

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

December 18, 2017

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Monty Derausseau, Ron Larson, Darrel Sogn, Ron Albers, and Tyler Klatt

STAFF PRESENT: Toby Brown, Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Jim Henjun, Tony Ventura, Kristen Daggett, Lee Daggett, Thom Allison, Douglas Tinklenberg, Chad Javers, Clark Meyer, Luke Hurley, Troy Anderson

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on December 18, 2017 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derausseau.

2. APPROVAL OF NOVEMBER 20, 2017 MINUTES

A motion to approve the minutes from November 20, 2017 was made by Sogn and seconded by Klatt. The motion passed unanimously (5-0).

3. APPROVAL OF AGENDA

A motion to approve the agenda was made by Klatt and seconded by Albers. The motion passed unanimously (5-0).

4. **REZONING 17-REZ-014:** Petitioner requested this application to be postponed until January.

5. **CONDITIONAL USE PERMIT 17-CUP-042:** Request for review and approval of a Conditional Use Permit proposing to exceed 10,000 square feet of total warehouse building area and outside storage – requesting 15,500 square feet. The property is legally described as Lot 7 in Block 5 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/Owner: Rail to Road Inc. – Clark Meyer

Location: 46975 Monty St - Tea

Staff Analysis:

The property is a 1-acre lot with a 12,000 square foot building. The property was previously permitted as a lumberyard and construction center. The petitioner is proposing to add 3,500 square feet onto the existing building to move materials inside, which are currently stored outside. 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 is in keeping with other buildings within the vicinity.
2. Offensive nuisances are unlikely during the proposed land use.
3. 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 building, and shall not permit construction in excess of 3,500 square feet.
2. The property shall adhere to the site plan, as approved by the City of Tea.
3. No unscreened outdoor storage is permitted and the property shall be neat and orderly at all times.
4. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
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.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted the applicant plans on moving some current outdoor storage inside.

Thom Allison and Clark Meyer, petitioners, noted they would be moving some business supplies inside to tidy up the property.

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

Action:

A motion was made by Larson, and seconded by Sogn to approve 17-CUP-042. The motion passed unanimously (5-0).

Conditional Use 17-CUP-042 – Approved

6. CONDITIONAL USE PERMIT 17-CUP-043: Request for review and approval of a Conditional Use Permit proposing to operate a contractor’s shop and storage yard. The property is legally described as Lot 9B in Block 5 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: Chad Javers Owner: Nice Place Holdings LLC Location: 27178 Linda Ave - Tea

Staff Analysis:

The property is currently a 2-acre lot, which is being divided into two lots of roughly equal size. The petitioner is proposing to construct an 11,400 square foot, 5-unit, contractor’s shop and storage yard to the east of an existing contractor’s shop and storage yard. 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 is in keeping with other buildings within the vicinity.
2. Offensive nuisances are unlikely during the proposed land use.
3. 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 building, and engineered building plans shall be submitted prior to building permit approval.
2. The property shall adhere to the site plan, as approved by the City of Tea.
3. No unscreened outdoor storage is permitted and the property shall be neat and orderly at all times.
4. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
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.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted the lot was recently subdivided from a previous conditional use site.

Chad Javer, petitioner, noted the property owners aren’t going to have outdoor storage and will be planning to rent to higher-end tenants.

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

Action:

A motion was made by Albers, and seconded by Klatt to approve 17-CUP-043. The motion passed unanimously (5-0).

Conditional Use 17-CUP-043 – Approved

7. CONDITIONAL USE PERMIT REVIEW 15-CUP-019: Request for review of an existing Conditional Use Permit to operate a contractor’s shop and storage yard. The property is legally described as Smeenk Tract 2 in the Southwest quarter (SW1/4) of Section 15, Township 99 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Staff Analysis:

On May 18, 2015, Doug Tinklenberg was granted a Conditional Use Permit (15-CUP-019) which allowed for the operation of a contractor's shop and storage yard. The conditional use permit was subject to a previous review on October 19, 2015 – staff recommended to revoke. The property consists of 2-acres and currently has a pole barn with a lean to. The property is zoned I-1 Light Industrial.

Staff Recommendation: Staff recommends that the Planning Commission **AMEND** Conditional Use Permit 15-CUP-019, subject to the following replacement recommended Conditions of Approval and any modifications that result from the Planning Commission's deliberations.

1. That Conditional Use Permit 15-019 shall allow a contractor's shop and storage yard.
2. The property shall substantially adhere to the site plan, attached hereto, submitted to the Lincoln County Planning Department after the October 19, 2015 public hearing.
3. No unscreened outdoor storage is permitted and the property shall be neat and orderly at all times. The owner shall provide a 90% opaque screening fence around the outdoor storage area within six months of the amended approval of the CUP.
4. There shall be no inoperable vehicles, trailers, or equipment parked or stored on site. For purposes of this stipulation, inoperable shall mean "a motor passenger vehicle, trailer, equipment, truck, bus, aircraft, boat, motorcycle, power sport equipment, or other motorized equipment or machine which is disassembled or wrecked in part or in whole or is unable to move under its own power."
5. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining properties.
6. Asphalt pavement conforming to Article 15 of the Regulations shall be installed as shown on the site plan within 12 months of approval of the amended CUP.
7. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
8. 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.
9. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment & Discussion:

Toby Brown presented the staff report and history of the permit. He noted it would be best to amend the conditions as recommended.

Doug Tinklenberg, the owner, noted there will be a couple piles of supplies sold this weekend along with any inoperable vehicles. He also noted he understands the boards feelings, and agrees with the proposed conditions.

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

Derausseau noted he was concerned if these conditions would be followed since they haven't in the past.

Larson noted he wished the property would be kept like the acreage the house in on.

Action:

A motion was made by Albers, and seconded by Klatt to amend 15-CUP-019 with the recommended conditions. The motion passed unanimously (5-0).

Conditional Use 15-CUP-019 – Amended

8. PROPOSED ZONING ORDINANCE AMENDMENT: Amending the text in Section 7.04 – I-1 Light Industrial District: Conditional Uses.

Staff Analysis:

Toby presented the amendment to include salvage and junkyards as a conditional use in the I-1 Light Industrial zoning district, and noted since there are very few areas in the county that would allow this use that it would be suitable in the district.

Public Comment & Discussion:

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

Action:

A motion was made by Klatt, and seconded by Larson to recommend approval of the amendment. The motion passed unanimously (5-0).

9. PROPOSED ZONING ORDINANCE AMENDMENT: Amending the text in Section 12.09(E) – Concentrated Animal Feeding Operations: Waste Application.

Staff Analysis:

Toby presented the amendment to remove the requirement of a conditional use permit to apply foreign nutrient in the county. He noted the language would read similarly to the current regulations, but would remove the conditional use requirement, which staff feels is already happening.

Public Comment & Discussion:

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

Action:

A motion was made by Sogn, and seconded by Albers to recommend approval of the amendment. The motion passed unanimously (5-0).

10. PROPOSED ZONING ORDINANCE AMENDMENT: Amending the text in Section 19.08 – Conditional Use Permits: Expiration.

Staff Analysis:

Toby presented the amendment to extend the expiration deadline for conditional use permits, and noted this would cover any delays in construction, litigation, or engineering. He also noted that the amendment would make it more clear of when a permit would cease.

Public Comment & Discussion:

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

Action:

A motion was made by Klatt, and seconded by Larson to recommend approval of the amendment. The motion passed unanimously (5-0).

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

12. OLD BUSINESS - None

13. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received – Toby handed out a packet of public submissions since the last meeting.
- b. Comments from Planning Commission members - None
- c. Comments from the audience –
Tony Ventura noted that the CAFO regulations are a step in the right direction, but are not strict enough.
Don Abbas noted that water from CAFOs should be monitored, and enforcement action be brought forth more quickly.

14. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION - None

15. NEW BUSINESS

- a. Text amendments to the 2009 Revised Zoning Ordinance for Lincoln County
Toby presented a variety of amendments that were drafted with the assistance of the CAFO work group members of Derousseau, Albers, and Pashby. The commission members agreed to schedule public hearings on the amendments to Section 3.03H, 12.09F, and 12.09I next month. No additional revisions were mentioned.

16. ADJOURNMENT

Motion to adjourn at 8:25pm was made by Albers and seconded by Larson. The motion passed unanimously.

Respectfully submitted,
Joan Doss
Planner