

**MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION**

April 20, 2020

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Erik Scott, Jerry Jongeling, Gary Pashby, Wendi Hogan, Stacey Clay Namminga, and Tiffani Landeen

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Jason Bryant, Keith Toczek, Herman Otten, Chris Crossan, and Robert Hoffman.

**1. CALL TO ORDER AND ROLL CALL**

The regular meeting was called to order on April 20, 2020 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Vice-chairman Pashby.

**2. APPROVAL OF MARCH 16, 2020 MINUTES**

Namminga motioned to approve the minutes and was seconded by Scott. The motion passed unanimously (6-0).

**3. APPROVAL OF AGENDA**

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

**4. CONSIDERATION OF AMENDMENTS TO THE PLANNING COMMISSION BYLAWS**

Toby described proposed changes to include a provision to allow for members to attend meetings by telephone, and clarified language for motions on items. Landeen motioned to approve the amendments as drafted and was seconded by Namminga. The motion passed unanimously (6-0)

**5. ELECTION OF PLANNING COMMISSION OFFICERS FOR 2020**

Motion by Namminga to nominate Pashby for the position of chairman, was seconded by Scott. No additional nominations received. The motion passed unanimously (6-0)

Motion by Scott to nominate Namminga for the position of vice-chair, was seconded by Landeen. No additional nominations received. The motion passed unanimously (6-0)

**6. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA – No**

comments were presented

**7. PUBLIC HEARINGS –**

- a. CONDITIONAL USE PERMIT / USE-0011-2020: Application for a Conditional Use Permit to allow warehousing to exceed 10,000 square feet on the premise – requesting up to 15,200 square feet. The property is legally described as Tract 1 of Lot B in Vanwoudenberg’s Addition in the southeast quarter (SE1/4) of Section 16, Township 98 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Jason Bryant/Paulette Frislie*

*Location: 47873 US Hwy 18 - Canton*

**Staff Presentation:**

Toby presented the application, noted the application conformed with the ordinance regulations and was surrounding by similar uses. He then listed the recommended conditions as follows:

- 1. The project (warehousing/mini-storage) 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 April 28, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond April 28, 2023.
- 3. Appropriate building permits must be issued prior to the commencement of construction.
- 4. No additional warehousing structures, exceeding the total of 19,088 square feet, shall be allowed on the property, without the issuance of a new CUP.

**Public Comment:**

Jason Bryant noted that fencing and cameras would be installed after the buildings are constructed.

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

**Discussion & Action:**

Hogan asked if fencing should be added as a condition.

Jongeling motioned to approve with the conditions as recommended, and to amend condition #1 to include fencing and security as described. The motion was seconded by Hogan. The motion passed unanimously (6-0)

- b. CONDITIONAL USE PERMIT / USE-0012-2020: Application for a Conditional Use Permit to allow a contractor's shop and storage yard. The property is legally described as Tract 4 of Van Ningen's Addition in the northeast quarter of the southeast quarter (NE1/4SE1/4) of Section 31, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Keith Toczek/Chalet Holdings LLC Location: 47050 Smith Circle - Harrisburg*

**Staff Presentation:**

Toby presented the application and listed the recommended conditions as follows:

1. The project (contractor's shop and storage yard) 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 April 28, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond April 28, 2023.
3. Appropriate building permits must be issued prior to the commencement of construction.
4. No unscreened outdoor storage is permitted, and the property shall be kept in a clean and orderly manner at all times.
5. The property owner shall not deposit any snow or improperly direct water onto neighboring properties.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify County Planning Staff.

**Public Comment:**

Keith Toczek noted it will be a steel building to store equipment that is currently kept outside, and that only the east side of the property will be developed at this time.

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

**Discussion & Action:** Scott motioned to approve with the conditions as recommended. The motion was seconded by Namminga. The motion passed unanimously (6-0).

- c. CONDITIONAL USE PERMIT / USE-0018-2020: Application for a Conditional Use Permit to allow the transfer of one (1) building eligibility. The original parcel is legally described as South 135' of the West 360' of Schoen Tract 2 in the Southwest quarter (SW1/4) of Section 26, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota. The receiving parcel is legally described as Schoen Tract 2, except part sold, in the Southwest quarter (SW1/4) of Section 26, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Herman Otten*

*Location: Approximately 500 feet north of the intersection of 272<sup>nd</sup> Street and 468<sup>th</sup> Avenue - Tea*

**Staff Presentation:**

Toby presented the application and listed the recommended conditions as follows:

1. The permit transfers a building eligibility to the property described as Schoen Tract 2, except part sold, in the SW1/4 of Section 26, Township 100 North, Range 51 West.
2. Appropriate building permits must be issued prior to the commencement of construction.
3. Individual lot shall be platted prior to use of the second building eligibility.

**Public Comment:**

Herman Otten, available by phone, noted he would lose the eligibility without this transfer since he plans on replatting the property.

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

**Discussion & Action:** Namminga motioned to approve with the conditions as recommended. The motion was seconded by Hogan. The motion passed unanimously (6-0).

- d. CONDITIONAL USE PERMIT / USE-0020-2020: Application for a Conditional Use Permit to allow a Class 1 Major Home Occupation for the sale of motor vehicles and trailers. The property is legally described as the West 102' of the East 502' of the South 264' and Tract 1 of Pedersons Addition, except Lot H-1, in the southeast quarter of the southeast quarter (SE1/4SE1/4) of Section 3, Township 98 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Christopher and Cali Crossan*

*Location: 47390 280<sup>th</sup> St – Worthing*

**Staff Presentation:**

Toby presented the application and noted the original permit materials noted outdoor storage which is not in conformance with the zoning regulations, but after speaking with the applicant the vehicles will be stored inside. Toby then listed recommended conditions as follows:

1. The project (Class 1 Major Home Occupation for sales of motor vehicles and trailers) 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 April 28, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond April 28, 2023.
3. Exhibit A is amended to not include outdoor display of vehicles or trailers for sale.
4. The occupation is required to conform to all regulations, as amended, in the Lincoln County Zoning Ordinance for Class 1 Major Home Occupations.

**Public Comment:**

Chris Crossan, available by phone, noted the permit application for the addition last month will be used for personal storage. He also noted that a person can only sell 6 vehicles a year without a dealer’s license, and the state will allow dealers to display vehicles entirely inside.

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

**Discussion & Action:** Landeen motioned to approve the permit conditions as recommended, specifically noting that everything is stored inside. The motion was seconded by Namminga. The motion passed 4-2, with Scott and Jongeling dissenting.

- e. REVIEW CONDITIONAL USE PERMIT / USE-0026-2019: Review of Conditional Use Permit allowing a private outdoor recreation facility. The property is legally described as Lot 1B of Tempo Addition in the north half of the southwest quarter (N1/2SW1/4) of Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.  
*Applicant/Owner: Tempo Soccer Club                      Location: North of Austin St and Ginger Ave – Tea*

**Staff Presentation:**

Toby presented the application and noted the original permit showed a smaller building. He also noted that the city of Tea had no issues with the updated site plan. Toby then presented the recommended conditions as follows, specifically amending number 2 from the current conditions:

1. This approval is for the project described per Conditional Use Permit (USE-0026-2019) to allow a private outdoor recreation facility, except as modified with the conditions below.
2. Subject to staff approval, the parcel must be developed in substantial conformance with the site plan dated February 23, 2020.
3. The permittee will be required to obtain the necessary building permit(s), and the appropriate floodplain development permit, if necessary.
4. 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:**

Robert Hoffman, available by phone, noted that the building would be an indoor training facility. The building would be fabric with a steel frame and engineered to meet county regulations.

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

**Discussion & Action:**

Namminga motioned to amend the permit conditions as recommended. The motion was seconded by Landeen. The motion passed unanimously (6-0).

8. **OLD BUSINESS** - None
9. **OPEN DISCUSSION FOR COMMISSION MEMBERS FOR ISSUES NOT ON THE AGENDA**
  - a. Correspondence received. - None
  - b. Comments from Planning Commission members. - None

**10. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION –**

Landeed noted they are trying to keep meetings brief and access to the courthouse as limited as possible while still being available to the public. She also noted participating in conference calls with the governor's office discussing steps to get things back to normal.

**11. NEW BUSINESS**

- a. Setting public hearing dates. It was agreed to schedule public hearings for the following proposed amendments (new business items b, c, and d).
- b. Discussion of amendments to Article 9 of the 2011 Subdivision Ordinance. Toby explained the main change would be to include clarification for grading and drainage requirements.
- c. Discussion of amendments to Section 12.02, 12.06 and 12.09 of the 2009 Revised Zoning Ordinance. Toby noted main changes would include simplification and clarification of WECS decommissioning requirements, amending size regulations for accessory buildings, and updates to CAFO setbacks.
- d. Discussion of amendments to Section VIII of the Lincoln County Comprehensive Plan. Toby noted the future land use map would be updated along with the policies and goals for each of the land use areas.
- e. Other new business. - none

**12. ADJOURNMENT**

Namminga motioned to adjourn at 8:25pm and was seconded by Landeen. Motion passed unanimously (6-0).

Respectfully submitted,  
Joan Doss  
Planner