in accordance with the plans received on March 10, 2021 or as modified by the Planning Commission. 2. The Conditional Use Permit shall be valid for a period of two (2) years from this date and if not commenced shall expire on March 15, 2023. 3. A sign including the owner's name, telephone number, and site ID number shall be provided on the perimeter fence. 4. All lighting on site shall be down-directional, sharp cut-off

luminaries, to ensure no spillage of illumination off the parcel. 5. In accordance with Article 12.11(H) of the 2009 Revised Zoning Ordinance, the owner of the facility shall file an annual notification in writing to the Planning and Zoning Office as to the current operation of the tower facility. 6. The tower and property shall be maintained in a safe and clean manner. Jonah Snyder, VIKOR Teleconstruction, noted that Tillman would be the owner of the tower, and AT&T would be the main tenant on the tower. The tower is part of the FirstNet project to increase connectivity of emergency response, in which case this location is currently a dead-zone. Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Pashby and seconded by Johnson to approve with the findings and conditions as presented. Ayes; Enstad, Hogan, Johnson, Pashby, and Jongeling. Abstain; Poppens. Motion carried.

13) Removed from agenda at beginning of meeting.

NEW BUSINESS

None.

ADJOURNMENT

MOTION by Enstad and seconded by Johnson to adjourn at 8:10pm. Ayes; Enstad, Hogan, Johnson, Pashby, Poppens, and Jongeling. Motion carried.