

CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Hogan on March 20, 2023 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Planning Commission members present were Mark Johnson, Jerry Jongeling, Scott Green, Erik Scott, Mike Poppens, and Wendi Hogan. County staff present were Toby Brown and Noah Watson.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Hogan asked if there were any changes to the meeting minutes from February 21, 2023. No one proposed any changes. A motion was made by Commissioner Jongeling and seconded by Commissioner Scott to approve the meeting minutes from February 21, 2023. A roll call vote was taken. Yeas: Johnson, Jongeling, Green, Scott, and Hogan. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

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

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Hogan opened the floor for public comment. Dale Bonnema, 5005 E 49th St; Mike Hoffman, 27673 Hwy 11; Michelle Jensen, 27673 Hwy 11; Anthony Ventura, 47763 292nd; Alfred Slaathaug 48198 Kim Cir; Aaron Eldridge, Project Manager with Carbon Solutions; Carol Hoines, 3112 W Auburn Hills; and Tom Eiesland, 47740 278th St, spoke regarding Carbon Dioxide Pipelines. Hearing no additional comment, Commissioner Hogan closed the floor to public comment.

OLD BUSINESS

No old business was discussed.

PUBLIC HEARINGS

- 1) Toby Brown introduced the application and presented a brief summary of the staff report. Craig Sorum was present to speak and answer questions. Commissioner Hogan opened the floor to public comment. Dave Harmsen; 908 S Tama, Rock Rapids, IA, expressed concerns over the access belonging to Lyon & Sioux Rural Water. Hearing no additional comments, Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Johnson to approve the application with the following conditions:
 1. That the Conditional Use Permit applies only to the transfer of two (2) building eligibilities from Government Lots 4 and 5, S1/2 SE1/4 (Except Lot K in the SE1/4), Section 17-T99N-R48W, Dayton Township to Government Lots 1 and 2 (Except Lot H-6 & Petterson's Tract 1), Section 16-T99N-R48W, Dayton Township.
 2. Each building eligibility will require a minimum of one platted acre for development.
 3. Access approval from the appropriate road authority (Lincoln County Highway Department) shall be acquired prior to the development of any building eligibilities located on the parcel.

4. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. The permit holder is responsible for compliance with all federal, State, and Local rules, regulations, and permitting requirements.

A roll call vote was taken. Yeas: Johnson, Jongeling, Scott, Green, Poppens and Hogan. Nays: None. Motion carried.

- 2) Toby Brown introduced the application and presented a brief summary of the staff report. Gerald Mettler was present to speak and answer questions. Commissioner Hogan opened the floor to public comment. Hearing none, Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Jongeling and seconded by Commissioner Green 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 Tract 9, Mettler's Addition, NE1/4, Section 23-T97N-R49W, Highland Township to the N1/2 SW1/4, Section 23-T97N-R49W, Highland Township.
2. Each building eligibility will require a minimum of one platted acre for development.
3. Access approval from the appropriate road authority (Highland Township) shall be acquired prior to the development of any building eligibilities located on the parcel.
4. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. The permit holder is responsible for compliance with all federal, State, and Local rules, regulations, and permitting requirements.

A roll call vote was taken. Yeas: Johnson, Jongeling, Green, Poppens and Hogan. Nays: None. Abstained: Scott. Motion carried.

- 3) Toby Brown introduced the application and presented a brief summary of the staff report. Toby Brown also recommended a 7th condition to the Conditional Use Permit that says, "County Planning staff shall facilitate an annual meeting of Brooklyn and Delaware Townships and the Owner/Operator of the plant". Tim den Dulk was present to speak and answer questions. Commissioner Hogan opened the floor to public comment. Nathan Jensen, 29843 473rd Ave; Tim den Dulk Jr., 46785 290th St; and Lewis Vanderlaan, 28931 469th Ave, spoke in favor of the application. Bethany Erck, 46747 291st St; Joyce Thvedt, 46802 292nd St; Steven Holmberg, 46551 293rd St; and Dana Knutson, 46526 291st St; spoke in opposition to the application. During public comment, Commissioner Jongeling suggested that the third condition be amended to include Brooklyn Township. Tim den Dulk Jr. addressed the comments from Brooklyn Township, claiming that no trucks would enter the township. Hearing no additional comments, Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Poppens and seconded by Commissioner Green to approve

the application with the original conditions, the amendment to Condition 3, and the addition of Condition 7 as follows:

1. The Conditional Use Permit for the operation of an agriculturally related operation involving the handling, storage, transporting, and shipping of farm products (Milk Condensing Plant) shall be substantially in accordance with the submitted Site Plan (Dated February 21, 2023).
2. Any expansion or intensification of the use beyond that which has been proposed by the applicant shall be treated in the same manner as a request for a new Conditional Use Permit, as per the Lincoln County Code of Ordinances.
3. The permit holder shall comply with the road authority's (Delaware Township & Brooklyn Township) access requirements, improvements and/or standards it has, if any.
4. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
5. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
6. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.
7. County Planning Staff shall facilitate an annual meeting of Brooklyn and Delaware Townships with the Owner/Operator of the plant.

A roll call vote was taken. Yeas: Johnson, Jongeling, Green, Scott, Poppens, and Hogan. Nays: None. Motion carried.

NEW BUSINESS

- 1) Toby Brown updated the planning commission on the status of RZNE-0098-2023 which was remanded by the Board of Commissioners back to the Planning Commission.
- 2) Toby Brown opened the work session for discussion on the remanded carbon dioxide pipeline ordinance. The Planning Commission had questions about the remand by the Board of Commissioners. Toby Brown recommended to the Planning Commission that they move forward with setting a public hearing date to fulfill the remand request of the Board of Commissioners. The Planning Commission came to an agreement to add the remanded ordinance to the April 17, 2023 meeting agenda as a public hearing.

ADJOURNMENT

A motion was made by Commissioner Green and seconded by Commissioner Johnson to adjourn the meeting at 8:37 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.