**Lincoln County Planning Commission**
**Meeting Minutes**
**March 11, 2025**

## CALL TO ORDER AND ROLL CALL

The special meeting of the Lincoln County Planning Commission was called to order by Chairperson Jongeling on March 11, 2025, at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. Planning Commission members present were Marlene Sweeter, Todd Boots, Scott Green, Betty Otten, Erik Scott, and Jerry Jongeling. County staff present were Toby Brown, Noah Watson, and Drew DeGroot.

## APPROVAL OF THE MEETING MINUTES

1) Planning Commission Meeting of Tuesday, February 18, 2025.

   Commissioner Jongeling asked if there were any changes to the meeting minutes from February 18, 2025. No one proposed any changes. A motion was made by Commissioner Scott and seconded by Commissioner Otten to approve the meeting minutes from February 18, 2025. 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. A motion was made by Commissioner Boots and seconded by Commissioner Sweeter to approve the agenda. 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:** USE-0006-2025: Conditional use permit to allow motor vehicle sales on the property described as Tract 23, Southwest Industrial Park, NE1/4 SE1/4, Section 24-T100N-R51W Delapre Township.
   Applicant: Brian Voller
   Property Owner: S & O Building Corporation
   Location: 46993 Sunset Boulevard

   Toby Brown introduced the application and presented a brief summary of the staff report. The Planning Commission asked staff questions regarding parking/parking limits, enforcement of conditions, existing uses on-site, and adding conditions limiting operators of the proposed use. Brian Voller was present to speak and answer questions. Mr. Voller explained the application in more detail. Questions were asked regarding expected sales, the conditions of cars for sale, on-site parking/traffic, pursuit of a conditional use permit, and the proposed conditions. Commissioner Jongeling then opened the floor to public comment. Hearing none, Commissioner Jongeling closed the floor to public comment. A motion was made by Commissioner Boots and seconded by Commissioner Green to approve the application with the following conditions:

   1. This conditional use permit for motor vehicle sales shall only apply to Unit #1 and Unit #2.

2. No more than seven (7) vehicles shall be for sale on-site at any one time.
3. All outdoor display of vehicles shall be in designated parking areas/spaces.
4. Before occupancy/operation, all development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
5. No motor vehicles in disrepair or waiting to be repaired shall be stored outside.
6. No unscreened outdoor storage of equipment, parts, or materials shall be permitted.
7. All junk, debris, and other discarded items must be promptly removed from the site.
8. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
9. 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. Mr. Brown was invited forward to answer questions from the commission. Questions were asked regarding conditions, the original permit on the property, designated parking spots, and future annexation of the property. A motion was made by Commissioner Boots and seconded by Commissioner Green to amend the main motion to include an amendment to condition #2 as follows:

2. No more than five (5) vehicles shall be for sale on-site at any one time.

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

The Planning Commission asked staff about the effects of annexation on the use. The Planning Commission continued deliberations regarding compliance.

A roll call vote was taken on the amended motion. Yeas: None. Nays: Sweeter, Boots, Green, Scott, and Jongeling. Abstains: Otten. Motion failed.

2) **Application:** USE-0007-2025: Conditional use permit to allow motor vehicle sales on the property described as Lot 1, Block 1, Hagedorn Industrial Park Addition, NE1/4 SE1/4, Section 25-T100N-R51W Delapre Township.
Applicant: Tim Jenkins
Property Owner: Daylight Investments III LLC
Location: 46998 Mindy Street

Toby Brown introduced the application and presented a brief summary of the staff report. The Planning Commission asked staff questions regarding the utilization of the site and future annexation. Tim Jenkins was present to speak and answer questions. Mr. Jenkins explained the application in more detail. Questions were asked regarding communication with the City of Tea and the status of the lease. Commissioner Jongeling then opened the floor to public comment. Hearing none, Commissioner Jongeling closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Scott 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. All outdoor display of vehicles shall be in designated parking areas/spaces.
3. No motor vehicles in disrepair or waiting to be repaired shall be stored outside.
4. No unscreened outdoor storage of equipment, parts, or materials shall be permitted.
5. All junk, debris, and other discarded items must be promptly removed from the site.
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 regarding compatibility with the lot, future annexation, and comments from the City of Tea. A roll call vote was taken. Yeas: Sweeter, Boots, Green, and Jongeling. Nays: Scott. Abstains: Otten. Motion carried.

3) Remanded ordinances of Lincoln County, SD, amending Chapter 154: Zoning, Section 154.021, Definitions; Section 154.058, Conditional Uses (A-1 Agricultural District); Section 154.178, Conditional Uses (RC Recreation/Conservation District); Section 154.254, Additional Use Regulations; and Section 154.379(A), Notification, for the regulation of carbon dioxide pipelines, carbon dioxide pump stations, carbon dioxide mainline valves, carbon dioxide capture facilities, and carbon dioxide launcher and receiver facilities.

Mr. Brown introduced the item and explained the ordinance in more detail. Commissioner Otten then presented her three (3) proposed changes in detail. Changes were proposed in regard to ordinance language and changing the annual fee schedule from $1/linear foot to $5/linear foot. Deliberation was had amongst the Planning Commission. Commissioner Sweeter then expressed concerns about adding the annual funds to the county general fund. Commissioner Jongeling proposed adding an annual escalator fee to the fee schedule.

Commissioner Jongeling then opened the floor to public comment. Jason VanDenTop, 27745 481st Ave; Steve Haugaard, Sioux Falls SD; Sara Steever, 46850 276th St; and Anthony Ventura, 47763 292nd St, provided comments. Support was expressed regarding the ordinance and the depth of cover requirement. Concerns were expressed regarding maintenance of depth of cover, reference to oxide as opposed to dioxide, lack of escalator for annual fee, unequal easement compensation, lack of a setback from municipalities, referenced state statute, and a lack of a deadline for fee payments. Hearing no additional comments, Commissioner Jongeling closed the floor to public comment. Deliberation was had amongst the Planning Commission. A motion was made by Commissioner Scott and seconded by Commissioner Boots to amend the ordinance to include the three proposed changes from Commissioner Otten.

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

Discussion was had amongst the Planning Commission regarding escalator fees, linear foot fees, and initial application fees. A motion was made by Commissioner Green and seconded by Commissioner Scott to include a 2.5% escalator fee to the annual fee.

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

Additional discussion was had by the Planning Commission about what fund fees would be designated for, potential fees upon application and applicant responsibility for notification costs. A motion was made by Commissioner Green and seconded by Commissioner Boots to amend the ordinance to require the applicant to cover all notification costs.

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

Discussion continued amongst the Planning Commission. Comments were made regarding maintaining depth of cover. Drew DeGroot was called forward to answer questions about depth of cover. Mr. DeGroot informed the commission of a potential preemption of the section. A motion was made by Commissioner Scott and seconded by Commissioner Green to amend the ordinance to require the applicant to maintain a 7-foot depth of cover.

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

Deliberation then continued by the Planning Commission regarding municipal setbacks. Mr. Brown was asked questions regarding a municipal setback. Mr. DeGroot was then asked questions regarding "oxide" versus "dioxide". A motion was made by Commissioner Green and seconded by Commissioner Scott to amend the ordinance from "dioxide" to "oxide".

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

Discussions then continued regarding the referenced state statute and setbacks from a municipality. Mr. Brown came forward and provided the municipal platting authority as a potential reference. A motion was made by Commissioner Scott and seconded by Commissioner Green to amend the ordinance to include language that does not allow location within a municipal platting authority without a waiver.

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

The Planning Commission then discussed the accepted amendments. A motion was made by Commissioner Boots and seconded by Commissioner Scott to recommend approval of the ordinance with the six amendments.

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

**OLD BUSINESS**

No old business was discussed.

**NEW BUSINESS**

1) Planning Commission Briefing.

Mr. Brown updated the Planning Commission on a potential update to the Planning Commission by-laws, next month's agenda, a potential Planning & Zoning 101 presentation, and future ordinance amendments.

**ADJOURNMENT**

A motion was made by Commissioner Green and seconded by Commissioner Scott to adjourn the meeting at 9:06 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

[MIN_FOOT]