

CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Hogan on May 15, 2023 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Planning Commission members present were Jerry Jongeling, Collin Enstad, Erik Scott, Michael Poppens, and Wendi Hogan. Scott Green was later present, via phone, for item six (6) on the meeting agenda. County staff present were Toby Brown, Noah Watson, Terry Fluit, and Bill Golden.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Hogan asked if there were any changes to the meeting minutes from April 17, 2023. No one proposed any changes. A motion was made by Commissioner Scott and seconded by Commissioner Jongeling to approve the meeting minutes from April 17, 2023. A roll call vote was taken. Yeas: Jongeling, Enstad, Scott, Poppens, 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 Poppens and seconded by Commissioner Scott to approve the meeting agenda. A roll call vote was taken. Yeas: Jongeling, Enstad, Scott, Poppens, and Hogan. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Hogan opened the floor for public input on non-agenda items. Hearing none, she closed the floor to public input 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. Nicholas German 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 Enstad to approve the application with the following conditions:
 1. The occupation shall be conducted entirely within a dwelling and/or accessory building and clearly incidental to the use of the structure for residential purposes.
 2. The occupation shall be operated by a member of the family residing in the dwelling.
 3. Employees of the occupation shall be limited to residents of the dwelling and up to two non-resident employees, not to exceed four employees on site.
 4. In addition to the dwelling, up to 2,000 square feet of accessory building space may be used for the occupation.
 5. The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These

off the property noise standards shall not apply to public and railroad rights-of-way.

6. The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
7. No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur except as outlined in this section.
8. A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation. No off-premises signs shall be used.
9. The occupation shall not generate more than ten visits per day from clients or customers averaged over a period of seven consecutive days.
10. There shall be only limited and incidental sale of products conducted on the premises.
11. The number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.

A roll call vote was taken. Yeas: Jongeling, Enstad, Scott, Poppens, and Hogan. Nays: None. Motion Carried.

- 2) Toby Brown introduced the application and presented a brief summary of the staff report. Tom Rausch and Eric Stearns were 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 Enstad and seconded by Commissioner Poppens to approve the application with the following conditions:

1. Site development shall conform with the construction plans submitted to the Planning and Zoning Department. Any revisions to the plans shall first be approved by the Planning Director prior to any land disturbances or construction activity.
2. All materials and equipment shall be stored in an enclosed building or screened outdoor storage.
3. All employee, construction, and delivery parking shall be provided on-site in the designated area. Parking on public roads or in road rights-of-way is prohibited.
4. That all outdoor lighting shall be of a fully-cut off and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
5. The permit holder shall comply with the road authority's (Lincoln County) access requirements, improvements and/or standards, if any.
6. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
7. 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.
8. 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: Jongeling, Enstad, Scott, Poppens, and Hogan. Nays: None. Motion Carried.

- 3) Toby Brown introduced the application and presented a brief summary of the staff report. Tom Rausch and Eric Stearns were 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 Poppens and seconded by Commissioner Enstad to approve the application with the following conditions:

1. Site development shall conform with the construction plans submitted to the Planning and Zoning Department. Any revisions to the plans shall first be approved by the Planning Director prior to any land disturbances or construction activity.
2. All materials and equipment shall be stored in an enclosed building or screened outdoor storage.
3. All employee, construction, and delivery parking shall be provided on-site in the designated area. Parking on public roads or in road rights-of-way is prohibited.
4. That all outdoor lighting shall be of a fully-cut off and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
5. The permit holder shall comply with the road authority's (Lincoln County) access requirements, improvements and/or standards, if any.
6. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
7. 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.
8. 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: Jongeling, Enstad, Scott, Poppens, and Hogan. Nays: None. Motion Carried.

- 4) Toby Brown introduced the application and presented a brief summary of the staff report. Tom Rausch and Eric Stearns were 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 Scott to approve the application with the following conditions:

1. Site development shall conform with the construction plans submitted to the Planning and Zoning Department. Any revisions to the plans shall first be approved by the Planning Director prior to any land disturbances or construction activity.
2. All materials and equipment shall be stored in an enclosed building or screened outdoor storage.
3. All employee, construction, and delivery parking shall be provided on-site in the designated area. Parking on public roads or in road rights-of-way is prohibited.

4. That all outdoor lighting shall be of a fully-cut off and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
5. The permit holder shall comply with the road authority's (Lincoln County) access requirements, improvements and/or standards, if any.
6. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
7. 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.
8. 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: Jongeling, Enstad, Scott, Poppens, and Hogan. Nays: None. Motion Carried.

- 5) Toby Brown introduced the application and presented a brief summary of the staff report. Andy Hulscher was present to speak and answer questions on behalf of Alliance Communications. Commissioner Hogan opened the floor to public comment. Hearing none, Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Scott and seconded by Commissioner Enstad to approve the application with the following conditions:

1. Site development shall conform with the site plan submitted to the Planning and Zoning Department. Any revisions to the plans shall first be approved by the Planning Director prior to any land disturbances or construction activity.
2. All materials and equipment shall be stored in an enclosed building or screened outdoor storage.
3. That all outdoor lighting shall be of a fully-cut off and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
4. The permit holder shall comply with the road authority's (South Dakota Department of Transportation) access requirements, improvements and/or standards, if any.
5. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
6. 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.
7. 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: Jongeling, Enstad, Scott, Poppens, and Hogan. Nays: None. Motion Carried.

- 6) Prior to the start of this item, Commissioner Jongeling recused himself from this item and Commissioner Green was contacted. Toby Brown introduced the application and presented a brief summary of the staff report. William C. Brunner was present to speak and answer questions. Commissioner Hogan opened the floor to public comment. A letter of support was read from Steven and Elizabeth Feldhaus. Steve Feldhaus was also present to add comment. Steve voiced support, but did express concerns over the

building size, the duration of the project, and clarification on the liable party in case of road damage. Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Poppens and seconded by Commissioner Scott to approve the application with the following conditions:

1. The building location shall adhere to the submitted site plan, and the required 30-foot front yard setback must be maintained.
2. The total area of all accessory buildings may not exceed 6,440 square feet.
3. That the building shall be an accessory use to the continued use of the property as a residential lot.
4. That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
5. That all outdoor lighting shall be of a fully-cut off and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
6. 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.

A roll call vote was taken. Yeas: Enstad, Green, Scott, Poppens, and Hogan. Nays: None. Motion Carried.

NEW BUSINESS

- 1) Toby Brown updated the Planning Commission on the status of USE-0010-2023. Toby Brown informed them that the item had been tabled by the Board of Commissioners and would be heard on the May 23, 2023 meeting agenda. The Planning Commission was also updated on the status of the Comprehensive Plan. Toby Brown informed the Planning Commission that a meeting had been had that morning and that more details would be discussed in the next agenda item.
- 2) Tom Berry opened the presentation with discussion surrounding the importance of a comprehensive plan and the timeline that Stantec would be pursuing in creating Lincoln County's Comprehensive Plan. Tom then invited Tom Rausch from South Lincoln Rural Water to speak about the future of rural water in Lincoln County. Tom Rausch informed the Planning Commission that growth was expected and improvements to the system were underway. The County Highway Superintendent, Terry Fluit, presented next and discussed the concerns for growth, road quality, budgeting issues, and possible improvements. Finally, Katie Kemmitt presented the findings from the first comprehensive plan survey. Certain topics were discussed more than others in the survey. Positive topics were the rural character, low crime, quality of education, and recreational opportunities. Negative topics were property taxes, road quality, housing options/affordability, and land use conflicts. Katie also informed the Planning Commission that a second survey would be available on the Lincoln County Website in the coming weeks.

ADJOURNMENT

A motion was made by Commissioner Scott and seconded by Commissioner Enstad to adjourn the meeting at 8:34 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.