

**Lincoln County Planning Commission
Meeting Minutes
June 17, 2024**

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Scott on June 17, 2024 at 6:31 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 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 May 20, 2024. No one proposed any changes. A motion was made by Commissioner Jongeling and seconded by Commissioner Sweeter to approve the meeting minutes from May 20, 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 Green and seconded by Commissioner Boots 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.

PUBLIC HEARINGS

- 1) **Application:** USE-0031-2024: Conditional use permit to allow a Class C Concentrated Animal Feeding Operation (CAFO) on the property legally described as Tracts A & B, Government Lot 2, NW1/4, Section 31-T97N-R48W Fairview Township.
Applicant: Harold Jr. & Madeline Fluit
Property Owner: Harold Fluit Jr.
Location: 29020 482nd Ave

Toby Brown introduced the application and presented a brief summary of the staff report. Harold Fluit Jr. was present to speak and answer questions. The commission asked Mr. Fluit about the proposal, extent of the operation, how long the farm has been operating, and location of expansion. Commissioner Scott then opened the floor to public comment. First, those in favor of the application were asked to come forward. Dave Koopsma, 28946 482nd Ave; Terry Kaskie, 47962 294th St; Arlyn and Cheryl Olson, 5109 S Sweetbriar Dr; and Jeff Koops spoke in favor of the application. Comments in support were made regarding property maintenance and consideration for neighbors. Next, those in opposition to the application were asked to come forward. Vance Myrbo, 48272 291st St, and Douglas Kampen, 48255 290th St, spoke in opposition to the application. Concerns were expressed regarding a lack of environmental review from the SD DANR, potential water pollution, multiple types of livestock, and waste management. Seeing no further comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Jongeling and seconded by Commissioner Green 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 beyond a class C CAFO (999 animal units) will require a new Conditional Use Permit.
3. Submit appropriate test boring results to the Planning & Zoning Department prior to expansion.
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.

Discussion was had regarding state review and requirements for a Class C CAFO. A motion was made by Commissioner Sweeter and seconded by Commissioner Boots to add condition #6:

6. The county shall submit the Nutrient Management Plan to SD DANR for review/comment.

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

A roll call vote was then taken on the main motion. Yeas: Sweeter, Boots, Jongeling, Green, and Scott. Nays: None. Motion carried.

- 2) **Application:** USE-0035-2024: Conditional use permit to exceed 10,000 square feet of warehouse building space (requesting 50,400 square feet) on the property described as Lot 2, Tempo Addition, N1/2 SW1/4, Section 24-T100N-R51W Delapre Township.
Applicant: Cory Gronewold
Property Owner: A&T Rentals LLC
Location: Parcel: 100.50.64.N002

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff questions regarding the City of Tea's opinion on the application. Cory Gronewold was present to speak and answer questions. The commission asked questions regarding the sale of storage units and future expansion. Commissioner Scott then opened the floor to public comment. First, those in favor of the application were asked to come forward. Seeing none, Commissioner Scott asked those in opposition to the application to come forward. Justin Wyland, 600 E 1st St, spoke in opposition to the application requesting that it is tabled or denied. Comments were made regarding noncompliance with the City of Tea Comprehensive Plan, subdivision authority, site plan approval, and joint jurisdiction. The commission asked questions regarding availability of utilities, annexation, fire suppression, and the City of Tea Comprehensive Plan. Mandy Husby, 2730 N Vermillion Cir, spoke in opposition to the application as well. Concerns were expressed regarding storage units and property maintenance. Hearing no additional comments, Commissioner Scott closed the floor to public comment. A motion was made 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. The proposed buildings shall only be utilized for warehousing.
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. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

With a lack of a second, the motion failed.

A motion was made by Commissioner Boots and seconded by Commissioner Sweeter to postpone the application indefinitely.

Deliberation was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Boots, and Scott. Nays: Jongeling and Green. Motion carried.

- 3) **Application:** USE-0037-2024: Conditional use permit to allow the operation of a kennel on the property described as N1/2 S1/2 NE1/4 NE1/4 (Ex. Lots H-1 and H-2), Section 8-T99N-R49W Dayton Township.
Applicant: Tigh Leibel
Property Owner: Tigh & Kelly Leibel
Location: 27421 SD Highway 11

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff questions regarding setbacks. Tigh Leibel was present to speak and answer questions. The commission asked questions regarding noncompliance, number of dogs, period of time dogs are on-site, and dog boarding. Commissioner Scott then opened the floor to public comment. First, those in favor of the application were asked to come forward. Seeing none, Commissioner Scott asked those in opposition to the application to come forward. Seeing none, three letters were read into the record. Seth Sundstrom, 27423 SD Highway 11, submitted a letter in support of the application. Comments were made regarding a lack of noise. Lynn Hurley, 27404 SD Highway 11, submitted two letters in opposition of the application. Comments were made regarding noise, traffic, and conflicting land uses. Hearing no additional comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Green 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.

Deliberation was had amongst the Planning Commission. A motion was made by Commissioner Boots and seconded by Commissioner Green to add condition #7.

7. The conditional use permit shall be reviewed by the Planning Commission 1-year from the date of approval.

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

A roll call vote was then taken on the main motion. Yeas: Sweeter, Boots, Green, Jongeling, and Scott. Nays: None. Motion carried.

- 4) **Application:** USE-0040-2024: Conditional use permit to transfer one (1) building eligibility from the property described as SW1/4 (less N887' W491' NW1/4 SW1/4), Section 13-T97N-R50W Lincoln Township to the property described as N887' W491' NW1/4 SW1/4, Section 13-T97N-R50W Lincoln Township.
 Applicant: McCade Reynolds
 Property Owner: McCade & Shanessa Reynolds
 Location: Sending Parcel: 097.50.13.3000
 Receiving Parcel: 097.50.13.3020

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff questions regarding remaining building eligibilities. McCade Reynolds was present to speak and answer questions. 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 Green and seconded by Commissioner Boots to approve the application with the following conditions:

1. Before occupancy/operation, all development and construction are to substantially comply with the applicable lot requirements, parking, and signage.
2. Each building eligibility will require a minimum of one platted acre for development.
3. Access approval from the appropriate road authority shall be acquired prior to the development of any building eligibilities located on the parcel.

4. 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, Green, Jongeling and Scott. Nays: None. Motion carried.

- 5) **Application:** USE-0041-2024: Conditional use permit to allow the operation of a campground on the property described as Government Lots 1 and 2 (Ex. Parts Sold), NW1/4, Section 7-T98N-R50W Lynn Township.
Applicant: Eric Willadsen
Property Owner: Crusher Investment Co
Location: Sending Parcel: 098.50.07.2000

Toby Brown introduced the application and presented a brief summary of the staff report. Eric Willadsen was present to speak and answer questions. The commission asked questions regarding security measures, long-term/short-term camping, utilities, clientele, and standards for campers/RVs. Commissioner Scott then opened the floor to public comment. First, those in favor of the application were asked to come forward. Cory Gronewold, 27404 470th Ave, spoke in favor of the application. Comments were made with regard to convenience and benefits. Next, those in opposition were asked to come forward. Mike Filmeyer, 28026 Boondocks Ave, and Chris Bair, 28020 Boondocks Ave, spoke in opposition to the application. Concerns were shared regarding noise, security, and transient and long-term campers. Hearing no additional comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Jongeling and seconded by Commissioner Green 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 campground shall be required to have a storm shelter constructed in conformance with applicable regulations.
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: None. Nays: Sweeter, Boots, Green, Jongeling and Scott. Motion failed.

- 6) **Application:** USE-0044-2024: Conditional use permit to allow fireworks sales on the property described as Tract 2, Garbers Addition, NE1/4, Section 19-T98N-R50W Lynn Township.
Applicant: Mike Denning
Property Owner: CHS Inc.
Location: 47073 US Highway 18

Toby Brown introduced the application and presented a brief summary of the staff report. Mike Denning was present to speak and answer questions. 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 Green 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. Firework sales are not to exceed nine (9) total days, unless a permanent structure is permitted.
4. Temporary and portable signs may be used on the property in conformance with Section 154.321.
5. All employee, construction, and delivery parking shall be provided on-site in the designated area. Parking on public roads or in road rights-of-way is prohibited.
6. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
7. 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, Green, Jongeling and Scott. Nays: None. Motion carried.

- 7) **Application:** USE-0045-2024: Conditional use permit to allow fireworks sales on the property described as Lot 2 (ex. Lot H-1), Yeo Addition, SE1/4, Section 34-T100N-R50W Springdale Township.
Applicant: Mike Denning
Property Owner: Vernon Hehn
Location: 27287 SD Highway 115

Toby Brown introduced the application and presented a brief summary of the staff report. Mike Denning was present to speak and answer questions. 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 Jongeling and seconded by Commissioner Green 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. Firework sales are not to exceed nine (9) total days, unless a permanent structure is permitted.
4. Temporary and portable signs may be used on the property in conformance with Section 154.321.
5. All employee, construction, and delivery parking shall be provided on-site in the designated area. Parking on public roads or in road rights-of-way is prohibited.

6. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
7. 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, Green, Jongeling and Scott. Nays: None. Motion carried.

- 8) **Application:** USE-0046-2024: Conditional use permit to allow the operation of a kennel on the property described as E477', S1/2 NE1/4 (Ex. S677' thereof according to government survey thereof), Section 11-T97N-R50W Lincoln Township.

Applicant: Dawn DeBoer

Property Owner: Tyan Souter

Location: 28627 475th Ave

Toby Brown introduced the application and presented a brief summary of the staff report. The commission asked staff questions regarding kennel standards. Dawn DeBoer was present to speak and answer questions. The commission asked questions regarding number of breeding dogs, average litter sizes, how long puppies are on-site, frequency of litters, age of adult dogs, and how puppies and adult dogs are kenneled. Commissioner Scott then opened the floor to public comment. First, those in favor of the application were asked to come forward. McCade Reynolds, 28762 475th, spoke in favor of the application. Next, those in opposition to the application were asked to come forward. Hearing no additional comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Jongeling 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. 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.

Deliberation was had amongst the Planning Commission. A motion was made by Commissioner Jongeling and seconded by Commissioner Boots to add condition #7.

7. The kennel shall be limited to a total of 25 adult dogs.

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

A roll call vote was then taken on the main motion. Yeas: Sweeter, Boots, Green, Jongeling, and Scott. Nays: None. Motion carried.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

A motion was made by Commissioner Green and seconded by Commissioner Jongeling to adjourn the meeting at 9:09 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.