

# MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

September 21, 2020

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Monty Derausseau, Colin Enstad, Jerry Jongeling, Tiffani Landeen, Erik Scott, and Gary Pashby.

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Jayson Cameron, Nate & Steph Holtrop, David Brouwer, Nick Smith, Ron Smith, Brad Schardin, Mark & Bonnie Nelson, Tim Winker, John Ostraat, Johnathan Wildeboer, Steve Holmberg.

## 1. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order on September 21, 2020 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Pashby.

## 2. APPROVAL OF AUGUST 17, 2020 MINUTES

Landeen motioned to approve the minutes and was seconded by Scott. Motion passed unanimously (7-0).

## 3. APPROVAL OF AGENDA

Derausseau motioned to approve the agenda and seconded by Jongeling. The motion passed unanimously (7-0).

## 4. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA –

David Brouwer urged the commission to approve the amended listed under “Old Business.”

## 5. PUBLIC HEARINGS –

- a. **Application:** USE-0066-2020: Conditional Use Permit to allow an accessory building to exceed 1,500 square feet – requesting 2,400 square feet. The property is legally described as Tract 2 of Delapre Estates in the Southwest quarter (SW1/4) Section 23, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Jayson Cameron*

*Location: 27054 468<sup>th</sup> Avenue - Tea*

### **Staff Presentation:**

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0066-2020) is approved solely for the construction of 2,400 sq. ft. accessory building on the property. Any expansion of the building shall be permitted only upon approval of a new Conditional Use Permit
2. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, and/or private maintenance and repair activities, as regulated by the Lincoln County Zoning Ordinance. No products or services shall be offered for sale except as permitted for a home occupation or as otherwise regulated by the Lincoln County Zoning Ordinance.
3. Guest quarters and/or additional dwelling units are strictly prohibited.
4. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

### **Public Comment:**

Jayson Cameron noted they are wanting more personal storage space.

Pashby asked for public comment, hearing none he closed the floor.

**Discussion & Action:** Landeen motioned to approve with the recommended conditions and was seconded by Albers. The motion passed unanimously (7-0).

- b. **Application:** USE-0071-2020: Conditional Use Permit to allow an accessory building to exceed 1,500 square feet – requesting 2,400 square feet. The property is legally described as Lot D of Lot 57 of Blue Spruce Addition in the south half (S1/2) of the southwest quarter (SW1/4) of Section 36, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Nathan & Stephanie Holtrop*

*Location: 27290 Hemlock Avenue - Tea*

### **Staff Presentation:**

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0071-2020) is approved solely for the construction of 2,400 sq. ft.

accessory building on the property. Any expansion of the building shall be permitted only upon approval of a new Conditional Use Permit

2. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, and/or private maintenance and repair activities, as regulated by the Lincoln County Zoning Ordinance. No products or services shall be offered for sale except as permitted for a home occupation or as otherwise regulated by the Lincoln County Zoning Ordinance.
3. Guest quarters and/or additional dwelling units are strictly prohibited.
4. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

**Public Comment:**

Nate Holtrop noted he is also wanting more personal storage space.

Pashby asked for public comment, hearing none he closed the floor.

**Discussion & Action:** Derousseau motioned to approve with the recommended conditions and was seconded by Enstad. Motion passed unanimously (7-0)

- c. **Application:** USE-0073-2020: Conditional Use Permit to allow a Class 1 Major Home Occupation. The property is legally described as Allen Tract 4 in the north half (N1/2) of the northeast quarter (NE1/4) of Section 27, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Michael Czmowski*

*Location: 47357 271<sup>st</sup> Street – Sioux Falls*

**Staff Presentation:**

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0073-2020) is approved for the use of a Class 1 Major Home Occupation.
2. No unscreened outdoor storage pertaining to the home occupation shall be allowed on the property.
3. The occupation shall conform to the regulations outlined within Section 12.03.02(A) of the 2009 Revised Zoning Ordinance.
4. Appropriate building permits shall be obtained prior to construction of the accessory building.

**Public Comment:**

Mike Czmowski noted that he is wanting to move his business to his home site. He also confirmed that no customers would be on site.

Pashby asked for public comment, hearing none he closed the floor.

**Discussion & Action:** Landeen motioned to approve with the recommended conditions and was seconded by Scott. Motion passed unanimously (7-0).

- d. **Application:** USE-0078-2020: Conditional Use Permit to allow an accessory building to exceed 1,500 square feet – requesting 2,750 square feet. The property is legally described as Tract 15 of Schriever's Addition in the Northwest quarter (NW1/4) of Section 8, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Mark Nelson/Nick & Nicole Smith*

*Location: 27436 Idena Place - Harrisburg*

**Staff Presentation:**

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0078-2020) is approved solely for the construction of 2,750 sq. ft. accessory building on the property. Any expansion of the building shall be permitted only upon approval of a new Conditional Use Permit
2. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, and/or private maintenance and repair activities, as regulated by the Lincoln County Zoning Ordinance. No products or services shall be offered for sale except as permitted for a home occupation or as otherwise regulated by the Lincoln County Zoning Ordinance.
3. Guest quarters and/or additional dwelling units are strictly prohibited.
4. Prior to building permit approval, a surveyed site plan shall be submitted to the Planning and Zoning office.

5. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

**Public Comment:**

Mark Nelson noted he spoke with the neighbor to the north, and they would prefer if the building could be built on the southern side of the property. Additionally, the building may be constructed as a 50'x50'. Pashby asked for public comment, hearing none he closed the floor.

**Discussion & Action:** Landeen motioned to approve with the recommended conditions and was seconded by Derausseau. Motion passed unanimously (7-0).

- e. **Application:** USE-0079-2020: Conditional Use Permit to allow a Class 1 Major Home Occupation. The property is legally described as Tract 15 of Schriever's Addition in the Northwest quarter (NW1/4) of Section 8, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Mark Nelson/Nick & Nicole Smith      Location: 27436 Idena Place - Harrisburg*

**Staff Presentation:**

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0079-2020) is approved for the use of a Class 1 Major Home Occupation.
2. No unscreened outdoor storage pertaining to the home occupation shall be allowed on the property.
3. The occupation shall conform to the regulations outlined within Section 12.03.02(A) of the 2009 Revised Zoning Ordinance.

**Public Comment:**

Mark Nelson noted most of his business is conducted off-site at customer homes or shops.

Pashby asked for public comment, hearing none he closed the floor.

**Discussion & Action:** Scott motioned to approve with the recommended conditions and was seconded by Albers. Motion passed unanimously (7-0).

**6. OLD BUSINESS -**

- a. **Amendment:** Amendment to the 2009 Revised Zoning Ordinance. Continue discussion on proposed amendments to Article 3 of the 2009 Revised Zoning Ordinance. The proposed amendments to Article 3 will include amendments to Section 3.03 – Permitted Special Uses and Section 3.04 – Conditional Uses.

**Discussion & Action:** Toby gave an overview of the history of the amendment. Derausseau noted that they originally amended it to streamline permitting and because the state had more stringent rules. He also noted that he thinks it's best to revert back because of neighbor notification and the ability to add conditions to the permit. Derausseau motioned to recommend approval of the amendment as presented and was seconded by Albers. Motion passed unanimously (7-0).

**7. OPEN DISCUSSION FOR COMMISSION MEMBERS FOR ISSUES NOT ON THE AGENDA**

- a. Correspondence received. – None
- b. Comments from Planning Commission members. – None.

**8. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION –** Commissioner Landeen noted the commission has interviewed architect firms to design the public safety center and has entered a purchase agreement for land near the airport.

**9. NEW BUSINESS**

- a. Setting public hearing dates. There will be a regular planning commission meeting in October.
- b. Other new business - None.

**10. ADJOURNMENT**

Landeen motioned to adjourn at 7:35pm and was seconded by Enstad. Motion passed unanimously (7-0).

Respectfully submitted, Joan Doss - Planner