

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

October 21, 2019

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Tyler Klatt, Stacey Clay Namminga, Ron Larson, Monty Derosseau, Jerry Jongeling, and Tiffani Landeen

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Tracy West, Glenn & Linda Van Ningen, Allen & Kathy Rippentrop, Art Hansen Jr, Steven Ballard, Ron & Jan Gednalske, Keith & Dianne Toczek, Toby Morris, Lori Hunhoff, Jeff Reiter, Andrew Hunhoff, Tom Stengrim, Brian Yock, Sharyl Rice.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on October 22, 2019 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derosseau.

2. APPROVAL OF SEPTEMBER 16, 2019 MINUTES

Jongeling motioned to approve the minutes and was seconded by Namminga, with a correction to the meeting date. The motion passed unanimously (6-0).

3. APPROVAL OF AGENDA

Landeen motioned to approve the agenda and was seconded by Klatt. The motion passed unanimously (6-0).

4. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA – None

5. PUBLIC HEARINGS

- a. REZONING/RZNE-0060-2019: Application for rezoning from the “A-1” Agricultural District to the “C” Commercial District. The request is for a portion (proposed Tract 4 of Van Ningen’s Tracts) of the property legally described as the Northeast quarter (NE1/4), except Lot H-1 and East 1652 feet of South 1054.69 feet and Van Ningen’s Tracts, of Section 31, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota

Applicant/Owner: Chalet Holdings LLC/Glenn & Linda Van Ningen Trust

Location: Directly north of 47050 Smith Circle - Harrisburg

Staff Presentation:

Toby presented the staff findings and noted the request does not conform to the Comprehensive Plan since it is piecemeal development in an area designated for agriculture. He also noted that the Harrisburg Planning Commission recommended denial of the request.

Public Comment:

Keith Toczek noted he disagrees with the staff findings and does not feel that it is premature development, nor would it have excessive impacts on traffic or drainage, and that this rezone is needed for his business to expand.

Derosseau asked for public comment.

Glen Van Ningen noted he feels this development will be a good fit, and he is not concerned about the preservation of agriculture on his property.

Hearing no further comments, Derosseau closed the floor.

Discussion & Action:

Klatt motioned to recommend approval and was seconded by Larson. The motion failed (3-3), with Jongeling, Landeen, and Derosseau dissenting.

- b. REZONING/RZNE-0068-2019: Application for rezoning from the “A-1” Agricultural District to the “RR” Rural Residential District. The property is legally described as Lot B of Olson’s Subdivision of Part of Tract 2 in the Northeast quarter (NE1/4) of Section 25, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Lori Hunhoff

Location: 47571 271st Street - Harrisburg

Staff Presentation:

Toby presented the staff findings and noted this request does not conform to the Comprehensive Plan, and that the Harrisburg Planning Commission recommended denial due to concerns with increasing development without coordinated access and utility services.

Public Comment:

Lori Hunhoff noted she was under the impression when she bought the property that it was two separate lots and that the plan all along was to build another home for sale or for her son.

Derousseau asked for public comment

Jeff Reiter noted that Hunhoff's purchased the property with the intent of a second home.

Hearing no further comments, Derousseau closed the floor.

Discussion & Action:

Jongeling motioned to recommend approval and was seconded by Klatt. The motion failed (3-3), with Namminga, Landeen, and Derousseau dissenting.

- c. CONDITIONAL USE PERMIT/USE-0066-2019: Application for a Conditional Use Permit for Class 1 Major Home Occupation. The property is legally described as Tract 2 of Jacob's Addition in the West half (W1/2) of the Southwest quarter (SW1/4) of Section 17, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Thomas & Stacie Stengrim

Location: 47108 276th Street - Harrisburg

Staff Presentation:

Toby presented the staff findings including the list of recommended conditions as follows:

1. This approval is for the project described per Conditional Use Permit (USE-0066-2019) to allow a Class 1 major home occupation.
2. The occupation is required to conform to all regulations, as amended, in the Lincoln County Zoning Ordinance for Class 1 Major Home Occupations, and any other relevant local, state, and federal laws and regulations.
3. The Planning Department or designated official(s) 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, all applicable regulations of the Lincoln County Zoning Ordinance and any other County, City, State and Federal Codes, ordinances, resolutions and laws that may apply.

Public Comment:

Tom Stengrim noted that his proposed office would be within an existing building, and no customers would be coming to the site.

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

Discussion & Action:

Namminga motioned to approve with conditions as recommended and was seconded by Landeen. The motion passed unanimously (6-0)

- d. CONDITIONAL USE PERMIT/USE-0069-2019: Application for a Conditional Use Permit for a contractor's shop and storage yard. The property is legally described as Lot A of Tract 39 in Sky Haven Heights, in the Northwest quarter (NW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Steve Ballard & Jeffrey Ballard

Location: 27136 470th Avenue - Tea

Staff Presentation:

Toby presented the staff findings including the list of recommended conditions as follows:

1. The approval is for the project as described per USE-0069-2019 to allow a contractor's shop and storage yard in accordance with the site plan approved by the City of Tea.
2. No unscreened outdoor storage is permitted, and the property shall be kept in a clean and orderly manner at all times.
3. The property owner shall not deposit any snow or improperly direct water onto neighboring properties.
4. If at any time the use ceases to exist, or changes ownership, the owner shall notify County Planning Staff.
5. 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 approved permit conditions and the Lincoln County Zoning Ordinance.

Public Comment:

Steve Ballard noted the building would be used as an office and for storing their business equipment.

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

Discussion & Action:

Namminga motioned to approve with the conditions as recommended and was seconded by Klatt. The motion passed unanimously (6-0).

- e. **REVIEW CONDITIONAL USE PERMIT / 07-CUP-053:** Review of Conditional Use Permit allowing a motor vehicle repair. The property is legally described as Lot 8 of Verhey Addition in the South half (S1/2) of Government Lots 1 and 2 in the Southwest quarter (SW1/4) of Section 31, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Brian Yock/Allen & Kathy Rippentrop Location: 27285 Verhey Place, Suite 2 – Tea

Staff Presentation:

Toby presented the staff findings and a history of the permit action taken including a list of the current conditions placed on the permit as follows:

1. That Conditional Use Permit 07-053 shall allow a motor vehicle repair shop.
2. The approved use shall comply with all applicable local, state, and federal, laws, rules, regulations and ordinances.
3. Buildings and vehicle storage areas shall meet the setback requirements of the zoning district.
4. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
5. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site. Parking shall meet the requirements of Article 15, Parking and Loading Regulations, of the 2009 Revised Zoning Ordinance for Lincoln County.
6. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways.
7. The outdoor storage of hazardous materials shall be prohibited.
8. The grounds and all structures shall be maintained in a clean and safe manner.
9. The outdoor storage of motor vehicle parts is prohibited, unless the vehicle parts are stored in a fully screened area.
10. All exterior lighting fixtures shall be hooded or controlled in some manner so as not to light adjacent property.
11. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
12. The Lincoln County Planning and Zoning 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 approved permit conditions and the Lincoln County Zoning Ordinance.
13. If at any time the use ceases to exist, or changes ownership, the owner shall notify the Lincoln County Planning and Zoning Department.
14. Review permit in one (1) year.

Public Comment:

Brian Yock noted he has cleared some of the site since staff had taken pictures and said roughly half of the items in the rear remain compared to the aerial image. Landeen asked if he was actively repairing vehicles. He noted he's turned down numerous jobs to clean the site but is actively working on rebuilding an engine for a customer.

Derousseau asked for public comment.

Allen Rippentrop noted he's been discussing the state of the property with Brian for years and is mainly concerned about access in the back of the building for emergency vehicles. He also noted there has been progress, but not enough for safety.

Hearing no further comments, Derousseau closed the floor.

Discussion & Action:

Klatt asked what would happen if the permit was revoked. Toby noted the county would start fining the property owner for non-compliance with the ordinance. Klatt also mentioned he would like to see monthly inspections with staff on the progress of clean up.

Namminga motioned to revoke the permit, but with lack of a second, the motion was rescinded.

Klatt motioned to table action for six (6) months on the condition there are monthly inspections with staff. The motion was seconded by Landeen and passed unanimously (6-0).

6. OLD BUSINESS - None

7. OPEN DISCUSSION FOR COMMISSION MEMBER 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 – None

9. NEW BUSINESS

- a. Lennox Tax Increment Financing District information. Toby Morris and Tracy West presented an overview of a TIF that will have a public hearing scheduled in November.
- b. Setting public hearing dates. A review of USE-0061-2019 to amend the permit's site plan is scheduled for November 18, 2019.
- c. Review fee schedule – Staff will present comparable county's fee schedules next month.
- d. Other new business - none.

10. ADJOURNMENT

Landeen motioned to adjourn at 8:05pm and was seconded by Klatt. Motion passed unanimously (6-0).

Respectfully submitted,
Joan Doss
Planner