

CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Hogan on June 20, 2023 at 6:31 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Planning Commission members present were Jerry Jongeling, Todd Boots, Erik Scott, Scott Green, Collin Enstad, and Wendi Hogan. County staff present were Toby Brown, Noah Watson, Joe Meader, and Bill Golden.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Hogan asked if there were any changes to the meeting minutes from May 15, 2023. No one proposed any changes. A motion was made by Commissioner Scott and seconded by Commissioner Enstad to approve the meeting minutes from May 15, 2023. A roll call vote was taken. Yeas: Jongeling, Scott, Boots, Enstad, Green, 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 Green and seconded by Commissioner Scott to approve the meeting agenda. A roll call vote was taken. Yeas: Jongeling, Scott, Boots, Green, Enstad, 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, on behalf of the applicant, requested that the agenda item be postponed. A motion was made by Commissioner Scott and seconded by Commissioner Jongeling to postpone RZNE-0031-2023. A roll call vote was taken. Yeas: Jongeling, Scott, Boots, Green, Enstad, Hogan. Nays: None. Motion carried.
- 2) Prior to the presentation of the agenda item, Erik Scott recused himself. Toby Brown introduced the application and presented a brief summary of the staff report. Todd Kirby 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 Green 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 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.
 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. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
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: Jongeling, Boots, Green, Enstad, and Hogan. Nays: None. Motion Carried.

- 3) Prior to the presentation of the agenda item, Jerry Jongeling recused himself. Toby Brown introduced the application and presented a brief summary of the staff report. Kim Hofer 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 Scott and seconded by Commissioner Green 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. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
6. 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: Boots, Scott, Green, Enstad, and Hogan. Nays: None. Motion Carried.

- 4) Toby Brown introduced the application and presented a brief summary of the staff report. Toby Brown also informed the board that the applicant had not mailed the public hearing notices within the prescribed timeline. Mike Denning 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 Boots 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. There shall be no indication of offensive noise, odor, smoke, dust, or glare at or beyond the property line.
6. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

The commissioners deliberated and a motion was made by Commissioner Scott and seconded by Commissioner Jongeling to add the following two amendments to the application:

7. Conditional Use Permit, USE-0042-2023, is valid for two (2) years and shall be brought before the Planning Commission for review after such time has passed.
8. All temporary structures shall be removed no later than seven (7) days after July 5th.

A roll call vote was taken. Yeas: Jongeling, Boots, Scott, Hogan. Nays: Enstad, Green. Motion Carried.

A roll call vote was then taken on the original motion. Yeas: None. Nays: Jongeling, Boots, Scott, Green, Enstad, and Hogan. Motion Failed.

- 5) Toby Brown introduced the application and presented a brief summary of the staff report. Anthony Ventura was present to speak and answer questions. Anthony Ventura requested that Commissioner Boots recuse himself from the agenda item. Commissioner Boots recused himself from the agenda item. Commissioner Hogan opened the floor to public comment. First, Commissioner Hogan opened the floor to those in favor of the proposed ordinance. Scott Montgomery, 320 Elm Street, Fairview; Karla Lems, 47980 281st St; Gary Schuster, 2812 W Stratton Circle; Carol Hoines, 3112 W Auburn Hills Ct; Drew DeNeui, 27597 470th Ave; Gary Meyer, Hartford, South Dakota; John Sjaarda, 115 Lynx St, Valley Springs; Michelle Jensen, 27673 Hwy 11; Sara Steever, 46850 276th St; Linda Montgomery, Fairview, South Dakota; Paula Bell, 47449 276th; Joyce Swanson, 27450 481st Ave; Mika Hansen, 4051 Sioux Falls; David Vinzant, 26123 Canary Drive; Tennille, Saint Gregory Street; Ernest Stratmeyer, 28503 474th Ave; Rodney Miles, 27530 470th Ave; Joy Hohn, 46178 263rd St, Hartford; Chase Jensen, Medary Ave, Brookings County; Timmothy Wassom, 27628 468th Ave; Kathy Sullivan, 27753 472nd Ave; John Steever, 46822 276th; and Anthony Ventura, 47763 292nd spoke in favor of the proposed ordinance. Hearing no more comments in favor of the proposed ordinance, Commissioner Hogan opened the floor to those in opposition of the ordinance. Aaron Eldridge, 2321 N Loop Dr, Ames, IA; Shawn Hofer, 27135 472nd Ave, Marion, South Dakota; Kevin Peterson, Salem, South Dakota; and Tom Eislan, 47740 278th St spoke in opposition to the proposed ordinance. Commissioner Hogan then called up the applicant, Anthony Ventura, for additional comment. Anthony Ventura invited Eric Bogue and Paul Blackburn to speak. Eric Bogue, 47832 US HWY 18, and Paul Blackburn, 4028 McCulloch St, Duluth, spoke in support of the proposed ordinance. Hearing no additional comments, Commissioner Hogan closed the floor to public comment.

Following public comment, a motion was made by Commissioner Green and seconded by Commissioner Scott to have a 5-minute recess. A voice vote was taken. Yeas: All. Nays: None. Motion Carried. A motion was made by Commissioner Scott and seconded by Commissioner Green to return to session. A voice vote was taken. Yeas: All. Nays: None. Motion Carried.

Discussion was had amongst the Planning Commission and motion was made by Commissioner Scott to amend the proposed ordinance by adding "Transmission Pipeline in accordance with § 154.254" to § 154.077, § 154.097, § 154.117, § 154.137, and § 154.157; reducing the setback for "Dwellings, Churches, Businesses and Eligible Building Sites" in "Table 1: Transmission Pipeline Minimum Separation Criteria" to "750 ft"; and striking "Eligible Building Site" from "Table 1: Transmission Pipeline Minimum Separation Criteria". There was no second and the Motion Failed.

The Planning Commission continued deliberation and a motion was made by Commissioner Jongeling and seconded by Commissioner Scott to recommend approval and to amend the proposed ordinance by adding "Transmission Pipeline in accordance with § 154.254" to § 154.077, § 154.097, § 154.117, § 154.137, and § 154.157; reducing the setback for "Dwellings, Churches, Businesses and Eligible Building Sites" in "Table 1: Transmission Pipeline Minimum Separation Criteria" to 750 feet; striking "Eligible Building Site" from "Table 1: Transmission Pipeline Minimum Separation Criteria"; and all municipal boundaries in "Table 1: Transmission Pipeline Minimum Separation Criteria" would have a setback of "5280 ft (1-mile)" to the Board of Commissioners. A roll call vote was taken. Yeas: Jongeling, Scott, and Hogan. Nays: Green and Enstad. Motion Carried.

NEW BUSINESS

- 1) Joe Meader introduced the Conflicts of Interests Presentation and proposed that the Planning Commission table this agenda item until the July meeting. A motion was made by Commissioner Scott and seconded by Commissioner Enstad to table the Conflicts of Interests Presentation until the July Planning Commission Meeting. A voice vote was taken. Yeas: All. Nays: None. Motion Carried.
- 2) Toby Brown updated the Planning Commission on the status of RZNE-0012-2023. Toby informed them that the Board of Commissioners supported the recommendation of the Planning Commission. The Planning Commission was also updated on the status of 14-CUP-022 and 15-CUP-019, which staff has determined are both in noncompliance and will be brought in for review.
- 3) Toby Brown informed the Planning Commission that a draft of the Future Land Use map will be presented at the next meeting. Additionally, Toby let the Planning Commission know that the second survey and results from the first survey have been posted on the Lincoln County website.

ADJOURNMENT

A motion was made by Commissioner Scott and seconded by Commissioner Green to adjourn the meeting at 10:45 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.