

CALL TO ORDER

The Lincoln County Planning Commission regular meeting was called to order by Chairman Jongeling on May 17, 2021 at 06:30 PM in the Commission Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Commission members Wendi Hogan, Colin Enstad, Jerry Jongeling, Erik Scott, and Michael Poppens (arrived at 6:36pm) were present. Additionally present were Toby Brown, Joan Doss, and Jen Cleveland from County Planning.

APPROVAL OF THE MEETING MINUTES

- 1) MOTION by Scott and seconded by Hogan to approve the meeting minutes from April 19, 2021. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.

APPROVAL OF THE MEETING AGENDA

MOTION by Scott and seconded by Enstad to approve the agenda. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

No comments were presented.

OLD BUSINESS

No old business was discussed.

PUBLIC HEARINGS

- 1) Toby Brown presented the draft ordinance of the Planned Development. Nancy Kirstein noted they have grown and sold vegetables and have refurbished their barn to host public and private events. Jongeling opened the floor for public comment. Ned Horsted noted support of rezone. Hearing no further comments, Jongeling closed the floor. MOTION by Scott and seconded by Hogan to recommend approval of the rezone. Ayes; Enstad, Hogan, Poppens, and Jongeling. Nays; Scott. Motion carried.
- 2) Toby Brown presented the draft ordinance of the Planned Development. Don Nelson noted they are requesting mixed uses for commercial, light industrial, and general industrial, and request landscaping requirements for Subarea B be removed from the ordinance. Todd VanMaanen noted the primary access would be from Highway 18. Jongeling opened the floor for public comment. Proponents felt it is a good location for mixed uses. Opponents voiced concerns about drainage. Hearing no further comments, Jongeling closed the floor. Poppens questioned if this development would be better suited within a city. MOTION by Enstad and seconded by Poppens to recommend approval of the rezone. Ayes; None. Nays; Enstad, Hogan, Scott, Poppens, Jongeling. Motion failed.
- 3) Toby presented the preliminary plan and noted it meets the minimum requirements. Don Nelson noted there are no current plans for Tract 2. Jongeling opened the floor for public comment. Proponents noted they felt the site fits the proposal. Hearing no further comments, Jongeling closed the floor. MOTION by Hogan and seconded by Scott to recommend approval of the preliminary plan. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.

- 4) Toby presented the recommended conditions as follows: 1. The permit transfers two (2) building eligibility to the property described as S1/2SE1/4, Except Tract 1 Dairy Addition and The Bluffs at Spring Creek in Section 22-T100N-R49W. This property will have a total of two (2) available building eligibility. 2. No building eligibilities remain on the property described as N1/2NE1/4, Except Long Tract 1 & Meadows at Spring Creek, in Section 27-T100N-R49W. 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. Laurie Long noted they wish to preserve the eligibilities for family members.
- Jongeling opened the floor for public comment. Opponents questioned if the land will remain agriculture and how the land could be subdivided for more homes. Hearing no further comments, Jongeling closed the floor.
- MOTION by Enstad and seconded by Hogan to approve with the conditions as presented. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.
- 5) Toby presented the recommended conditions as follows: 1. The Conditional Use Permit (USE-0048-2021) allows a total of 3,038 square feet of accessory building space on the premise. 2. The property shall be maintained in conformance with the site plan received April 26, 2021. 3. No more than two horses shall be kept on the property at any given time. 4. The stabling of horses shall not be in conjunction with a commercial operation. 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.. Emily Anderson noted the structure would be a 3-sided loafing shed, and that there are other homes in the area with horses.
- Jongeling opened the floor for public comment; hearing none he closed the floor.
- MOTION by Scott and seconded by Hogan to approve with the conditions as recommended. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.
- 6) Toby presented the recommended conditions as follows: 1. The Conditional Use Permit (USE-0049-2021) allows a roadside stand that is developed in accordance with the site plan received May 10, 2021 or as modified by the Planning Commission. 2. Continued compliance with the access easement as filed in the Lincoln County Register of Deeds, instrument number 135414. 3. Conditional use permit shall be reviewed one (1) year after permit issuance. John Schutte noted this application would only allow for tree sales, and customers would pick up trees by appointment. He also noted sales would only take place for a few weeks in the spring and fall.
- Jongeling opened the floor for public comment. Proponents noted no concerns with possible traffic. Opponents noted concern with impacts to neighboring land uses, traffic on a dead-end road, issues with the access easement, and felt it didn't meet the definition of a roadside stand. Hearing no further comments, Jongeling closed the floor.
- Hogan noted concern that denying the permit would prevent someone's income.
- MOTION by Hogan and seconded by Poppens to approve with the conditions as presented and by adding a condition that only tree sales are allowed from April through July and September through October. Ayes; Hogan, Nay; Enstad, Scott, Poppens, Jongeling. Motion failed.
- 7) Toby presented two versions of temporary zoning regulations for medical cannabis. Version 1 would deny all applications until SD Department of Health distributes model regulations. Version 2 would implement regulations defining uses and outlining stipulations within each zoning district and would take immediate effect upon

approval.

Jongeling opened the floor for public comment. Proponents noted it is best to take a proactive approach and suggested including co-locating cultivation and distribution facilities, and including provisions for review by local fire departments or emergency management. Hearing no further comments, Jongeling closed the floor.

MOTION by Enstad and seconded by Poppens to recommend approval of Version 2 with an added stipulation of #13 to Section F that states: The facility shall submit a fire prevention plan and a floor plan for review and acceptance by the Lincoln County Emergency Management Director or his or her designee. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.

NEW BUSINESS

- 1) Toby explained a proposed draft of additional uses to the A-1 Agricultural district and associated definitions. It was consensus to schedule a public hearing on the proposed amendments.

ADJOURNMENT

MOTION by Scott and seconded by Enstad to adjourn at 9:15pm. Ayes; Enstad, Hogan, Scott, Poppens, and Jongeling. Motion carried.