

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

February 18, 2020

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Erik Scott, Tyler Klatt, Stacey Clay Namminga, Monty Derausseau, Gary Pashby, Tiffani Landeen, and Jerry Jongeling

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT (those legible on sign-in sheet) : Nathan Vander Plaats, Paul Paulson, Herb Ulrikson, Don Paulson, Arnie Hauge, Tony Ventura, Ross & Nikki Hulstein, Pamela & David Gillespie, Cindy Thomas, Tracy West, Jean Riley, June & Harlan Paulson, CJ Sorum, Sara & Jason Pearson, Jeff Sorum, Kimberly Dekkers, Josh Larson, Candice O’Neal, Allissa Troyer, Nancy Bitterman, Bryan & Kasi Roberts, Stacy Lund, Nanetta Larson, Jeff Van De Stroet, Dustin Taylor, Steve Renli, Mike Stack, Ernest Stratmeyer, Patricia Bowers, Catherine Musisl, Darrin Wait, Jakob and Sonya Decker, Melisa and Travis Engdahl, Leonard Decker, Leonard Decker Jr., Lynn & Charlotte Rodway, Bonnie Solem, Reid Vander Veen, Lon Hatcher, Andy Scholting, Nic Rowe, Lynn Hurley, David Tuntland, Chad Conaway, Randy Vandekieft, and Michael Eliason

1. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order on February 18, 2020 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derausseau.

2. APPROVAL OF JANUARY 21, 2020 MINUTES

Klatt motioned to approve the minutes and was seconded by Pashby. The motion passed unanimously (7-0).

3. APPROVAL OF AGENDA

Toby noted that item 6.b would need to be removed. Landeen motioned to approve the revised agenda and was seconded by Namminga. The motion passed unanimously (7-0).

4. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA - none

5. PUBLIC HEARINGS

- a. CONDITIONAL USE PERMIT / USE-0001-2020: Application for a Conditional Use Permit to allow a Class A Concentrated Animal Feeding Operation – Beef Cattle. The property is legally described as the south half of the southwest quarter (S1/2SW1/4) except Tract 1 of Larson’s Addition of Section 36, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Josh Larson/Douglas & Nanetta Larson Trust
Location: 47516 279th Street - Worthing

Staff Presentation:

Toby presented the application, noted the application conformed with the ordinance regulations, and listed the recommended conditions as follows:

1. The project (Class A Beef Cattle CAFO) is substantially developed in accordance with Exhibit A or as modified by the Planning Commission.
2. The Conditional Use Permit shall be valid for a period of two (2) years from the effective date and if not commenced shall expire on February 26, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond February 26, 2023.
3. A building permit must be issued prior to commencement of construction of the proposed barn.
4. The applicant shall be responsible for obtaining, if applicable, a road use agreement with applicable township prior to construction of the proposed barn to ensure repairs for any damage to roads.
5. Coverage and compliance with the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations.

Public Comment:

Josh Larson, the applicant, noted he is a 4th generation farmer, and he is looking to make his operation more environmentally and animal health friendly. Pashby asked if the animals will be confined. Josh noted the new building will be a confinement, and that it should reduce the odor since it would only be pumped once a year. Landeen asked about the air quality monitoring mentioned in the NMP. Josh noted that he was told most operators don’t do additional air quality testing, so he also decided against the extra measure.

Derausseau asked for public comment

Steve Renli noted he has pasture ground near the proposed site, and that the site is always well-maintained.

Reid Vaner Veen noted his acreage is near the site, and he has never had any issues with the operation.

Ernest Stratmeyer noted his mom lives just over a mile away and didn't receive notice. He also voiced concern about water contamination, and presented a list of conditions he felt should be added to the permit.

Hearing no further comments, Derausseau closed the floor.

Discussion & Action:

Scott noted that with the geography of the site he has no concerns about the proposal impacting the waterways. Scott motioned to approve with conditions as recommended and was seconded by Namminga. Pashby then requested the motion be amended to include a condition stating all reasonable efforts be made to control dust and odor. The amended motion passed unanimously (7-0)

- b. **CONDITIONAL USE PERMIT / USE-0002-2020:** Application for a Conditional Use Permit to allow a Class A Concentrated Animal Feeding Operation – Beef Cattle. The property is legally described as Tract 1A in the Southwest quarter (SW1/4) except Lot H-2 of Section 34, Township 97 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Ross Hulstein, Primo Feedyards LLC/Hulstein Feedyards LLC
Location: 29088 SD HWY 11 - Hudson

Staff Presentation:

Toby presented the application, noted the application has already been conditionally approved by the SD DENR, and is in conformance with the ordinance regulations. He also noted that the notice sign went missing, but legal counsel has advised that acts of god or theft should not force the commission to reschedule a hearing since the sign was posted in accordance with the ordinance. Toby then listed the recommended conditions as follows:

1. The project (Class A CAFO – Cattle) is substantially developed in accordance with Exhibit A or as modified by the Planning Commission.
2. The Conditional Use Permit shall be valid for a period of two (2) years from this date and if not commenced shall expire on February 26, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond February 26, 2023.
3. A building permit must be issued prior to the commencement of construction.
4. Coverage and continuous compliance with the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations.

Public Comment:

Toby Brown read correspondence received from Sharon Dominisse, Linette Ulrickson, Lois Ulrickson, Doug Lund, and Cindy Thomas, noting opposition to the application and questions about day-to-day operations.

Ross Hulstein, the applicant, noted that Primo Feedyards is comprised of himself and his cousins who are 4th generation farmers. He also noted that they decided the confinement barns would be the best way to enter the business because the complete containment would help prevent any runoff. He also noted that current employees live at the house on site.

Derausseau asked for public comment.

Jason Pearson noted he's lived on site for 18 years and they try to accommodate the neighbors the best they can.

Nick Rowe noted that deep pit barns are a major improvement to cattle feeding operations.

Andy Scholting noted he assisted in writing the Nutrient Management Plan, and that this operation would serve about 0.5% of all the tillable land in the county.

Sara Pearson noted they have raised their family on this site and they always try to clean up the road as quickly as they can, and treat flies with pesticides at least once a month, or as needed.

Lynn Hurley noted its a great day for the county when we can continue long-standing family farms and invest in the future.

Tony Ventura noted concerns due to a neighbor's private well being contaminated and that the current yard has gates that block the right of way.

David Tuntland noted all concrete cracks and leaks and asked what would happen if the pits freeze and can't be pumped. He also felt it was be too many cattle in the small area.

Paul Paulson noted he doesn't feel like they have pride in ownership and upkeep of the site. He also felt that Lands Lutheran Church would be impacted.

Don Paulson felt that the existing lots would be added to the permit and asked if trees would be replanted.

Jakob Decker noted concern about property values and air quality.

Jean Riley noted she took issue that the owners don't live on site, and feels the current site is not maintained.

Cindy Thomas noted the packet was unreadable and there were issues with the state permit that should be rectified before moving forward.

Ross Hulstein noted that the issues were rectified, and the state permit was approved in August.

Toby Brown corrected some comments and noted the open lots are on a separate site and the Planning and Zoning Office has not received any complaints regarding that facility. He also noted that the well contamination complaint was filed by himself, and the state had responded that the contamination source was inconclusive due to the onsite septic system and other potential pollution hazards.

Hearing no further comments, Derausseau closed the floor.

Discussion & Action:

Namminga motioned to approve with conditions as recommended and by adding a condition of "all reasonable efforts to be made to control odor and dust." The motion was seconded by Klatt. The motion passed 5-2, with Landeen and Derausseau dissenting.

6. OLD BUSINESS

- a. LINCOLN COUNTY TAX INCREMENT DISTRICT #9: Review and recommendation of a Resolution and Project Plan on behalf of the City of Lennox for the development of affordable workforce housing. Toby Brown summarized the past discussion and public hearing that took place in November. Nate Vander Plaats summarized the findings within the resolution. Jongeling motioned to approve the resolution and was seconded by Pashby. The motion passed 6-1, with Namminga dissenting.

EXTRACT OF MINUTES OF MEETING OF THE PLANNING COMMISSION OF LINCOLN COUNTY, SOUTH DAKOTA

Pursuant to due call and notice thereof, a meeting of the Planning Commission of Lincoln County, South Dakota, was duly held in the County Courthouse on the 18th day of November, 2019 at approximately 6:30 p.m.

The following members were present: Erik Scott, Stacey Clay Namminga, Monty Derausseau, Gary Pashby, and Tiffani Landeen

The following members were absent: Tyler Klatt and Jerry Jongeling

The matter of the creation of Tax Incremental District Number Nine, Lincoln County, was presented to the Planning Commission. After discussion of the same and after public comment on the proposed tax incremental district, member Gary Pashby moved that the following resolution be

tabled. Continued discussion took place on December 16, 2019 and January 21, 2020. The resolution was taken off the table on February 18, 2020, and member Jerry Jongeling moved that the following resolution be approved:

**RESOLUTION DECLARING BOUNDARIES AND RECOMMENDING
CREATION OF TAX INCREMENTAL DISTRICT NUMBER NINE,
LINCOLN COUNTY**

WHEREAS, the Planning Commission of Lincoln County, South Dakota, published a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Incremental District Number Nine, Lincoln County, on real property consisting of the following parcels:

District Legal Description:

The real property to be located within the Tax Increment District is within the boundaries of the City of Lennox and described as follows:

- Shall include a 66' wide tract of land dedicated as North Juniper Street and platted adjacent to Lots 1 and 2, Block 1 of North Juniper Addition.
- Out Lot E in the SW1/4SE1/4 of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
- Tract 1 of Countryside Addition in the South Half of the Southeast Quarter of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
- Tract 2 of Countryside Addition in the Southeast Quarter of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota

WHEREAS, such Notice was published in the official newspapers in Lincoln County, not less than ten (10) nor more than thirty (30) days from the date of the hearing; and

WHEREAS, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers and the School Board of the following taxing entities:

Lincoln County
City of Lennox
Lennox School District

WHEREAS, a hearing was held on the November 18th, 2019, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of Tax Incremental District Number Nine, Lincoln County.

THEREFORE, BE IT RESOLVED by the Planning Commission of Lincoln County, South Dakota:

1. Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, the Planning Commission hereby declares the necessity to form a tax incremental district in Lincoln County.
2. Findings. The Planning Commission finds that there is statutory authority to refer said district to the Lincoln County Commission for their consideration and that all notice requirements have been met and all findings required by statute are hereby made.
 - A. The lack of residential infrastructure has prevented growth in affordable residential housing.
 - B. Economic growth for industrial, commercial, manufacturing and agricultural has been impeded by the lack of affordable housing.
 - C. Affordable residential housing will assist the City of Lennox in recruiting and retaining industrial, commercial, manufacturing and agricultural businesses.
 - D. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District Nine of Lincoln County to be Affordable Housing
 - E. Not less than twenty-five percent, by area, of the real property within the district is a blighted area as defined under SDCL 11-9-11.
 - F. At least fifty percent of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development
 - G. The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district with affordable, residential housing, increasing industrial, commercial, manufacturing and agricultural businesses in and about the city of Lennox.
3. Boundaries of District. The Planning Commission has determined the boundaries of the district are as follows:

The real property to be located within the Tax Increment District is within the boundaries of the City of Lennox and described as follows:

- Shall include a 66' wide tract of land dedicated as North Juniper Street and platted adjacent to Lots 1 and 2, Block 1 of North Juniper Addition.
 - Out Lot E in the SW1/4SE1/4 of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
 - Tract 1 of Countryside Addition in the South Half of the Southeast Quarter of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
 - Tract 2 of Countryside Addition in the Southeast Quarter of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota
4. Project Plan. The Planning Commission has reviewed the project plan for Tax Incremental District Number Nine, Lincoln County and hereby adopts the project plan and submits it to the County Commission for consideration.
 5. Recommendation of District The Planning Commission hereby recommends to the County Commission that Tax Incremental District Number Nine, Lincoln County be created and hereby submits its recommendation to the County Commission for consideration.

Passed this 18th day of
February, 2020.

_____/s/_____
Monty Derosseau, Chairperson

ATTEST:

_____/s/_____
Joan Doss, Zoning Officer

The motion for the adoption of the foregoing resolution was duly seconded by Gary Pashby,
and upon vote being taken thereon the following voted YEA: Erik Scott, Tyler Klatt, Monty
Derosseau, Gary Pashby, Tiffani Landeen, and Jerry Jongeling
those voting NAY: Stacey Clay Namminga
those abstaining: none

Whereupon said resolution was declared duly passed and adopted.

_____/s/_____
Joan Doss, Zoning Officer

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF LINCOLN)

I, the undersigned, being the duly qualified and acting Secretary of the Planning Commission,
do hereby certify that the attached and foregoing is a full, true and complete transcript of the minutes
of a meeting of the Planning Commission of Lincoln County, held on November 18th, 2019 and
February 18, 2020 insofar as the original minutes relating to a hearing for the creation of a tax
incremental district.

WITNESS my hand this 18th day of February, 2020.

_____/s/_____
Joan Doss, Zoning Officer

- b. Removed from the agenda.
- c. Lincoln County Planning Commission 2020 Work Plan.
Toby noted that staff hopes to bring draft amendments to the subdivision ordinance and Section 12.09 of the zoning ordinance for the commission to review at the next meeting.

7. OPEN DISCUSSION FOR COMMISSION MEMBER FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received. – Correspondence was given to members at the beginning of the meeting.
- b. Comments from Planning Commission members. – None.

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

Landeem noted the county board has voted to approve a bond for a public safety center.

9. NEW BUSINESS

- a. Setting public hearing dates. Toby noted there will be a Joint Jurisdiction meeting in March.
- b. Other new business - none.

10. ADJOURNMENT

Landeem motioned to adjourn at 9:20pm and was seconded by Namminga. Motion passed unanimously (7-0).

Respectfully submitted,
Joan Doss
Planner