

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

January 22, 2019

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Tyler Klatt, Ron Albers, Monty Derosseau, Gary Pashby, Tiffani Landeen, and Stacey Namminga (left at 8:55)

STAFF PRESENT: Toby Brown, Joan Doss, and Joel Carlson - County Planning

PUBLIC PRESENT (sign in sheet): Derek Rondeau, Jan McClung, Tony Ventura, Max Barnett, Craig Wynia, and Jim Weixel

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on January 22, 2019 at 8:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derosseau.

2. APPROVAL OF DECEMBER 17, 2018 MINUTES

Klatt motioned to approve the minutes and was seconded by Albers. Pashby noted a correction to the vote outcome on item 4.C from 7-0 to 5-0. The motion to approve the corrected minutes passed unanimously (6-0).

3. APPROVAL OF AGENDA

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

4. PUBLIC HEARINGS

- a. **CONDITIONAL USE PERMIT / 18-CUP-045:** Request for review and approval of a Conditional Use Permit to allow a contractor's shop and storage yard. The property is legally described as Tract 8 Landmark Industrial Park Addition in the Southwest quarter (SW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Jeren Properties LLC Location: 47005 Mona Street - Tea

Staff Analysis:

Description of Proposal: The applicant is proposing to utilize a portion of the property for two additional contractor shop's. The applicant stated that the proposed building would look similar to the existing building that was permitted in 2017.

Background: The property currently has one building with 6 units utilized for contractor's shop(s) and 8 units utilized for storage. A conditional use permit is required for a contractor's shop and storage yard within the I-1 Light Industrial zoning district. An "At-Risk" building permit was granted on December 14, 2018 for the foundation of the proposed building.

Staff Recommendation: Staff recommends **APPROVAL** for Conditional Use Permit 18-CUP-045 to allow contractor's shop and storage yard on Tract 8 Landmark Industrial Park Addition in the Southwest quarter (SW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota, contingent upon the following conditions:

1. The approval is for the project as described per Conditional Use Permit 18-CUP-045 to allow a contractor's shop and storage yard in accordance with the site plan as 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.

If approved, the Lincoln County Planning Commission's approval would include the following findings of fact: The Conditional Use Permit is generally in conformance with the Conditional Use Criteria in Section 19.09 of the 2009 Revised Zoning Ordinance for Lincoln County.

Public Comment:

Toby Brown presented the staff report, and noted an at-risk permit for the foundation had been approved. Craig Wynia, a project representative, was available for questions. Namminga asked if there were any issues with the conditions, and Craig noted there were no concerns.

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

Discussion & Action:

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

Conditional Use 18-045 – Approved

5. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISISON

- a. CONDITIONAL USE PERMIT / 11-CUP-011: Request for review of a Conditional Use Permit allowing motor vehicle repair. The property is legally described as Lot 3 and South 80.2' of Lot 4 of Tract 3 Smith's Addition in the Southeast quarter (SE1/4) of Section 31, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Derek Rondeau/Robert Dysart Location: 27277 Kenworth Drive - Harrisburg

Staff Analysis:

Conditional Use Permit 11-CUP-011, allowing for the establishment of a motor vehicle repair shop, was approved by the Planning Commission on May 16, 2011, and was amended by the Planning Commission on April 16, 2018, subject to fifteen (15) conditions of approval.

1. That Conditional Use Permit 11-011 shall allow 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. Vehicle parts shall not be stored for a period longer than ninety (90) days in the 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. All vehicles on property shall be licensed and operational.
13. A site plan shall be submitted to the Planning and Zoning office within 30 days
14. 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.
15. If at any time the use ceases to exist, or changes ownership, the owner shall notify the Lincoln County Planning and Zoning Department.

Staff received a written complaint regarding the property on December 12, 2018. Staff conducted a site visit on December 6 and 12, 2018, and identified that numerous vehicles on the property had expired license plates or no license plates on them. Staff asked Mr. Rondeau about a work log and he stated that at the time he did not have a log book on hand because many of the vehicles on the site were his own that he had purchased through online sites or dealerships. He further stated that he fixes the vehicles and sells them back to other car dealers, or takes them down to Alcester, SD, where he "junks" them out. Staff gave Mr. Rondeau a copy of Conditional Use Permit 11-CUP-011 and stated that only motor vehicle repair was permitted to be conducted on the property. On December 19, 2018, Staff conducted a site visit and witnessed a vehicle loaded on a flat bed and towing a second vehicle preparing to leave the site, a trailer with radiators and miscellaneous parts, a second trailer with radiators and other miscellaneous parts, and numerous vehicles that appeared to lack licensing.

Staff Recommendation: It is recommended that the Planning Commission consider staff's analysis, together with testimony provided during the public hearing and make the appropriate findings and decision regarding the

Conditional Use Permit. Staff's determination, based on its review of the permit conditions and the facts gathered during site visits, is that revocation is warranted at this time.

Public Comment:

Toby Brown presented the staff report, and addressed numerous photos of the site. Albers asked if the permit covered the whole property, and Toby confirmed the permit was for the property, not just Derek. Landeen asked about signage. Toby noted there was no business signage on site.

Derek Rondeau was available for questions. Klatt asked about ownership of items in the photos. Derek pointed out a number of items that are owned by Bob Dysart. Namminga asked about lack of work orders. Derek noted most vehicles are his own so he didn't think work orders were needed. Pashby asked about licensing. Derek noted he just bought license plates for many vehicles, but just hadn't placed them on yet. Landeen asked about the volume of vehicles. Derek noted he works on about 3 per day or up to 15 a week. Landeen asked if they could transport to Alcester immediately. Derek said it wouldn't make sense to go from Sioux Falls to Alcester and back to Harrisburg.

Derausseau asked for public comment.

Max Barnett noted that the staff photos are good representation of the site but there are also concerns of storage of within the right-of-way and near Nine-Mile Creek.

Jim Weixel noted that he has talked to Derek and has seen vehicles being junked on site.

Hearing no further comments, Derausseau closed the floor to public comment.

Discussion & Action:

Landeen motioned to revoke the conditional use permit, and was seconded by Namminga. Albers noted he wants the site clean before a new permit is allowed. Namminga commented that if a person's income depended on the permit, why wouldn't they comply with the conditions. Landeen noted that a lack of a plan was disheartening and the county shouldn't babysit the property anymore. Pashby motioned to amend the motion to include the finding of noncompliance. The motion to amending the original motion was seconded by Klatt and passed unanimously. The motion to revoke the conditional use permit based on findings of non-compliance passed unanimously (6-0).

Conditional Use 11-011 - Revoked

6. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received. - None
- b. Comments from Planning Commission members. Albers noted that situations like Derek's should have fines imposed. Toby noted some state legislation in the works that would allow fines.
- c. Comments from the audience – Tony Ventura noted changes he would like to see on compliance inspections around the county.

7. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION –

Landeen noted the rezone for Ponderosa was tabled until February.

8. NEW BUSINESS

- a. Setting public hearing dates. Toby set the public hearings for the February meeting for February 19, 2019 at 7:00pm
- b. Planning Commission Bylaws review. Namminga, Pashby, and Klatt volunteered to form a sub-committee to review the current meeting bylaws.
- c. Other new business. Toby noted that Albers regular term is complete, but he will be an alternate for the next year and we have yet to receive applications for his replacement.

9. ADJOURNMENT

Pashby motioned to adjourn at 9:15pm and was seconded by Landeen. Motion passed unanimously (5-0).

Respectfully submitted,

Joan Doss

Planner