

**Lincoln County Planning Commission  
Meeting Minutes  
October 16, 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 October 16, 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 (after approval of the meeting agenda), Jerry Jongeling, Scott Green, 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 September 18, 2023. No one proposed any changes. A motion was made by Commissioner Jongeling and seconded by Commissioner Green to approve the meeting minutes from September 18, 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. Prior to asking for a motion, Commissioner Scott clarified the state of Public Hearing Item 3. Commissioner Scott explained that the item was tabled, and the main motion is still on the floor. A motion was made by Commissioner Boots and seconded by Commissioner Sweeter to approve the meeting 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. Anthony Ventura, 47763 292nd Avenue, spoke regarding the need for a carbon pipeline ordinance and emphasized the importance of getting an ordinance passed to protect landowners. Todd Shulz, 47732 279th Street, and Clayton Hatle, 47545 275th Street, spoke on the need for more information on the state penitentiary siting and expressed their concerns about the penitentiary's effects on safety and growth.

**PUBLIC HEARINGS**

- 1) **Application:** PD-0063-2023: To rezone the property legally described as Lots 1 and 2, Lake Alvin Subdivision, SE1/4 SE1/4, Section 33-T100N-R49W Springdale Township from the RC Recreation/Conservation District and the RR Rural Residential District to the PD Planned Development District.

Applicant: Joel McDowell

Property Owner: Joel McDowell and Arnold Zomermaand

Location: Parcel ID: 100.49.33.D100 and 100.49.33.D200

Toby Brown introduced the application and presented a brief summary of the staff report. Joel McDowell was present to speak and answer questions. Commissioner Scott opened the floor to public comment. First, those in favor of the application were asked to come forward. Hearing no comments, those in opposition to the application were asked to speak. Rebecca Johnson, 47890 Prairie Circle; Richard Cook, 47894 Prairie Circle; Chase Koskovich, 27203 Cedar Ridge Court; Leonard Iwinski, 27327

479th Avenue; Rowley Fink, 27275 479th Avenue; Mike Nerland, 47857 273rd Street; Dean Lucid, 27313 Meadow Ridge Road; Jessica Cook, 47898 Prairie Circle; Steve Davis, 27308 Meadow Ridge Road; Laurita McKercher, 27234 Cedar Ridge Court; Sandra Braun, 27395 470th Avenue; Barbara Christiansen, 47898 273rd Street; and Chris Nordquist, 27219 Cedar Ridge Court, spoke in opposition to the application. Concerns regarding lack of communication, timing of the request, traffic, safety, noise, property values, habitat impact, the hearing sign, zoning regulations/comprehensive plan conformance, impact on residential character, environmental impact, hours/days of operation, drunk drivers, uses allowed, and the impact on the state park were expressed by those in attendance. Hearing no additional comments, Commissioner Scott closed the floor to public comment.

Commissioner Scott requested a motion for approval to allow for discussion of the application. A motion was made by Commissioner Jongeling and seconded by Commissioner Poppens to recommend approval of the application to the Board of County Commissioners. Commissioner Poppens expressed the importance of organized growth and that he would not support the application. Commissioner Poppens also explained that tonight's decision is a recommendation to the Board of Commissioners and not a final determination. Commissioner Jongeling had concerns about the police and fire services in the area, the development's effects on neighbors, and traffic impacts. Due to the aforementioned reasons, Commissioner Jongeling stated he would not support the application. Commissioner Green concurred with the previous concerns and expressed additional concerns about the lack of city input and neighbor support. Commissioner Green stated he would not support the application. Commissioner Boots emphasized the danger that the intersection could pose with the development and that he would not be in support of the application. Commissioner Sweeter raised concerns about how future owners may utilize the Planned Development in a different and more impactful manner than is currently proposed. Commissioner Scott thanked those in attendance and those involved with the application. Commissioner Scott also reminded those in attendance that tonight's hearing would only provide a recommendation and there would be another hearing scheduled to bring the item before the County Board of Commissioners. Commissioner Scott also expressed concerns with the future of the rezone as well as the impact on the road authority and stated he would not be in support of the application. A roll call vote was taken. Yeas: None. Nays: Sweeter, Boots, Green, Poppens, Jongeling, and Scott. Motion failed.

- 2) **Application:** USE-0067-2023: Conditional Use Permit to allow a contractor's shop and storage yard on the property legally described as Tract 33, Southwest Industrial Park, NE1/4 SE1/4, Section 24-T100N-R51W Delapre Township.

Applicant: Chad Javers

Property Owner: Shps & Storage Solutions, LLC.

Location: Parcel ID: 100.50.64.D330

Toby Brown introduced the application and presented a brief summary of the staff report. Toby reported that the Tea City Council had recently denied the site plan. Chad Javers was present to speak and answer questions. Chad Javers provided information on communication with the City of Tea as well as Tea's intent to have the proposed building site be reserved for retail purposes. Commissioner Poppens suggested

deferring the item to a later time so that more communication could be had with Tea regarding the site plan and use. 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 Green and seconded by Commissioner Jongeling to remove Item #2 from the agenda and add it to the agenda on November 20, 2023.

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

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

Applicant: Alex Friest  
Property Owner: Myron and Peggy Bunger  
Location: 47732 273rd Street

Commissioner Scott introduced the tabled item by inviting Toby Brown to speak about any new information. Toby Brown introduced the application and presented a brief summary of changes to the staff report which included a definition for garden center and a new site plan submitted by the applicant. Commissioner Jongeling expressed interest in asking the applicant some more questions. Alex Friest was present to speak and answer questions. Commissioner Scott asked the commission to take action on the existing motion by Commissioner Poppens and seconded by Commissioner Boots to approve the application for a garden center 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.

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

## **OLD BUSINESS**

No old business was discussed.

## **NEW BUSINESS**

1) Work Session: Comprehensive Plan Update.

Toby Brown informed the Planning Commission that the Comprehensive Plan Update has been paused by staff and the consultant so that we can think through some new proposed land use developments.

Commissioner Scott asked Mr. Brown about concerns expressed during public comment. Toby informed the Planning Commission that the A-1 zoning district allows such public facilities by conditional use permit, but no application has been received at this time. So, staff has nothing to comment on at this time. Toby also responded that the carbon pipeline ordinance process is still to be determined.

**ADJOURNMENT**

A motion was made by Commissioner Green and seconded by Commissioner Boots to adjourn the meeting at 8:15 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.