

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

May 18, 2020

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

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Chris and Rachel Beck, Eric Willadsen, Becky Solko, David and Roschell Vinzant, Alexskey and Tanya Gladush, Jamie Nielson.

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF APRIL 20, 2020 MINUTES

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

3. APPROVAL OF AGENDA

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

4. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA – No comments were presented.

5. PUBLIC HEARINGS –

- a. REZONING & PRELIMINARY PLAN / RZNE-0026-2020 & PLAT-0029-2020: Application for rezoning from the A-1 Agricultural zoning district to RR Residential zoning district and preliminary subdivision plan to be known as Alex Acres Addition. The property is legally described as the East 600.68' of the South 652.66' of the East half of the Southwest quarter (E1/2SW1/4) of Section 23, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Eric Willadsen/Aleksey Gladush Location: 47442 277th Street – Worthing

Staff Presentation:

Toby presented the application, noted the application does not conform to the comprehensive plan and outlined findings of fact for the commission to adopt as follows:

1. The proposed map amendment is not consistent with the purposes, goals, objectives, and policies of the County as stated through its various adopted planning documents.
2. The proposed map amendment does not further the specific purpose statements of the zoning ordinance.
3. The proposed map amendment will unreasonably affect adjacent properties.

Public Comment:

Eric Willadsen, the applicant, noted he was not aware staff would recommend denial and asked for the application be tabled to address any issues. He also noted the development would clean up the property and that all buildings would be demolished.

Pashby asked for public comment.

David Vinzant noted concern about how it would affect drainage on his agricultural land.

Becky Solko and Chris Beck both noted concern for the precedent that approval would set in the area.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Namminga motioned to accept the findings of fact, and to recommend denial of the rezoning application and preliminary subdivision plan. The motion was seconded by Landeen. Landeen further commented it would be great to clean up the property, but the county needs to follow the comprehensive plan. The motion passed unanimously (6-0)

- b. CONDITIONAL USE PERMIT / USE-0028-2020: Application for a Conditional Use Permit to allow warehousing to exceed 10,000 square feet. The property is legally described as the Lot 2 in Block 4 of Kerslake 2nd Addition in the South half (S1/2) of Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Jamie Nielson/Big Time Storage LLC Location: 27066 Kerslake Place – Tea

Staff Presentation:

Toby presented the application and 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 May 26, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond May 26, 2023.
3. Appropriate building permits must be issued prior to the commencement of construction.
4. No additional warehousing structures, exceeding the total of 25,356 square feet, shall be allowed on the property, without the issuance of a new CUP.
5. Access to the property shall be hard-surfaced in accordance with Article 15 of the 2009 Revised Zoning Ordinance within one year of permit approval.

Public Comment:

Jamie Nielson noted the site is completely fenced, and security hasn't been an issue to this point.

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

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

- c. **AMENDMENT TO 2011 SUBDIVISION ORDINANCE:** Public hearing for proposed amendments to Article 9 of the 2011 Subdivision Ordinance. The proposed amendments to Article 9 will include additions to Section 9.01, Grading Plan, and Section 9.02, Drainage Plan

Staff Presentation:

Toby presented the drafted amendment and noted these changes came from discussions with our drainage engineering consultant. It was noted that the change outlined in 901(A) should also be added to 901(B) and Section 902(H) should include providing notice to adjacent landowners regarding discharge onto neighboring properties.

Public Comment:

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

Discussion & Action: Landeen motioned to recommend approval of the amendment with changes as noted. The motion was seconded by Namminga. The motion passed unanimously (6-0).

- d. **AMENDMENT TO 2009 REVISED ZONING ORDINANCE:** Public hearing for proposed amendments to Section 12.02 of the 2009 Revised Zoning Ordinance. The proposed amendments to Section 12.02 will include additions and amendments to Section 12.02(C)(9), Commercial Wind Energy Conversion Systems Decommission/Restoration/Abandonment

Staff Presentation:

Toby presented the drafted amendment and noted an amendment to WECS decommissioning was discussed during last year's Ad Hoc Committee. He also noted that the amendment would align the zoning ordinance with the nuisance ordinance. Landeen noted she felt that the responsibility of removing the structures was vague and should add "by applicant and/or landowner" at the end of the first sentence. Landeen also noted that "to the Planning Commission" should be added to the second sentence regarding where a copy of the lease would be furnished. Pashby noted that reclamation of access roads should be added to the end of the third sentence.

Public Comment:

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

Discussion & Action: Landeen motioned to recommend approval of the amendment with changes as noted. The motion was seconded by Namminga. The motion passed unanimously (6-0).

- e. **AMENDMENT TO 2009 REVISED ZONING ORDINANCE:** Public hearing for proposed amendments to Section 12.06 of the 2009 Revised Zoning Ordinance. The proposed amendments to Section 12.06 will include additions and amendments to Section 12.06, Accessory Buildings and Uses

Staff Presentation:

Toby presented the drafted amendment and noted the amendment would clarify language on what is considered an accessory use or building. He also noted it would amend the requirements for conditional uses by correlating the size of the building to the size of the property.

Public Comment:

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

Discussion & Action: Namminga motioned to recommend approval of the amendment and was seconded by Jongeling. The motion passed unanimously (6-0).

- f. AMENDMENT TO 2009 REVISED ZONING ORDINANCE: Public hearing for proposed amendments to Section 12.09 of the 2009 Revised Zoning Ordinance. The proposed amendments to Section 12.09 will include additions and amendments to Section 12.09(F), Concentrated Animal Feeding Operations Minimum Separation Distances

Staff Presentation:

Toby presented the drafted amendment and noted the majority of the amendment is to clean up the language for ease of administration. He also noted that the draft proposes to remove using the SD Odor Footprint Tool as a regulatory tool but staff would continue to use it for planning guidance.

Public Comment:

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

Discussion & Action: Namminga motioned to table the amendment to allow for further research into the setback distances. The motion was seconded by Landeen. After further explanation and discussion of the amendment, Namminga withdrew her motion.

Landeen motioned to recommend approval of the amendment and was seconded by Namminga. Hogan was not present for the vote. The motion passed unanimously (5-0).

- g. AMENDMENT TO LINCOLN COUNTY COMPREHENSIVE PLAN: Public hearing for proposed update to Future Land Use Map and amendments to Section VIII of the Lincoln County Comprehensive Plan. The proposed amendments to the Comprehensive Plan will include additions and amendments to Chapter VIII, Planning Policy Framework and the Future Land Use Map

Staff Presentation:

Toby presented the drafted amendment, and noted that every 5 years the comprehensive should be updated and that in the coming years staff will complete an update to the to the entire plan since the current plan is set to expire in 2025.

Public Comment:

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

Discussion & Action: Landeen motioned to recommend approval of the amendment. The motion was seconded by Enstad. 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. – Pashby welcomed Collin Enstad as the new District 3 planning commission member.

10. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION –
Landeen noted the commissioners have discussed re-opening plans for the courthouse.

11. NEW BUSINESS

- a. Setting public hearing dates. Toby noted there would be a Joint Jurisdiction and regular meeting in June.
- b. Other new business. – Toby discussed possible amendments to the zoning ordinance regarding parking regulations. It was the consensus to schedule a public hearing next month for staff to present a draft.

12. ADJOURNMENT

Namminga motioned to adjourn at 8:48pm and was seconded by Landeen. Motion passed unanimously (6-0).

Respectfully submitted, Joan Doss - Planner