

CALL TO ORDER

The Lincoln County Planning Commission regular meeting was called to order by Chairman Jongeling on April 19, 2021 at 06:30 PM in the Commission Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Commission members Ron Albers, Mark Johnson, Erik Scott, Jerry Jongeling, and Michael Poppens were present. Additionally present were Toby Brown and Joan Doss from County Planning.

APPROVAL OF THE MEETING MINUTES

- 1) MOTION by Scott and seconded by Albers to approve the minutes from March 15, 2021. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.

APPROVAL OF THE MEETING AGENDA

Toby noted item #1 would need to be removed because notification requirements were not met. MOTION by Scott and seconded by Johnson to approve the agenda by removing item 1. Ayes; Albers, Johnson, Scott, 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) Removed from agenda.
- 2) Toby gave an overview of the application and noted the property is within the subdivision authority of Harrisburg. Matt Roach noted they listened to the previous concerns about drainage and site development and have worked with Aaron Norman for the subdivision plan engineering. Aaron Norman noted that the approach was moved to the far east and would now end in a cul-du-sac, with a planned detention area surrounding the development.
Jongeling opened the floor for public comment. Proponents noted they felt it would have a positive impact on the area. Opponents raised concerns about drainage, property values, and overall felt commercial did not fit in the area. Hearing no further comments, Jongeling closed the floor
MOTION by Jongeling and seconded by Johnson to recommend approval of the rezoning application. Ayes; None. Nays; Albers, Johnson, Scott, Poppens, and Jongeling. Motion failed.
- 3) Toby gave an overview of the application and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit (USE-0023-2021) allows an oversized accessory building up to 4,900 square feet on the premise. 2. The property shall be maintained in conformance with the site plan dated January 23, 2021. 3. 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. Justin Kuiken noted the bathroom would hook into the new septic system shared with the house.
Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Johnson and seconded by Scott to approve with the recommended conditions. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. 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-0024-2021) allows an oversized accessory building up to 2,400 square feet on the premise. 2. The property shall be maintained in general conformance with the site plan received February 26, 2021. 3. 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. Larry Healy noted the building would match the house and would be for personal use.

Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Scott and seconded by Albers to approve with the recommended conditions. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.

- 5) Toby gave an overview of the application, and noted staff recommends approval with the following conditions: 1. Prior to the Planning Department's review and approval of the zoning permit, the applicant shall coordinate with the City of Tea and receive their approval of the site plan. 2. All on-site parking spaces shall be marked and/or striped as shown on the submitted site plan. 3. All of the surfaced areas shall be installed in accordance with the approved site plan. 4. All internal drives shall remain open for emergency vehicles and vehicle maneuvering. 5. RV's, boats, and automobiles stored on-site shall not be posted with "For Sale" signage on them. 6. No RV, boat, or automotive repairs shall be permitted on-site. 7. No on-site lighting shall shine or glare into the adjacent properties or public right-of-way. 8. Except for the storage of RV's, boats, and automobiles, no other storage of materials or equipment shall be allowed on the site. 9. No grey or black water dumping shall be allowed on the site without a dump station that meets all requisite standards and regulations for the location. 10. Security fencing shall be installed around the perimeter of the outdoor storage facility. Brian Gaede noted he will likely have a phased approach to the property development for surfacing and fencing.

Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Johnson and seconded by Scott to approve with recommended conditions. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.

- 6) Toby gave an overview of the application, and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit (USE-0030-2021) allows an electrical substation that is developed in accordance with the site plan dated February 1, 2021 or as modified by the Planning Commission. 2. The permittee shall be responsible for obtaining, if applicable, a road use agreement with Delaware Township prior to construction to ensure repairs for any damage to roads. 3. All buildings shall be painted in earth tones. 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 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. Paul Letsche noted the new substation is needed to accommodate growth. Jongeling opened the floor for public comment. Opponents noted concern of stray voltage, power line placement, and impact to quality of life. Paul Letsche noted the application is to place the substation, and that later on they would be able to discuss the route of the lines. Hearing no further comments, Jongeling closed the floor.

MOTION by Poppens and seconded by Scott to approve with the recommended conditions. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.

- 7) Toby gave an overview of the application, and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit (USE-0033-2021) allows a private outdoor recreation facility that is developed in accordance with the site plan received March 12, 2021 or as modified by the Planning Commission. 2. Use of buildings shall be incidental to the related outdoor recreation events. 3. Outdoor lighting 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. The recreation facility shall not create noise which is detectable off the property between the hours of 8:00 p.m. and 8:00 a.m. 5. Festivals are limited to four (4) times a year. 6. Alcohol sales are prohibited on site. 7. Continued compliance with the access easement as filed in the Lincoln County Register of Deeds, instrument number 135414. 8. 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. Toby also noted additional conditions could include a 1-year review and a road haul agreement with the township. John Schutte noted they have sold pumpkins in town in the past and are looking to start a U-pick business on site, with the potential of offering concessions on the weekends. Jongeling opened the floor for public comment. Opponents noted they feel the proposal doesn't fit the classification of a recreation facility, concerns of increased traffic on a dead-end road, and safety concerns with neighboring livestock. Hearing no further comments, Jongeling closed the floor.

Commission members offered comments that included concerns about traffic and that it doesn't seem to fit the area.

MOTION by Poppens and seconded by Johnson to approve with the recommended conditions. Ayes; None. Nays; Albers, Johnson, Scott, Poppens, and Jongeling. Motion failed.

- 8) Toby gave an overview of the application, and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit (USE-0034-2021) allows a contractor's shop and storage yard that is developed in accordance with the site plan received March 15, 2021. 2. Privacy fencing shall be installed to enclose any outdoor storage area; this fencing shall provide a complete visual screen. Fencing shall be installed within one year of permit approval. 3. Any lighting used for outdoor illumination shall be hooded or controlled so light does not shine upward nor light adjoining properties. 4. La Valley Business Park subdivision improvements shall be completed in accordance with the approved subdivision plans prior to building permit approval. 5. A building/zoning permit and/or floodplain development 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. Ryan Folsom noted the building will be single-owner occupied, and road improvements have begun. Jongeling opened the floor for public comment; hearing none he closed the floor. MOTION by Poppens and seconded by Scott to approve with the recommended conditions. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.

- 9) Toby gave an overview of the application and noted staff recommends approval with the following conditions: 1. The permit transfers one (1) building eligibility to the property described as W1/2NW1/4, except S 288' of N 746' of W 180', in Section 17-T99N-R51W. This property will have a total of one (1) available building

eligibility. 2. Two (2) available building eligibilities remain on the property described as SW1/4 of Section 17-T99N-R51W. 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. Driveway location approval from the relevant road authority shall be provided prior to building permit approval. Del Johnke noted they have talked to the highway department regarding the driveway location.

Jongeling opened the floor for public comment; hearing none he closed the floor.

MOTION by Scott and seconded by Poppens to approve with the recommended conditions. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.

NEW BUSINESS

None.

ADJOURNMENT

MOTION by Scott and seconded by Poppens to adjourn at 9:05 PM. Ayes; Albers, Johnson, Scott, Poppens, and Jongeling. Motion carried.