

**Lincoln County Planning Commission
Meeting Minutes
November 18, 2024**

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Scott on November 18, 2024 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. Planning Commission members present were Marlene Sweeter, Jerry Jongeling, Todd Boots, Scott Green, Tiffani Landeen, Collin Enstad, and Erik Scott. County staff present were Toby Brown, Noah Watson, and Drew DeGroot.

APPROVAL OF THE MEETING MINUTES

- 1) Planning Commission Meeting of Monday, October 21, 2024.

Commissioner Scott asked if there were any changes to the meeting minutes from October 21, 2024. No one proposed any changes. A motion was made by Commissioner Green and seconded by Commissioner Jongeling to approve the meeting minutes from October 21, 2024. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Commissioner Scott asked for a motion to approve the meeting agenda. A motion was made by Commissioner Boots and seconded by Commissioner Enstad to approve the agenda. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Scott opened the floor for public input on non-agenda items. Hearing none, he closed the floor to public input on non-agenda items.

PUBLIC HEARINGS

- 1) **Application:** USE-0071-2024: Conditional use permit to exceed 1,500 square feet of total accessory building area (requesting 5,400 additional square feet for a total of 6,240 cumulative square feet) on the properties described as Tract A, Wright Addition, SE1/4 SE1/4, Section 27-T100N-R49W Springdale Township and Tract 5, Spring Valley Estates, SE1/4 SE1/4, Section 27-T100N-R49W Springdale Township.
Applicant: Jesse Wright
Property Owner: Jesse L & Laura A Wright
Location: Parcel ID: 100.49.27.IA00 & 100.49.27.B500

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff questions regarding restrictions on accessory building square footage relating to the house, the submitted site plan, and the presence of a building eligibility. Jesse Wright was present to speak and answer questions. Mr. Wright explained the application in more detail. The commission asked questions about access to the property. Commissioner Scott then opened the floor to public comment. Hearing none, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Boots and seconded by Commissioner Landeen to approve the application with the following conditions:

1. All site development shall comply with the applicable lot requirements.
2. The accessory building shall only be used for the storage of personal property, and no commercial uses and commercial storage shall take place.
3. The accessory building may not be used for dwelling purposes.
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.
6. Tract A, Wright Addition, SE1/4 SE1/4, Section 27-T100N-R49W Springdale Township and Tract 5, Spring Valley Estates, SE1/4 SE1/4, Section 27-T100N-R49W Springdale Township shall be combined into one tract prior to issuance of a building permit.

Deliberation was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Landeen, Enstad and Scott. Nays: None. Motion carried.

- 2) Text amendments to Chapter 154 (Zoning) of the Lincoln County Code of Ordinances for carbon dioxide pipelines and carbon dioxide production facilities.

Toby Brown introduced the item and updated the Planning Commission on the status of the subject amendments. The commission asked staff questions regarding the rezone amendment. Commissioner Scott then opened the floor for public comment. Mike Hoffman, Canton SD; Kyah Broders, 47580 278th St; Anthony Ventura, Hudson SD; Sara Steever, Lennox SD; Jason VanDentop, 27745 481st Ave; Michelle Jensen, Canton SD; Joan Lund, 27726 SD HWY 11; Don Hoffman, 47327 Harrisburg; Betty Otten, Tea SD; Scott Montgomery, Fairview SD; and Linda Montgomery, Fairview SD, spoke regarding the item. Comments were made regarding setbacks, pipeline size variables, sandbagging, alternative ordinances, citizen wants, PUC, Supreme Court, Senate Bill 201, desire for public input, postponement until the new commission, appealing a building permit, mixing ordinance #2 and #3, the ad hoc committee, municipal setback compared to rural setback, safety, modifying the proposed ordinances, new president, not passing an ordinance, and tabling the ordinance. During public comment, Toby Brown was asked to provide some more information on the proposed ordinance amendments, and Drew DeGroot, Lincoln County State's Attorney, was invited forward to answer questions regarding the potential of no ordinance. Hearing no additional comments, Commissioner Scott closed the floor to public comment. The Planning Commission deliberated and discussed options. Concerns were expressed by the commission regarding the definitions.

The Planning Commission first discussed ordinance #1 (Permissive Use). Discussion was had regarding amending the proposed ordinance amendments. Concerns were expressed regarding no public hearing and being too restrictive or not restrictive enough. Commissioner Scott asked for a motion. A motion was made by Commissioner Jongeling and seconded by Commissioner Green to recommend approval of ordinance amendment #1 (Permissive Use) to the Lincoln County Board of Commissioners.

Discussion was had by the Planning Commission. A roll call vote was taken. Yeas:

None. Nays: Sweeter, Jongeling, Boots, Green, Enstad, and Scott. Abstain: Landeen. Motion failed.

The Planning Commission next discussed ordinance #2 (Permitted Special Use). Commissioner Scott asked for a motion. A motion was made by Commissioner Boots and seconded by Commissioner Enstad to recommend approval of ordinance amendment #2 (Permitted Special Use) to the Lincoln County Board of Commissioners.

Discussion was had by the Planning Commission. A roll call vote was taken. Yeas: None. Nays: Sweeter, Jongeling, Boots, Green, Enstad, and Scott. Abstain: Landeen. Motion failed.

Next, the Planning Commission discussed ordinance #3 (Conditional Use Permit). Chairperson Scott allowed Eric Bogue to come forward and request adding a floor to the ordinance. The commission asked staff questions about conditional uses with standards. The Planning Commission continued discussion of the ordinance. Commissioner Scott asked for a motion. A motion was made by Commissioner Boots and Seconded by Commissioner Sweeter to recommend adding a floor to ordinance #3 (Conditional Use Permit) to the Lincoln County Board of Commissioners.

Discussion was had by the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Enstad, and Scott. Nays: Green. Abstain: Landeen. Motion passed.

Commissioner Scott then asked for a motion on the ordinance amendment #3 (Conditional Use Permit). A motion was made by Commissioner Boots and seconded by Commissioner Jongeling to recommend approval of ordinance amendment #3 (Conditional Use Permit) to the Lincoln County Board of Commissioners.

Discussion was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Enstad, and Scott. Nays: None. Abstain: Landeen. Motion passed.

Finally, the Planning Commission discussed ordinance #4 (I-1 Permissive Use). Staff were asked questions regarding valves and above-ground structures. Commissioner Scott asked for a motion. A motion was made by Commissioner Jongeling and seconded by Commissioner Boots to recommend approval of ordinance amendment #4 (I-1 Permissive Use) to the Lincoln County Board of Commissioners.

Discussion was had by the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Enstad, and Scott. Nays: None. Abstain: Landeen. Motion passed.

3) Connecting Lincoln County 2050 Comprehensive Plan.

Toby Brown and Tom Berry presented the Connecting Lincoln County 2050 Comprehensive Plan. Information was provided regarding community involvement in the compressive plan, the creation of the comprehensive plan, composition of the comprehensive plan, changes made from the previous comprehensive plan, the intent of the comprehensive plan, and implementation of the comprehensive plan. Mr. Brown

further emphasized that the adoption of the Connecting Lincoln County 2050 Comprehensive plan is phase one and updating the Lincoln County Code of Ordinances would be phase two. Additionally, Mr. Brown touched on the new goal, policies, Planned Growth Area. Finally, Mr. Brown thanked all of those that participated in the comprehensive plan process.

The Planning Commission discussed the Connecting Lincoln County 2050 Comprehensive Plan. Comments were made regarding the improved future land use map and increased municipal cooperation. Commissioner Scott opened the floor to public comment. Tom Eiesland, 47740 271st St; Kyah Broders, 47580 278th St; and Rob Kurtenbach, 28784 472nd Ave provided comments on the item. Comments were shared regarding positive growth management, taxes, better knowledge of future land use, and public inclusion in the drafting process. Commissioner Scott then closed the floor to public comment. The Planning Commission discussed their thoughts on the Connecting Lincoln County 2050 Comprehensive Plan, and Commissioner Scott asked for a motion to recommend approval. A motion was made by Commissioner Jongeling and seconded by Commissioner Green to recommend approval of the Connecting Lincoln County 2050 Comprehensive Plan to the Lincoln County Board of Commissioners.

Deliberation was had amongst the Planning Commission. A roll call vote was taken: Yeas: Sweeter, Jongeling, Boots, Green, Enstad, and Scott. Nays: None. Abstain: Landeen. Motion carried.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

- 1) Planning Commission Briefing.

No information was briefed.

ADJOURNMENT

A motion was made by Commissioner Landeen and seconded by Commissioner Boots to adjourn the meeting at 9:01 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.