

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

October 16, 2017

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Monty Derausseau, Ron Larson, Darwin Sogn, Gary Pashby, Ron Albers, Tyler Klatt, and Jim Schmidt (arrived at 7:10)

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Anthony Ventura, Amanda Schaifers, Matthew Sorenson, John N Shaw, Adam Aasen, Mike Nerland, Jane Klemme, Larry & Kristie Healy, Rollie Fink, David Brouwer, Ted Norling, Steve Frislie, Mike Pederson

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on October 16, 2017 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derausseau.

2. APPROVAL OF SEPTEMBER 12th and SEPTEMBER 18th, 2017 MINUTES

A motion to approve the minutes from September 12 and September 18, 2017 was made by Pashby and seconded by Larson. The motion passed unanimously (6-0).

3. APPROVAL OF AGENDA

A motion to approve the agenda was made by Albers and seconded by Sogn. The motion passed unanimously (6-0).

4. CONDITIONAL USE PERMIT 17-CUP-036: Request for review and approval of a Conditional Use Permit proposing the construction and operation of a Light Manufacturing use – manufacture custom enclosures and accessories. The property is zoned “I-1” Light Industrial and is legally described as Lot 19 in Block 5 of the Hagedorn Industrial Park Addition in the Southeast quarter (SE1/4) of Section 25, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: Shaw Construction & Harvard Integrations

Owner: Muth Properties LLC

Location: 27179 470th Ave - Tea

Staff Analysis:

The property is currently vacant and consists of 6.88 acres. The proposed CUP will allow for the construction of a 21,175 sq. ft building to be utilized by Harvard Integrations for light manufacturing. Harvard Integrations specializes in the design, engineering, and manufacturing of power distribution centers, generator enclosures, modification of ISO containers, generator transport trailers and sub-base fuel tanks. After careful review of the project and all associated documents, staff has developed the following opinions for this proposal:

1. The size of the proposed building/use is in keeping with other buildings/uses within the vicinity. Since this is an expansion, the use has existed on adjacent property for several years with no apparent impact on the surrounding properties.
2. The predominant use of the area is industrial/commercial. Therefore, the approval of a conditional use permit is unlikely to be injurious to the use and enjoyment of any property in its immediate vicinity or alter the general character of the area.
3. It appears as though the proposed use is unlikely to create a nuisance for neighboring properties.
4. The proposed project complies with all relevant requirements and standards of the Zoning Ordinance and is consistent with objectives and policies of the 2025 Comprehensive Plan.

Staff Recommendation: Staff recommends that the Planning Commission **APPROVE** the proposed Conditional Use Permit, subject to the following recommended Conditions of Approval and any modifications that result from the Planning Commission’s deliberations.

1. The lot shall adhere to the submitted site plan as approved by the City of Tea.
2. A building permit from Lincoln County is required prior to construction of the proposed building.
3. Engineered building plans shall be required prior to building permit approval.
4. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.

5. If at any time the business ceases to exist, changes ownership, or changes use, the owner shall notify County Planning Staff.

That the Planning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Lincoln County Zoning Ordinance.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted this would be an expansion of the business to the north of the proposal, and would meet all setbacks. Jack Shaw, the designer and builder, noted they have worked closely with staff to confirm it meets all regulations.

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

Action:

A motion was made by Pashby, and seconded by Klatt to approve 17-CUP-036 with the recommended conditions. The motion passed unanimously (6-0).

Conditional Use 17-CUP-036 – Approved

5. **CONDITIONAL USE PERMIT 17-CUP-037:** Request for review and approval of a Conditional Use Permit proposing to exceed 1,500 square feet of total accessory building area – requesting 2,880 square feet. The property is zoned “A-1” Agricultural District and is legally described as the East 248’ of West 848’ of South 442.6’ in the Southwest quarter (SW1/4) of the Southeast quarter (SE1/4) in Section 33, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Matt Sorensen

Location: 47862 273rd St - Harrisburg

Staff Analysis:

The property includes a single-family dwelling with an attached garage occupied by the petitioner and consists of 2.51 acres. The existing dwelling is approximately 1,680 sq. ft. on the main floor according to the County Assessor’s information. After careful review of the project and all associated documents, staff has developed the following opinions for this proposal:

1. The size of the proposed residential accessory building is in keeping with other buildings within the vicinity. The proposed building will be used for the petitioner’s personal storage.
2. The predominant use of the area is agricultural/residential. Therefore, the approval of a conditional use permit is unlikely to be injurious to the use and enjoyment of any property in its immediate vicinity or alter the general character of the area.
3. No offensive nuisances shall be permitted at any time during use of the proposed accessory structure.
4. The proposed project complies with all relevant requirements and standards of the Zoning Ordinance and is consistent with objectives and policies of the 2025 Comprehensive Plan.

Staff Recommendation: Staff recommends that the Planning Commission **APPROVE** the proposed Conditional Use Permit, subject to the following recommended Conditions of Approval and any modifications that result from the Planning Commission’s deliberations.

1. A building permit from Lincoln County is required prior to construction of the proposed accessory building addition, and shall not permit construction in excess of 2,880 square feet.
2. The total area of accessory buildings on the property shall not exceed 2,880 square feet.
3. No businesses shall be allowed to operate out of the accessory building, unless allowed by an additional conditional use permit.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted neighboring buildings are of a similar size. He also noted staff received calls concerning the current condition of the property. Pashby asked if they could add a condition to clean up the property. Toby noted it would be handled as a nuisance if the issues remain.

Matt Sorenson, the petitioner, noted he agreed that the house still has work to be done, and noted the financing for the building includes funds to finish the house. He also noted the building will have 18 foot-tall sidewalls.

Klatt asked what the timeline for completion would be. Matt noted 6 weeks for the structure to be built, and throughout the winter to finish the interior. Schmidt asked how he could work on the house and the shed at the same time. Matt noted now was the slow time at work and he would be able to take time off to complete the projects. Matt also noted that he would be fine if they added a condition to the permit about finishing the siding on the house.

Toby proposed wording for condition #4 – “Siding shall be completed on the primary structure prior to issuance of building permit for the accessory structure.”

Derousseau asked for public comment.

Larry Healy noted Lake Alvin is a destination for many, and he is discouraged with Matt’s inability to finish projects. He also noted 18ft sidewalls is more than a residential use.

Mike Nerland voiced concerns about traffic, and concerned that the building will be used for his construction business.

Jane Klemme asked how nuisances are addressed. Toby explained the process.

Rollie Fink noted he has no issue with the proposal and plans to sell a strip of land so Matt can create a driveway to the building.

Hearing no further comments, Derousseau closed the floor to the public.

Larson voiced concerns that 18 foot high building is beyond a residential use. Matt noted that on one side there will be an 8ft mezzanine.

Action:

A motion was made by Pachby, and seconded by Albers to table 17-CUP-037 for one month so the petitioner can continue cleaning up property. The motion passed unanimously (7-0).

Conditional Use 17-CUP-037 – Tabled

6. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION - None

7. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received – Toby passed out various correspondence received from Cindy Thomas (in August) and Mike Pederson.
- b. Comments from Planning Commission members –
Pashby asked why we only notify to 500 feet from the property. Toby noted it was in ordinance. Joan provided an option to change the ordinance to 500 feet or minimum of 10 unique property owners.
Albers asked about the status of the junk yard in Smith’s Addition. Toby noted that it was under compliance investigation, and a work in progress.
- c. Comments from the audience:
Mike Pederson – Felt that permit notification should be placed in the newspapers as well.
Troy Anderson – Commended the commission’s attention to CAFOs
Ted Norling – Questioned why businesses would have the same setbacks as dwellings if the new amendment passes, and noted he doesn’t agree with the change.
David Brouwer – Noted computer models for setbacks shouldn’t be trusted since they’re often incorrect.
Tony Ventura – Noted there should be an intensive agricultural district, and setbacks should be from the property line not the dwelling.

8. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS’ – Schmidt gave a summary of the tour he, Commissioner Gillespie, and Toby took to view existing swine CAFOs in the county. He feels the commission needs to get ahead of the implications this will bring to the county.

9. NEW BUSINESS – Discussion of Zoning Ordinance

10. ADJOURNMENT

Motion to adjourn at 9:20pm was made by Pashby and seconded by Larson. The motion passed unanimously.

Respectfully submitted,
Joan Doss
Planner