

**MINUTES OF THE
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
March 21, 2016**

A meeting of the Planning Commission was held on March 21, 2016 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Monty Derosseau, Dan King, Tyler Klatt, Ron Larson, Darrel Sogn, and Darwin Sogn.

STAFF PRESENT:

Toby Brown, Clarice Paulson, and Gregg Thompson - County Planning

The meeting was chaired by Monty Derosseau.

ITEM 1. Approval of Agenda.

A motion was made by King and second by Darwin Sogn to table Item 4 - Conditional Use Permit 16-CUP-003 until the April 18th meeting at the petitioner's request, move Item #8 after Item #4, and approve the remainder of the agenda as written. The motion passed unanimously.

ITEM 2. Approval of Minutes - February 16, 2016.

A motion was made by Darwin Sogn and seconded by Larson to approve the meeting minutes from February 16, 2016. The motion passed unanimously.

ITEM 3. BOARD OF ADJUSTMENT - VARIANCE 16-VAR-001 to reduce the front yard setback from 50 feet to 30 feet on the property legally described as W841.5' N528' Northwest quarter (NW1/4) of Section 32, Township 100 North, and Range 51 West of the 5th P.M. in Lincoln County, South Dakota.

Petitioner/Owner: John Stratmeyer

Location: 46511 272nd St Tea, SD

General Information:

Present Zoning - "A-1" Agricultural

Existing Land Use - Agriculture

Parcel Size - 10.20 Acres

This would reduce the front yard setback from 50 feet to 30 feet.

Staff Report: Toby Brown

Staff Analysis:

The petitioner is requesting a variance from the front yard setback requirement on the subject property. The request is to allow the construction of a grain bin. The requested variance would reduce the front yard setback to 30 feet to make room for a grain bin.

The petitioner explained several reasons to justify the request including that due to existing trees on the property it would make it difficult to place a grain bin and safely access it with farm machinery at the required setback.

The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

- A. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**
The location of existing trees on the property and in order to not negatively impact farming practices it prevents the grain bin from being sited further from the front yard property line.
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use.**
The reduced front yard setback will not permit a use not permitted in this zoning district or diminish property values in the area. Grain bins are a common type of structure in the A-1 Agricultural District. This type of structure should not have an impact on surrounding property values.
- C. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.**
This is a common type of structure in the A-1 agricultural District.
- D. The proposed variance will not unreasonably impair an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area.**
This is a common type of structure in the A-1 agricultural District.
- E. That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.**
A grain bin is a common and a reasonable use for nearly every agricultural operation. According to the property owner, there is no reasonable location to place a grain bin and not negatively impact farming operations or the safe operation of farm machinery on the property other than the one proposed.

Public Testimony:

Toby Brown of the County Planning Department presented the staff report.

The petitioner, John Stratmeyer, spoke on behalf of the request. John noted that the proposed bin would be 42 feet and there would be an additional driveway constructed on the property.

Action:

A motion was made by Larson and seconded by Klatt to approve Variance 16-VAR-001. The motion passed with 4 yeas (King, Larson, Darrel Sogn, and Darwin Sogn) and 2 nays (Derausseau and Klatt).

Variance 16-VAR-001 – Failed

TABLED - ITEM 4. CONDITIONAL USE PERMIT 16-CUP-003 to exceed 1,500 sq. ft. of accessory building area – requesting 4,800 sq. ft. on the property legally described as Waldner’s Addition Tracts 4 & 5 of Hyronimus’s Addition Northwest quarter (NW1/4) of Section 20, Township 100 North, and Range 51 West of the 5th P.M., in Lincoln County, South Dakota.

Petitioner/Owner: Thomas Waldner
Location: 46537 270th St, Tea, SD

General Information:

Present Zoning - “A-1” Agricultural
Existing Land Use - Residential
Parcel Size - 7.32 Acres

This would allow 4,800 sq. ft. of accessory building area.

ITEM 8. CONDITIONAL USE PERMIT 16-CUP-011 to allow the receipt of nutrients from out of county on property legally described as (1) Cornelius Tract II Southwest quarter (SW1/4) Southeast quarter (SE1/4), (2) Cornelius Tract III South half (S1/2) Southeast quarter (SE1/4), and (3) Cornelius Tract IV in Section 23, Township 98 North, Range 49 West of the 5th P.M. in Lincoln County, South Dakota.

Petitioner/Owner: Paul Maassen
Location: 28286 Barlett Ave, Canton, SD

General Information:

Present Zoning - “A-1” Agricultural
Existing Land Use - Agriculture
Parcel Size - (1) 11.15 Acres, (2) 15.52 Acres and (3) 32.83 Acres

This would allow receipt of nutrients from out of county on subject properties.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit for the receipt of nutrients from out of county on three connected properties.

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
The uses in the immediate vicinity include row crop farming and low density residential housing. No adverse effects are anticipated.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
Not applicable to the petitioned use.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
Not applicable to the petitioned use.
- 4. That the off-street parking and loading requirements are met.**
Not applicable to the petitioned use.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The petitioned use should not constitute a nuisance to the neighboring properties if conducted in conformance with Section 12.09, Concentrated Animal Feeding Operations, of the 2009 Revised Lincoln County Zoning Ordinance.

Recommendation:

Staff recommends approval of Conditional Use Permit 16-CUP-011 with the following conditions:

1. Transport of nutrient shall be done by a secure method.
2. Hauler identity must be provided to the office of Planning and Zoning.
3. All activities shall be in conformance with Section 12.09.

Public Testimony:

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Paul Maassen, spoke on behalf of the application. Paul noted that the nutrient would be coming from an open feedlot and it is spreadable solid.

Commissioner Larson asked the petitioner how long before incorporation.

Paul responded that it depends on the number of loads and weather but that it would be incorporated as soon as possible.

Amy Simunek, 28295 480th Avenue, is a land owner to the west of the petitioner's property. Amy stated that she was against the application and she feels that there will be adverse effects. She questioned how the transport will be secure and asked how long it will happen.

Paul responded that the application would generally be in the fall and once a year or every other year depending on volume and crops. He further stated that efficiency is the goal.

Amy asked if this application opens it up to manure coming from Iowa.

Derek Bockelman, 28282 Bartlett Avenue, is a land owner adjacent to the west of the petitioner's property. Derek stated that he was not opposed but noted that the property is in a floodplain.

Roger Simunek, 28295 480th Avenue, is a land owner to the west of the petitioner's property. Roger asked why it was coming from Iowa and not South Dakota and if it would be liquid slurry.

Paul responded that no it wouldn't be liquid slurry and that it will sit for a year and will be incorporated with some from the open yard.

Action:

A motion was made by Klatt and seconded by Darrel Sogn to approve Conditional Use Permit 16-CUP-011 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit 16-CUP-011 – Approved

ITEM 5. CONDITIONAL USE PERMIT 16-CUP-008 to exceed 1,500 sq. ft. of accessory building area – requesting 2,560 sq. ft. on the property legally described as Tract 1 of Straatmeyer Addition East Half (E1/2) of the Section 33, Township 99 North, Range 51 West of the 5th P.M. in Lincoln County, South Dakota.

Petitioner/Owner: Nicholas Butler
Location: 27869 467th Ave, Lennox, SD

General Information:

Present Zoning - “A-1” Agricultural
Existing Land Use - Residential
Parcel Size - 6.21 Acres

This would allow 2,560 sq. ft. of accessory building area.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit to exceed 1,500 square feet of accessory building area at 27869 467th Avenue. The property owner is requesting this conditional use permit for a 2,560 square foot accessory building. Accessory buildings can be found in the area that are considered large or of similar size.

A conditional use permit application is required by Section 12.06 (D) of the Lincoln County Zoning Ordinance which states:

In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1500 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The proposed site for the structure meets all applicable setbacks and the placement of the structure will not impact the neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect property values.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The construction of the proposed accessory building should have no impact on further construction or development within the general area. The building will be used for the owner’s personal storage and no commercial or business activities will be allowed. This use will not affect the adjacent residential use or agricultural land in the area.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

Access to the proposed accessory building will be through an existing driveway located on 467th Avenue.

4. That the off-street parking and loading requirements are met.

The property has sufficient parking for all activities.

5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

There should be no uses in the building which would constitute these types of nuisances.

Recommendation:

Staff found that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends approval of Conditional Use Permit 16-CUP-008 with the following conditions:

1. The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.
2. A building permit is required.

Public Testimony:

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Nicholas Butler, spoke on behalf of the application. Nicholas noted that the existing garden shed will be moved to the other side of the house to make room for the proposed building.

Action:

A motion was made by Darwin Sogn and seconded by Ron Larson to approve Conditional Use Permit 16-CUP-008 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit 16-CUP-008 – Approved

ITEM 6. CONDITIONAL USE PERMIT 16-CUP-009 to exceed 10,000 sq. ft. of total commercial building storage area – requesting 18,375 sq. ft. (Building 1 - 245' x 45' and Building 2 - 245' x 30') on the property legally described as Kerslake Addition Tract A of Lot 1 Block 4 West Half "W1/2" Southeast Quarter "SE1/4" of the Section 24, Township 100 North, Range 51 West of the 5th P.M. in Lincoln County, South Dakota.

Petitioner/Owner: Jamie Nielson

Location:

General Information:

Present Zoning - "C" Commercial

Existing Land Use - Commercial

Parcel Size - 1 Acre

This would allow 18,375 sq. ft. of total commercial building storage area.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit to exceed 10,000 square feet of commercial storage building area on Lot 1 of Block 4 in Tract A in Kerslake Addition. The property owner is requesting this conditional use permit for a total of 18,375 building area. Commercial storage buildings can be found in the area that are considered large or of similar size.

1. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**

The proposed site for the structures meets all applicable setbacks and the placement of the structures will not impact the neighboring properties. The construction of these buildings should not impede on the enjoyment or use of the surrounding properties or affect property values. The petitioned use is compatible with the uses already located in the Kerlake Addition. Utilization of a vacant lot should provide a positive effect to existing uses and property values.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The construction of the proposed buildings should have no impact on further construction or development within the general area.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

The proposed site will be developed in accordance with the City of Tea's regulations.

4. That the off-street parking and loading requirements are met.

The property has sufficient parking for all activities.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

There should be no uses in the building which would constitute these types of nuisances.

Recommendation:

Staff found that the proposed building size conforms to the general sizes of other buildings in the area. Staff recommends approval of Conditional Use Permit 16-CUP-009.

Public Testimony:

Toby Brown of the County Planning Department presented the staff report.

Kelly Nielson, 612 Augustana Avenue, spoke on behalf of the petitioner. Kelly noted that the building will be just like other buildings they currently have.

Action:

A motion was made by Klatt and seconded by Larson to approve Conditional Use Permit 16-CUP-009. The motion passed unanimously.

Conditional Use Permit 16-CUP-009 – Approved

ITEM 7. CONDITIONAL USE PERMIT 16-CUP-010 to allow a contractor shop and storage yard and the leasing of additional units in the building on the property legally described as Lot 2 Block 3 of LaValley Business Park Addition of Section 5, Township 99 North, Range 50 West of the 5th P.M. in Lincoln County, South Dakota.

Petitioner/Owner: Pro Rentals/TJ Bullis

Location: General Address 471st Ave Harrisburg, SD

General Information:

Present Zoning - "C" Commercial

Existing Land Use - Commercial

Parcel Size - 1.16 Acres

This would allow a contractor shop and storage yard and leasing of additional units in the building.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit for the purpose of contractor shop and storage yard and the leasing of additional units on Lot 2 of Block 3 in the LaValley Business Park.

1. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
Petitioned property is surrounded by commercial uses and agricultural land. The requested use should not impede on the enjoyment or use of the surrounding properties or affect property values.
2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The surrounding property is developed with similar uses.
3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Requirements for the property are the responsibility of the petitioner.
4. **That the off-street parking and loading requirements are met.**
The property meets off-street parking and loading requirements.
5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
This business should not constitute a nuisance to the neighboring properties.

Recommendation:

Staff found that the proposed contractor shop and storage yard is compatible with existing uses in the vicinity. Staff recommends approval of Conditional Use Permit 16-CUP-010.

Public Testimony:

Toby Brown of the County Planning Department presented the staff report.

The petitioner, TJ Bullis, spoke on behalf of the application. TJ noted that part of the building will be used for his plumbing business and additional bays in the building may be leased.

Tim Walling, 47102 Fairfield Place, is a land owner to the west of the petitioner's property. Tim stated when he built his building nine years ago there was no storage buildings and building owners ran their own businesses. He further stated that there are trash piles and equipment stored outside and that his business was broken into. He noted that he is not against the business but the storage.

Action:

A motion was made by Klatt and seconded by Larson to approve Conditional Use Permit 16-CUP-010 with condition that property shall be kept in orderly condition at all times. The motion passed unanimously.

Conditional Use Permit 16-CUP-010 – Approved

ITEM 9. CONDITIONAL USE PERMIT 16-CUP-012 to exceed 1,500 sq. ft. of accessory building area – requesting 2,240 sq. ft. on the property legally described as McKnelly’s Tracts Southwest quarter (SW1/4) Southeast quarter (SE1/4) Tract 5B, Section 22, Township 100 North, Range 51 West of the 5th P.M. in Lincoln County, South Dakota.

Petitioner/Owner: Craig Randen

Location: 27085 McKnelly Place, Tea, SD

General Information:

Present Zoning - “A-1” Agriculture

Existing Land Use - Residential

Parcel Size - 1.50 Acres

This would allow 2,240 sq. ft. of accessory building area.

Presented by: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit to exceed 1,500 square feet of accessory building area at 27085 McKnelly Place. The property owner is requesting this conditional use permit for a 2,240 square foot accessory building. Accessory buildings can be found in the area that are considered large or of similar size.

A conditional use permit application is required by Section 12.06 (D) of the Lincoln County Zoning Ordinance which states:

In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1500 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The proposed site for the structure meets all applicable setbacks and the placement of the structure will not impact the neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect property values.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The construction of the proposed accessory building should have no impact on further construction or development within the general area. The building will be used for the owner’s personal storage and no commercial or business activities will be allowed. This use will not affect the adjacent residential use or agricultural land in the area.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

Access to the proposed accessory building will be through a driveway to be located on McKnelly Place.

4. That the off-street parking and loading requirements are met.

The property has sufficient parking for all activities.

5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

There should be no uses in the building which would constitute these types of nuisances.

Recommendation:

Staff found that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends approval of Conditional Use Permit 16-CUP-012 with the following conditions:

1. The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.
2. A building permit is required.

Public Testimony:

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Craig Randen, spoke on behalf of the application. Craig noted that the proposed building would be used to store lawn mower tractor and truck and that his truck was bigger than the existing garage on the property.

Action:

A motion was made by Larson and seconded by Darrel Sogn to approve Conditional Use Permit 16-CUP-012 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit 16-CUP-012 – Approved

ITEM 10. PUBLIC HEARING - Lincoln County Tax Increment District Number 8 on property legally described as Southwest quarter (SW1/4) of Section 36, Township 100 North, Range 50 west of the 5th P.M. *Ex Part sold * Incl Lot 1 Sheblas Sub-division SE1/4 SW1/4 & Lot and O.L.12* Ex Lot 1 & Portion on Lot 3 Harrisburg Furniture Barn Addition* City of Harrisburg, Lincoln County, South Dakota.

Location: City of Harrisburg

Staff Analysis:

The property upon which this Tax Incremental District (TID) is proposed to be implemented is located within the municipal boundaries of the City of Harrisburg, South Dakota. SDCL 11-9-8 allows a county to approve a tax incremental district located, in whole or in part, within a municipality so long as it obtains the consent of the governing body of the municipality by resolution.

The purpose of this Public Hearing is to define eligible property and to define a Tax Increment Plan for funding eligible activities in the eligible area of the County. The Plan describes the boundary, estimated costs, feasibility and fiscal impact of the TID District.

Public Testimony:

Toby Morris, Dougherty & Company LLC, spoke on behalf of the City of Harrisburg. Toby noted that the TID will be everything within the Devitt Farm and the developer is Van Buskirk Companies. He noted that the TID will include step-up housing and a grocery store. The TID amount will not exceed \$5.5 million. Toby further noted that the City has come to the County because it is constitutional debt.

Andrew Pietrus, Harrisburg City Administrator, thanked the Planning Commission for its consideration.

Jim Holbeck, Harrisburg School District Superintendent, noted that the proposed development will be good for things around the school and that the improvements to retention of water around the school should alleviate the flooding that has occurred at the school site.

Action:

A motion was made by King and seconded by Klatt to approve the Resolution Declaring Boundaries and Recommending Creation of Tax Incremental District Number Eight. The motion passed unanimously.

**RESOLUTION DECLARING BOUNDARIES AND RECOMMENDING CREATION OF TAX
INCREMENTAL DISTRICT NUMBER EIGHT,
LINCOLN COUNTY, SOUTH DAKOTA**

WHEREAS, the Planning Commission of the Lincoln County, South Dakota, received an application to create a Tax Incremental District and thereafter a Notice of Hearing was published advising interested parties that they were being given a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District on real property consisting of the following parcels:

Tract 1B of Industrial Park Addition to the City of Harrisburg, Lincoln County, South Dakota, according to the recorded plat thereof, except Tract 1, Central Park Addition to the City of Harrisburg, Lincoln County, South Dakota, according to the recorded plat thereof,

AND

That portion of the Southwest Quarter of Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota lying north and west of Harrisburg Schools Addition, and including that portion of Lot 1, subdivision of the S1/2 NE1/4 SW1/4 of said Section 36 contained therein, and including that portion of Lot 1, subdivision of the SE1/4 SW1/4 of said Section 36 contained therein, and including a tract more particularly described as: Beginning at a point 33 feet East and 210 feet North of the Southwest corner of said Section 36, thence East 50 feet, thence South 50 feet, thence West 50 feet, and thence North 50 feet to the point of beginning contained therein being also known as County Auditor's Tract 1 of the Southwest Quarter of said Section 36 contained therein, also including a tract of land out of the Southwest Quarter of the Southwest Quarter commencing at a point 205 feet East and 40 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4), thence North 100 feet, thence East 75 feet, thence South 100 feet, to the North right of way line of the road, thence West 75 feet to the point of beginning contained therein, also including Outlot 12 to the town of Harrisburg, Lincoln County, South Dakota contained therein, but excepting Lot No. 1 in Outlot 12 to the Town of Harrisburg contained therein, and Except Lot H-1 in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) contained therein, and Except Tract A being a part of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) contained therein, and Except Tract 1, Central Park Addition to the City of Harrisburg, Lincoln County, South Dakota, according to the recorded plat thereof.

TO BE PLATTED AS:

Devitt Farms Addition to the City of Harrisburg, 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 by first-class mail to the Chief Executive Officers of the following taxing entities:

City of Harrisburg
PO Box 26
Harrisburg, SD 57032

Harrisburg School District
200 Willow Street
PO Box 187
Harrisburg, SD 57032

WHEREAS, a hearing was held on March 21, 2016, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of the Tax Incremental District;

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

Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, the Lincoln County Planning

1. 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 governing body for their consideration and that all notice requirements have been met and all findings requires by statute are hereby made.
3. Boundaries of District. The district shall be located with the northern, southern, western, and eastern boundaries of the following described real property:

Tract 1B of Industrial Park Addition to the City of Harrisburg, Lincoln County, South Dakota, according to the recorded plat thereof, except Tract 1, Central Park Addition to the City of Harrisburg, Lincoln County, South Dakota, according to the recorded plat thereof,

AND

That portion of the Southwest Quarter of Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota lying north and west of Harrisburg Schools Addition, and including that portion of Lot 1, subdivision of the S1/2 NE1/4 SW1/4 of said Section 36 contained therein, and including that portion of Lot 1, subdivision of the SE1/4 SW1/4 of said Section 36 contained therein, and including a tract more particularly described as: Beginning at a point 33 feet East and 210 feet North of the Southwest corner of said Section 36, thence East 50 feet, thence South 50 feet, thence West 50 feet, and thence North 50 feet to the point of beginning contained therein being also known as County Auditor's Tract 1 of the Southwest Quarter of said Section 36 contained therein, also including a tract of land out of the Southwest Quarter of the Southwest Quarter commencing at a point 205 feet East and 40 feet

North of the Southwest corner of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4), thence North 100 feet, thence East 75 feet, thence South 100 feet, to the North right of way line of the road, thence West 75 feet to the point of beginning contained therein, also including Outlot 12 to the town of Harrisburg, Lincoln County, South Dakota contained therein, but excepting Lot No. 1 in Outlot 12 to the Town of Harrisburg contained therein, and Except Lot H-1 in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) contained therein, and Except Tract A being a part of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) contained therein, and Except Tract 1, Central Park Addition to the City of Harrisburg, Lincoln County, South Dakota, according to the recorded plat thereof.

TO BE PLATTED AS:

Devitt Farms Addition to the City of Harrisburg, Lincoln County, South Dakota

4. Recommendation to Commissioners. The Lincoln County Planning Commission hereby recommends to the Lincoln County Commission that the Tax Incremental District Number Eight, Lincoln County be created with the above boundaries and hereby submits this resolution as its recommendation to the County Commission.

Passed this 21st day of March, 2016.

Monty Derausseau
Chairman

ATTEST:

Clarice Paulson
Secretary

Old Business

None.

New Business

None.