

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

June 15, 2020

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

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Brian Kabat, Doanie Bordeaux, Joe Kolbach, Rick Halstead, Jess Hamman, Lisa, Jerry and Egan Schreurs, and Sharyl and Dave Rice.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order on June 15, 2020 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Pashby.

2. APPROVAL OF MAY 18, 2020 MINUTES

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

3. APPROVAL OF AGENDA

Namminga motioned to approve the agenda and seconded by Landeen. The motion passed unanimously (7-0).

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

5. PUBLIC HEARINGS –

- a. CONDITIONAL USE PERMIT / USE-0005-2020: Application for a Conditional Use Permit to allow a telecommunications tower. The property is legally described as the North half of the southwest quarter (N1/2SW1/4) of Section 27, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Verizon Wireless/John & Deborah Burgers Trust

Location: Approximately 1/4-mile north of intersection of 272nd Street and 479th Avenue - Harrisburg

Staff Presentation:

Toby presented the application, and outlined the recommended conditions as follows:

1. The project (telecommunication tower) 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 June 23, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond June 23, 2023.
3. A sign including the owner's name, telephone number, and site ID number shall be provided on the perimeter fence.
4. All lighting on site shall be down-directional, sharp cut-off luminaries, to ensure no spillage of illumination off the parcel.
5. In accordance with Article 12.11(H) of the 2009 Revised Zoning Ordinance, the owner of the facility shall file an annual notification in writing to the Planning and Zoning Office as to the current operation of the tower facility.
6. The tower and property shall be maintained in a safe and clean manner.

Public Comment:

Brian Kabat, the applicant, noted this tower will expand the network capacity in the area and increase reliability. The site was located based on the Verizon search parameters. No existing towers fell within the search area.

Pashby asked for public comment.

Jerry Schreurs asked if the tower would interfere with his tv reception. Brian Kabat responded they generally operate on different frequencies, but Verizon would take measures to remedy any interference.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Landeen motioned to approve with the recommended conditions and was seconded by Enstad. The motion passed unanimously (7-0)

- b. CONDITIONAL USE PERMIT / USE-0023-2020: Application for a Conditional Use Permit to allow motor vehicle service. The property is legally described as the Lot 1 in Block 3 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: Doanie Bordeaux/Red Roof Rentals LLC Location: 27062 Katie Road, Unit F – Tea

Staff Presentation:

Toby presented the application, and outlined the recommended conditions as follows:

1. The project (Motor vehicle service) 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 June 23, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond June 23, 2023.
3. Outside storage shall be limited to parking of customer vehicles awaiting service. Vehicles shall be parked outside of the public right-of-way.

Public Comment:

Doanie Bordeaux noted that his business is only detailing, cleaning vehicles inside and out, and would have between 6-8 vehicles parked at a time.

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

Discussion & Action: Landeen motioned to approve with the recommended conditions and was seconded by Namminga. The motion passed unanimously (7-0).

- c. CONDITIONAL USE PERMIT / USE-0030-2020: Application for a Conditional Use Permit to allow an accessory building to exceed 1,500 square feet – requesting up to 2,400 square feet. The property is legally described as the Tract 1A of Spring Valley West Addition in the south half of the southeast quarter (S1/2SE1/4) of Section 27, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Joe Kolbach

Location: 47973 Wildflower Place – Harrisburg

Staff Presentation:

Toby presented the application, and outlined the recommended conditions as follows:

1. The project (2,400 square foot accessory building) 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 June 23, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond June 23, 2023.
3. The accessory building shall be used solely for personal storage.

Public Comment:

Joe Kolbach noted he is looking for more personal storage space, and the neighbors he spoke with seemed agreeable with the proposal. He also noted he would replant some of the trees after the building is built.

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

Discussion & Action: Jongeling motioned to approve with the recommended conditions and was seconded by Scott. The motion passed unanimously (7-0).

- d. CONDITIONAL USE PERMIT / USE-0041-2020: Application for a Conditional Use Permit to allow a contractor's shop and storage yard. The property is legally described as the Lot 11A and Lot 12A of Block 1, Smith's Second 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: Jess Hamman/Richard Halstead

Location: 47038 Smith Circle - Harrisburg

Staff Presentation:

Toby presented the application. He noted this property now falls within the subdivision authority for the city of Tea. He then outlined the recommended conditions as follows:

1. The operation (contractor shop and storage yard) shall be substantially in accordance with the site plan as approved by the City of Tea.
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 June 23, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond June 23, 2023.

3. The property shall be platted into one lot and shall adhere to any subdivision regulations as required by the City of Tea prior to issuance of a building permit.
4. No unscreened outdoor storage.

Public Comment:

Rick Halstead noted the purchase agreement for the property is contingent on the permit and includes a provision about road development.

Jess Hamman noted his business is an excavation company and would keep some of his equipment stored outside.

Pashby asked for public comment

Sharyl Rice asked how Tea became involved with this property and that there have always been drainage issues for the property.

Dave Rice noted that if the lot is developed more water would overtop the road.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Namminga motioned to approve with the recommended conditions and was seconded by Landeen. Jongeling noted he was concerned about the proposal, but since the county does not have authority for drainage, he was ok with the application. The motion passed unanimously (7-0).

- e. AMENDMENT TO 2009 REVISED ZONING ORDINANCE: Public hearing for proposed amendments to Section 15.04 of the 2009 Revised Zoning Ordinance. The proposed amendments to Section 15.04 will include amendments to Parking and Loading Minimum Improvement Standards

Staff Presentation:

Toby presented the drafted amendment and noted the ordinance requirement was not uniformly enforced over the years which makes it difficult to enforce today. Landeen was concerned there would not be a definition of “hard-surfaced” and that using the word gravel prevents the use of crushed concrete or recycled asphalt. It was noted to change the word “gravel” to “aggregate” and to remove the word “minimum” since it was redundant.

Public Comment:

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

Discussion & Action: Landeen motioned to recommend approval of the amendment as revised and was seconded by Namminga. The motion passed unanimously (7-0).

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 brought up issues with the current notification procedures. Toby noted that the ad hoc committee addressed notification procedures, and drafted amendments that were adopted, which included increasing the notification area for WECs and CAFOs. Pashby also noted he would like all questions to go through him and encouraged more discussion on agenda items.

10. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS’ REPRESENTATION –
Landeen noted the commissioners are beginning work on the budget.

11. NEW BUSINESS

- a. Setting public hearing dates. Toby noted there would be a Joint Jurisdiction and regular meeting in July.
- b. Other new business. – Toby discussed potential changes to the Joint Jurisdiction bylaws including meeting time and date. He also opened for discussion public meeting rules in response to coronavirus. The commission members noted it is difficult to hear the public speak when they are wearing a mask, and that they themselves felt comfortable with the current seating arrangement.

12. ADJOURNMENT

Jongeling motioned to adjourn at 8:33pm and was seconded by Hogan. Motion passed unanimously (7-0).

Respectfully submitted, Joan Doss - Planner