

**Lincoln County Planning Commission
Meeting Minutes
September 18, 2023**

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was called to order by Acting Chairperson Scott on September 18, 2023 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. County Planning Commission members present were Marlene Sweeter, Todd Boots, Michael Poppens, Jerry Jongeling, and Erik Scott. County staff present were Toby Brown and Noah Watson.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Scott asked if there were any changes to the meeting minutes from August 21, 2023. No one proposed any changes. A motion was made by Commissioner Poppens and seconded by Commissioner Boots to approve the meeting minutes from August 21, 2023. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Commissioner Scott asked if there were any changes to the meeting agenda. Commissioner Scott requested the removal of Item 1 of "Old Business". A motion was made by Commissioner Jongeling and seconded by Commissioner Boots to approve the meeting agenda with the removal of Item 1 of "Old Business". 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-0060-2023: Conditional Use Permit to transfer one (1) building eligibility from the property legally described as Tract 2, DeGeest's Addition, Government Lot 3, Section 21-T99N-R48W Dayton Township to Tract 1, DeGeest's Addition, Government Lot 3, Section 21-T99N-R48W Dayton Township.

Toby Brown introduced the application and presented a brief summary of the staff report. Matthew DeGeest was present to speak and answer questions. Commissioner Scott opened the floor to public comment. Hearing no comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Boots and seconded by Commissioner Jongeling to approve the application with the following conditions:

1. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
2. Before occupancy, all development and construction is to substantially comply with the approved plans.
3. Access must receive approval from the appropriate road authority (Dayton Township) prior to the issuance of a building permit.

4. 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: Sweeter, Boots, Poppens, Jongeling, and Scott. Nays: None. Motion carried.

- 2) **Application:** USE-0061-2023: Conditional Use Permit to allow an electrical substation on the property legally described as Lot 1, La Valley Substation Addition, SE1/4, Section 3-T99N-R50W La Valley Township.

Toby Brown introduced the application and presented a brief summary of the staff report. Jerae Wire was present to speak and answer questions. Commissioner Scott opened the floor to public comment. Hearing no comments, Commissioner Scott closed the floor to public comment. Discussion was had amongst the board about potential noise pollution generated by the substation. A motion was then made by Commissioner Poppens and seconded by Commissioner Boots to approve the application with the following conditions:

1. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan and signage plan.
2. Before occupancy/operation, all development and construction is to substantially comply with the approved plans.
3. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
4. 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: Sweeter, Boots, Poppens, Jongeling, and Scott. Nays: None. Motion carried.

- 3) **Application:** USE-0062-2023: Conditional Use Permit to allow a Class 1 Major Home Occupation on the property legally described as Tract 1, Fischer's Addition, W1/2 NE1/4, Section 21-T99N-R50W La Valley Township.

Toby Brown introduced the application and presented a brief summary of the staff report. Josh Miller was present to speak and answer questions. Commissioner Scott opened the floor to public comment. Hearing no comments, Commissioner Scott closed the floor to public comment. Discussion was had regarding the future growth of the home occupation and the limitations set by the conditions which the applicant stated he would comply with. A motion was made by Commissioner Poppens and seconded by Commissioner Sweeter to approve the application with the following conditions:

1. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
2. Before occupancy/operation, all development and construction is to substantially comply with the approved plans.

3. 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.
4. The occupation shall be operated by a member of the family residing in the dwelling.
5. 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.
6. In addition to the dwelling, up to 2,000 square feet of accessory building space may be used for the occupation.
7. 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 the 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.
8. The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
9. No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur except as outlined in this section.
10. 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.
11. The occupation shall not generate more than ten visits per day from clients or customers averaged over a period of seven consecutive days.
12. There shall be only limited and incidental sale of products conducted on the premises.
13. 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.
14. 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: Sweeter, Boots, Poppens, Jongeling, and Scott. Nays: None. Motion carried.

- 4) **Application:** USE-0064-2023: Conditional Use Permit to allow a Garden Center on the property legally described as SE1/4 SW1/4, Section 32-T100N-R49W Springdale Township.

Toby Brown introduced the application and presented a brief summary of the staff report. Alex Friest was present to speak and answer questions. The Commission expressed concerns about the definition of a Garden Center, the intensity of the operation, and the potential for growth. Commissioner Scott opened the floor to public comment. First, those in favor of the application were asked to come forward. Norm Smeenck, 47774 273rd Street, spoke in favor of the application, stating that he is excited for the Friest Family to start a business in his area. Commissioner Scott then opened the floor to those in opposition of the application. Sarah Soldatke, 47757 273rd Street, had concerns about noise in the future, what a garden center is, future expansion, customers being on-site, drainage, and what times employees would be visiting the

property. Mike Van Buskirk, 27264 477th Avenue, had concerns regarding the definition of a garden center, traffic impact, future growth, pesticide use, drainage impacts, screening, and noise. Hearing no additional comments, Commissioner Scott closed the floor to public comment. A motion was then made by Commissioner Poppens and seconded by Commissioner Boots to approve the application with the following conditions:

1. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
2. Before occupancy/operation, all development and construction is to substantially comply with the approved plans.
3. Any expansion or intensification of the use will require a new Conditional Use Permit.
4. There shall be no unsecured or unscreened outdoor storage.
5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. Access approval must be granted by the appropriate road authority (Lincoln County Highway Department).
7. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

Discussion was had amongst the commission. Commissioner Poppens expressed concerns about the vagueness of the application and would seek further clarification prior to final action on the item. Commissioner Jongeling concurred with Commissioner Poppens' concerns and sought more clarification, but had additional worries about the lack of a definition for a garden center. Commissioner Boots expressed concerns about the lack of a definition of a garden center and the opinions of the neighbors. Commissioner Poppens discussed postponing the application to a later date to allow additional comment and analysis. Commissioner Scott and Commissioner Sweeter agreed with Commissioner Poppens in the postponing of the application to a later date for more discussion and analysis. A motion was made by Commissioner Boots and seconded by Commissioner Poppens to postpone the item until the next meeting.

A roll call vote was taken. Yeas: Sweeter, Boots, Poppens, Jongeling, and Scott. Nays: None. Motion carried.

OLD BUSINESS

- 1) **Tabled:** RZNE-0058-2023: Text Amendment to amend Section 154.338, Off-Premises Signs Exceptions, of the Lincoln County Code of Ordinances.

The item was removed from the agenda.

NEW BUSINESS

- 1) Work Session: Comprehensive Plan Update.

Toby Brown updated the Planning Commission on the status of the Comprehensive Plan update. Mr. Brown informed the Board that the Comprehensive Plan consultants

would be present at the next meeting to go over goals/reviews. Toby Brown displayed the current draft of the future land use map for the review of the board.

ADJOURNMENT

A motion was made by Commissioner Jongeling and seconded by Commissioner Scott to adjourn the meeting at 7:57 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.