

**Lincoln County Planning Commission
Meeting Minutes
December 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 December 18, 2023 at 6:31 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. County Planning Commission members present were Collin Enstad, Todd Boots, Michael Poppens (arrived during Item #2 of Public Hearings), Scott Green (arrived during Item #1 of Public Hearings), 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 November 20, 2023. No one proposed any changes. A motion was made by Commissioner Jongeling and seconded by Commissioner Enstad to approve the meeting minutes from November 20, 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. A motion was made by Commissioner Boots and seconded by Commissioner Jongeling 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. Hearing none, he closed the floor to public input on non-agenda items.

OLD BUSINESS

No old business was discussed.

PUBLIC HEARINGS

- 1) **Application:** USE-0076-2023: Conditional use permit to allow a kennel on the property legally described as Tract 6, Poppens' Addition, NW1/4, Section 7-T99N-R50W LaValley Township.
Applicant: Kelsea Zillgitt
Property Owner: Kelsea & Shawn Zillgitt
Location: 47013 274th St

Toby Brown introduced the application and presented a brief summary of the staff report. Kelsea and Shawn Zillgitt were present to speak and answer questions. Kelsea provided insight into the proposed operation and the services it would provide. The commissioners asked a variety of questions about the services provided, water and electricity usage in the facility, frequency of dog boarding, and willingness to limit dogs allowed. Commissioner Scott opened the floor to public comment. First, those in support of the application were asked to come forward. Hearing no comments, Commissioner Scott opened the floor to those in opposition. Brian and Tamara Ledebor, 27408 470th Ave; Neal and Miranda Petersen, 27412 470th Ave; Dennis and Danette Galbavy, 47029 274th St; Troy Buehner, 47002 274th St; and Corey

Gronewold, 27404 470th Ave, spoke in opposition to the application. Those in opposition expressed concerns about barking/noise, traffic, dust control, presence of a business, expansion, safety, aesthetics, dog drop-offs, and the dog run. Hearing no more comments, Commissioner Scott closed the floor to those in opposition. Commissioner Scott invited the applicant back to answer additional questions. Commissioner Scott asked about the pallet fence and if dogs were currently being boarded at the site. Commissioner Scott then closed the floor to public comment and asked for a motion for approval. A motion was made by Commissioner Green and seconded by Commissioner Boots to approve the application with the following conditions with the addition of condition #7 and condition #8:

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. A fenced dog run associated with the kennel shall be fully opaque.
4. 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.
5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.
7. Eight (8) dogs maximum.
8. The permit holder shall comply with the road authority's (LaValley Township) access requirements, improvements and/or standards it has, if any.

The planning commission deliberated. A motion was made by Commissioner Jongeling and seconded by Commissioner Boots to amend the motion to remove condition #8. A roll call was taken. Yeas: Jongeling, Boots, and Enstad. Nays: Green and Scott.

The planning commission discussed the current motion. Commissioner Scott invited the applicant to come forward and answer questions. The commission asked when the boarded dogs would be outside. A motion was made by Commissioner Enstad and Seconded by Commissioner Scott to amend the motion to add condition #8 as follows:

8. No animals outside between 9:00 p.m. and 5:00 a.m.

A roll call vote was taken. Yeas: Enstad, Green, Boots, Jongeling, and Scott. Nays: None.

The planning commission continued discussion. A roll call vote was had on the motion to approve the application with the following amended 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. A fenced dog run associated with the kennel shall be fully opaque.
4. 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.
5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.
7. Eight (8) dogs maximum.
8. No animals outside between 9:00 p.m. and 5:00 a.m.

A roll call vote was taken. Yeas: Boots, Enstad, and Scott. Nays: Jongeling and Green. Motion carried.

- 2) **Application:** USE-0077-2023: Conditional use permit to allow a kennel on the property legally described as Smith's Tract 1, NW1/4 NE1/4, Section 14-T96N-R50W Pleasant Township.

Applicant: Samantha Cornelius

Property Owner: Devin & Samantha Cornelius

Location: 47453 293rd Street

Toby Brown introduced the application and presented a brief summary of the staff report. Samantha Cornelius was present to speak and answer questions. Samantha Cornelius explained the scope of the operation to the planning commission. The commissioners asked questions regarding expected daily clientele, the history of the operation, the road surface, and willingness to limit dogs. Commissioner Scott then opened the floor to public comment. First, those in favor of the application were asked to come forward. Hearing none, Commissioner Scott asked those in opposition to come forward. Hearing none, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Enstad 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/operation, all development and construction is to substantially comply with the approved plans.
3. A fenced dog run associated with the kennel shall be fully opaque.
4. 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.
5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

7. Eight (8) dogs maximum.

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

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 commission that work on the update would resume. Mr. Brown proceeded to explain that work would focus on revising the future land use map. The previous draft of the land use map included additional rural commercial/industrial nodes outside interstate interchanges. He noted that based on the public comments received, those additional nodes would be removed in the next draft of the future land use map.

Mr. Brown also informed the planning commission that the survey was reopened to the public and that last month an invitation had been extended to municipalities to discuss joint jurisdiction with Lincoln County. Mr. Brown explained that Joint Jurisdiction would allow municipalities and the county to better plan for areas within their projected growth area. Mr. Brown also emphasized the increased interest in the preservation of the rural quality of life. Mr. Brown explained that staff intends to reach out to the Board of Commissioners to schedule a joint meeting between the Board of Commissioners and the Planning Commission. This meeting would be used to cultivate conversation about the future land use map and the Comprehensive Plan update.

Mr. Brown also expressed the importance of updating the Lincoln County zoning standards and regulations. Revising the standards after the comprehensive plan update would allow more consistency in all areas of the processes.

2) Conditional use permit #14-CUP-022 (Class 1 Major Home Occupation).

Toby Brown requested that the Planning Commission set a new flexible hearing date for the review of conditional use permit #14-CUP-022 so that staff can continue to engage the property owner and ensure compliance with the legal process. A motion was made by Commissioner Jongeling and seconded by Green to move the review date of conditional use permit #14-CUP-022 to whenever staff is ready.

A voice vote was taken. Yeas: All. Nays: None. Motion carried.

3) Approval of 2024 Planning & Zoning Calendar.

Toby Brown requested that the Planning Commission approve the Planning & Zoning Calendar for 2024. A motion was made by Commissioner Boots and seconded by Commissioner Enstad to approve the 2024 Planning & Zoning Calendar.

A voice vote was taken. Yeas: All. Nays: None. Motion carried.

ADJOURNMENT

A motion was made by Commissioner Jongeling and seconded by Commissioner Green to adjourn the meeting at 7:47 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

