

**Lincoln County Planning Commission
Meeting Minutes
May 20, 2024**

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was called to order by Acting Chairperson Jongeling on May 20, 2024 at 6:31 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. Planning Commission members present were Marlene Sweeter, Todd Boots, Jim Schmidt, Collin Enstad, and Jerry Jongeling. County staff present were Toby Brown and Noah Watson.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Jongeling asked if there were any changes to the meeting minutes from April 15, 2024. No one proposed any changes. A motion was made by Commissioner Sweeter and seconded by Commissioner Boots to approve the meeting minutes from April 15, 2024. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Commissioner Jongeling asked for a motion to approve the meeting agenda and move old business ahead of public hearings. A motion was made by Commissioner Schmidt and seconded by Commissioner Enstad to approve the meeting agenda and move old business ahead of public hearings. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Jongeling 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:** RZNE-0033-2024: To change the zone of a portion (approximately 104.17 acres) of the property legally described as NW1/4 (Ex. Lots H-1 and H-4 and Tower Estates and Tract 1 of Neeman Addition and Ponderosa Park Addition), Section 6-T99N-R50W LaValley Township from the A-1 Agricultural District to the I-1 Light Industrial District.
Applicant: Kelly Nielson
Property Owner: Matthew J & Teresa M Herman
Location: Parcel: 099.50.06.2000

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff about commercial uses in the I-1 zoning district, access to the property, proposed zoning on the property, and the City of Tea's opinion on the item. Kelly Nielson was in attendance to speak and answer questions. Kelly Nielson provided additional information on the proposal. Some questions were asked about the proposed rural residential "buffer" and drainage control. Commissioner Jongeling opened the floor to public comment. First, those in favor of the application were asked to come forward. Hearing none, Commissioner Jongeling asked those in opposition to the application to come forward. Kevin Wheeler, 47022 Teri Ln; Rocky Welker, 47028 Teri Ln; Terry Mark, 47014 Teri Ln; Dave Reiners, 27361 471st Ave; Ira Sherman, 47008 Teri Ln; Mary Hoon, 47012 Teri Ln; Dana Hahn 214 W 4th Ave; Randal Haber, 47018 Teri Ln; Sandy Braun, 27395 470th Ave; Rex Pommier, 27446

471st Ave; spoke in opposition to the application sharing concerns with premature development, drainage, floodplain, wetlands. impact downstream, conflicting land uses, road conditions, impact on townships, and easements limiting the proposed residential development. There was support from those in opposition for the rezone of a buffer to RR rural residential. Hearing no additional comments, Commissioner Jongeling closed the floor to public comment. A motion was made by Commissioner Schmidt and seconded by Commissioner Boots to recommend approval of the application to the Board of County Commissioners. Discussion was had amongst the board regarding the drainage, road improvements, road districts, premature development, buffering, floodplain, the future land use plan, and the project time frame.

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

- 2) **Application:** RZNE-0034-2024: To change the zone of a portion (approximately 5 acres) of the property legally described as NW1/4 (Ex. Lots H-1 and H-4 and Tower Estates and Tract 1 of Neeman Addition and Ponderosa Park Addition), Section 6-T99N-R50W LaValley Township from the A-1 Agricultural District to the RR Rural Residential District.

Applicant: Kelly Nielson

Property Owner: Matthew J & Teresa M Herman

Location: Parcel: 099.50.06.2000

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff about construction within an easement. Kelly Nielson was in attendance to speak and answer questions. Kelly Nielson provided additional information on the proposal. Some questions were asked about adding a berm to the RR rural residential buffer. Commissioner Jongeling opened the floor to public comment. First, those in favor of the application were asked to come forward. Rocky Welker, 47028 Teri Ln; Kevin Wheeler, 47022 Teri Ln; Terry Mark, 47014 Teri Ln, spoke in favor of the application. Comments were made in support of a buffer and additional separation distance. Hearing no additional comments, Commissioner Jongeling asked those in opposition to the application to come forward. Hearing none, Commissioner Jongeling closed the floor to public comment. A motion was made by Commissioner Enstad and seconded by Commissioner Boots to recommend approval of the application to the Board of County Commissioners. Discussion was had amongst the board regarding drainage, compromise, and the use of a berm.

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

- 3) **Application:** USE-0018-2024: Conditional use permit to allow the operation of a stable on the property legally described as Tract 1, Dingsor Addition, E1/2 SW1/4, Section 24-T99N-R50W LaValley Township.

Applicant: Bianca Johnson

Property Owner: Joshua and Bianca Johnson

Location: 47542 277th St

Toby Brown introduced the application and presented a brief summary of the staff report. Bianca Johnson was present to speak and answer questions. Commissioner Scott then opened the floor to public comment. Seeing none, Commissioner Scott

closed the floor to public comment. A motion was made by Commissioner Boots and seconded by Commissioner Scott to approve the application with the following conditions:

1. All development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
2. Any expansion or intensification of the stable will require a new Conditional Use Permit.
3. Any outdoor storage associated with the stable shall be properly screened.
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.

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

- 4) **Application:** USE-0028-2024: Conditional use permit to allow a contractor's shop and storage yard on the property legally described as the N477' of the W1100' of Government Lot 2 of the NW1/4, Section 7-T98N-R50W including Meyers Tract 1 therein and except that portion of Lot H-1 contained therein, according to the Government Survey, Lynn Township.
Applicant: Matt Kissell
Property Owner: Kopecky Living TST
Location: 47015 SD Highway 44

Toby Brown introduced the application and presented a brief summary of the staff report. Matt Kissell was present to speak and answer questions. The commission asked questions regarding access. Commissioner Jongeling then opened the floor to public comment. First those in favor of the application were asked to come forward. Seeing none, Commissioner Jongeling asked those in opposition of the application to come forward. Tanna Gries, 46996 280th St, and Michelle Bitner, 46967 SD HWY 44, asked questions regarding the longevity of the use, potential traffic, and speed limits. Hearing no additional comments, Commissioner Jongeling closed the floor to public comment. Commissioner Jongeling invited the applicant to come forward and answer questions. Questions were asked regarding expected traffic, storage of materials on site, and potential crushing on site. A motion was made by Commissioner Boots and seconded by Commissioner Enstad to approve the application with the following conditions:

1. All development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
2. The property shall only be utilized as a contractor's shop and storage yard.
3. There shall be no unsecured or unscreened outdoor storage.
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.

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

- 5) **Application:** Lincoln County Tax Increment District Number 10: Tax Increment District Number 10 is to assist in funding the public infrastructure project known as the 85th Street and I-29 Interchange Project.

Toby Brown introduced the application and presented a brief summary of the proposal. The commission asked staff questions regarding if the tax increment district was specifically related to redevelopment. Commissioner Jongeling opened the floor to public comment. Ken Albers asked questions about the proposal regarding surplus tax revenue and how the school districts would recover lost tax revenue. Tim Graf, 528 Harper Circle, provided comments on behalf of the Harrisburg School District in support of the proposed application. Hearing no additional comments, Commissioner Jongeling closed the floor to public comment. Commissioner Jongeling asked for a motion to approve the application. A motion was made by Commissioner Boots and seconded by Commissioner Enstad to approve the application.

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

OLD BUSINESS

- 1) **Tabled Application:** USE-0017-2024: Conditional use permit to exceed 1,500 square feet of accessory building space (requesting 2,032 square feet) on the property legally described as Lot A, Tract 1, Aspen Creek 2nd Addition, S1/2 NE1/4, Secdion 8-T99N-R49W Dayton Township.
Applicant: Justin Skogen
Property Owner: Steve and Angela Bomgaars
Location: 27427 SD Highway 11

Toby Brown introduced the application and presented a brief summary of the status of the application. A motion was made by Commissioner Boots and Seconded by Commissioner Sweeter to remove the item from the table.

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

The commission invited the property owners forward to answer questions. The commission asked if the property owners found the recommended conditions acceptable. The application had a standing motion by Commissioner Green and seconded by Commissioner Jongeling to approve the application with the following conditions:

1. Before occupancy/operation, all development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
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.

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

NEW BUSINESS

- 1) **Work Session:** Comprehensive Plan Update.

Mr. Brown introduced the item and informed the Planning Commission that the Planning and Zoning Department had received a draft of the Comprehensive Plan Update. Mr. Brown asked if any members of the Planning Commission showed interest in participating in a subcommittee regarding the Comprehensive Plan Update and, if so, to reach out to Chairperson Scott.

ADJOURNMENT

A motion was made by Commissioner Sweeter and seconded by Commissioner Enstad to adjourn the meeting at 8:46 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.