

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

June 17, 2019

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Tyler Klatt, Jerry Jongeling, Monty Derousseau, Stacey Clay Namminga, Gary Pashby (arrived 6:45), and Tiffani Landeen

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Art Hansen Jr, Sara Steever, John T Steever, John P Steever, Deb Thompson, Tish Dirks, Luella DeJong, Robert Hanisch, Marcia Roskeland, Ron Roskeland, Renee Hagedorn, Brenda Peterson, Denis McKnelly, Dave and Sharyl Rice, Tony Ventura, Don Hoffman, Justin Kuiken, Claudia and Tom Wassom, Missy and Greg Krueger.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on June 17, 2019 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derousseau.

2. APPROVAL OF MAY 20, 2019 MINUTES

Klatt motioned to approve the minutes and was seconded by Landeen. The motion passed unanimously (5-0).

3. APPROVAL OF AGENDA

Toby noted item 5.b would be removed from the agenda due to insufficient notification. Namminga motioned to approve the amended agenda and was seconded by Landeen. The motion passed unanimously (5-0).

4. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA –

No comments heard

5. PUBLIC HEARINGS

- a. REZONING & PRELIMINARY SUBDIVISION PLAN / RZNE-0039-2019 & PLAT-0038-2019:
Request for review and recommendation of approval to the Board of County Commissioners of a Rezoning from the “A-1” Agricultural District to the “C” Commercial District and a Preliminary Subdivision Plan for a subdivision to be known as MCC Addition. The property is currently legally described as Tract 2 of Dejong Addition in the Southwest quarter (SW1/4) of Section 32, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Kelly Nielson Location: 27280 471st Ave - Harrisburg

Staff Presentation:

Toby presented a summary of the staff report. He noted staff finds the proposed rezoning brings the defined area closer to the goals and recommendations found in the current master plan and furthers the specific purpose statements of the Zoning Ordinance because the proposed zones match the existing development better than the existing zone. He also noted staff finds the proposed Preliminary Plan to be acceptable. However, Clark Engineering had a variety of corrections and questions including onsite water detention.

Public Comment:

Kelly Nielson noted he is not 100% sure of the future plans for the site, and he would okay be tabling the application to answer any questions. Derousseau asked about water detention. Kelly noted they added additional detention space to their property adjacent to the east.

Derousseau asked for public comment.

Deb Thompson showed photos of the property in the area after a rain event, and noted the field to the north will not be developed in the future, and they are concerned about the amount of fill.

Bob Hanisch noted concerns of drainage.

Don Hoffman asked what the county is going to do about the flooding this will cause.

Sharyl Rice noted the county needs a grading permit since there is no control right now.

Greg Krueger noted he has been in touch with a lawyer due to the increased flooding in the area.

Hearing no further comments, Derousseau closed the floor.

Discussion & Action:

Klatt motioned to table the application and was seconded by Landeen. The motion passed unanimously (6-0).

Derousseau noted the planning commission will open the floor for public comment again at the next meeting.

RZNE-0039-2019 & PLAT-0038-2019 – Tabled

- b. Removed from the agenda.
- c. CONDITIONAL USE PERMIT / USE-0030-2019: Request for review and approval of a Conditional Use Permit to allow a Group Day Care. The property is legally described as Tract 3 Poppenga's Addition, in the Southwest quarter (SW1/4) of Section 28, Township 99 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Renee Hagedorn/Faith Presbyterian Church Location: 46622 278th St - Lennox

Staff Presentation:

Toby presented a summary of the staff report. He noted the applicant is in the process of obtaining licensure with the state. He concluded the Conditional Use Approval Criteria would be satisfied. He then listed the conditions that should be considered if the application is approved as follows:

1. This approval is for the project described per Conditional Use Permit (USE-0030-2019) to allow a group day care.
2. The permittee will be required to have no more than twelve (12) children under the age of fourteen, including children of the petitioner that are under the age of six, at the daycare at any given time.
3. Any outdoor playground area shall be securely fenced.
4. The day care is required to conform to all regulations, as amended, in the Lincoln County Zoning Ordinance, and any other relevant local, state, and federal laws and regulations.
5. 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:

Renee Hagedorn noted she was of the understanding that she could have 20 children. Toby then explained the ordinance does not currently allow for more than 12 children at a day care within the Agricultural district. Pashby asked about the applicant's qualifications. Renee noted she had previously operated an in-home day care when she was raising her own children.

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

Discussion & Action:

Pashby motioned to approve the application with amended conditions by striking condition #2 and adding "in conformance with state licensing" to condition #1. The motion was seconded by Klatt. The motion passed unanimously (6-0).

USE-0030-2019 – Approved

- d. CONDITIONAL USE PERMIT / USE-0035-2019: Request for review and approval of a Conditional Use Permit to allow a Garden Center. The property is legally described as the East 1652' of the South 1054.69' of the Northeast quarter (NE1/4) of Section 31, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: Art Hansen/Donald Schuur Trustee Location: 27245 471st Ave - Harrisburg

Staff Presentation:

Toby presented a summary of the staff report. He noted similar uses within the county have been permitted as a garden center. He also noted there have been residents who have contacted the office with questions and concerns. He concluded the Conditional Use Approval Criteria would be satisfied. He then listed the conditions that should be considered if the application is approved as follows:

1. This approval is for the project described per Conditional Use Permit (USE-0035-2019) to allow a garden center.
2. The property shall be kept in a neat and orderly condition at all times.
3. No retail sales of materials shall occur on the property.
4. Property development shall not be allowed within the flood risk area.

5. The use is required to conform to all regulations, as amended, in the Lincoln County Zoning Ordinance, and any other relevant local, state, and federal laws and regulations.
6. All outdoor storage areas shall be securely fenced.
7. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.
8. 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:

Art Hansen Jr. noted he has owned and operated his business on Cliff Ave for 25 years and have had a conditional use permit for 19 years without any issues or complaints. Pashby asked about the cleanliness of the business. Art noted he likes to stay organized, and the site would reflect that.

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

Discussion & Action:

Pashby motioned to approve the application with the recommended conditions and was seconded by Landeen. The motion passed unanimously (6-0).

USE-0035-2019 – Approved

- e. CONDITIONAL USE PERMIT / USE-0036-2019: Request for review and approval of a Conditional Use Permit to allow a Class 1 Major Home Occupation and accessory building exceeding 1,500 square feet (requesting 4,800 sq. ft.). The property is legally described as the South 805.8' of the West 190.3' of the East 682.3' of the Southeast quarter (SE1/4) of Section 22, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota
Applicant/Owner: Justin Kuiken Location: 46790 271st St - Tea

Staff Presentation:

Toby presented a summary of the staff report. He noted the applicant would use a portion of the building for his construction business's equipment and materials. He concluded the Conditional Use Approval Criteria would not be satisfied, but listed the conditions that should be considered if the application is approved as follows:

1. This approval is for the project described per Conditional Use Permit (USE-0036-2019) to allow a Class 1 Major Home Occupation and accessory building up to 4,800 sq. ft.
2. The property shall be maintained in general conformance with the site plan received on May 20, 2019.
3. The permittee will be required to obtain all necessary permits for all structural improvements to the property.
4. The occupation is required to conform to all regulations, as amended, in the Lincoln County Zoning Ordinance for Class 1 Major Home Occupations, and any other relevant local, state, and federal laws and regulations.
5. 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:

Justin Kuiken noted he runs a remodeling business and there would be one trailer he would store on site, but no customers would be coming to the property.

Derousseau asked for public comment.

Dennis McKnelly noted concerns about drainage since other properties in the area have filled in the ditches.

Hearing no further comments, Derousseau closed the floor.

Discussion & Action:

Namminga motioned to approve the application with the recommended conditions and was seconded by Klatt. The motion passed unanimously (6-0).

USE-0036-2019 – Approved

- f. CONDITIONAL USE PERMIT / USE-0037-2019: Request for review and approval of a Conditional Use Permit to allow a Private Outdoor Recreation Facility. The property is legally described as Southwest quarter (SW1/4) except Steever Addition and Lot H-1, of Section 14, Township 99 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: John T Steever/J.H. Steever Family Trustee Location: 46822 276th St - Lennox

Staff Presentation:

Toby presented a summary of the staff report. He noted the applicant plans on using the racetrack only during the summer months leading up to the county fair. He concluded the Conditional Use Approval Criteria would be satisfied. He then listed the conditions that should be considered if the application is approved as follows:

1. This approval is for the project described per Conditional Use Permit (USE-0037-2019) to allow a private outdoor recreation facility.
2. The race track shall only be used during day-light hours and the site shall be developed in the general location noted on the site plan received on May 20, 2019.
3. The use is required to conform to all regulations, as amended, in the Lincoln County Zoning Ordinance, and any other relevant local, state, and federal laws and regulations.
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:

John Steever noted they had been using the track intermittently for the past two years until they received a letter from Planning and Zoning. He also noted they would have limited hours during the weekend, and they have wetted the track down in the past to control dust.

Derousseau asked for public comment.

Tim Wassom noted there have been noise and dust issues in the past, and their tree farm customers have commented on the issues during the weekend.

Hearing no further comments, Derousseau closed the floor.

Discussion & Action:

Pashby motioned to approve the application with amending the condition #2 to say used during Sundays from 10am-4pm, May 31st through August 20th, and to add #5 for the applicant to provide sufficient dust control. The motion was seconded by Namminga. Klatt asked if this conditional use permit was necessary, since staff was unsure. The motion passed unanimously (6-0).

USE-0037-2019 – Approved

- g. PROPOSED TEXT AMENDMENT TO THE 2009 REVISED ZONING ORDINANCE: To amend Article 23, Building Permits

Staff Presentation:

Toby noted the proposed change would correct discrepancies between the zoning ordinance and building codes.

Public Comment:

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

Discussion & Action:

Landeem motioned to recommend approval of the amendment and was seconded by Pashby. The motion passed unanimously (6-0).

- h. PROPOSED TEXT AMENDMENT TO THE 2009 REVISED ZONING ORDINANCE: To amend Section 26.02(128) Neighborhood Utility Facility

Staff Presentation:

Toby presented an overview of the proposed change to clarify the definition.

Public Comment:

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

Discussion & Action:

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

6. OLD BUSINESS - None

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

- a. Correspondence received. – None
- b. Comments from Planning Commission members. – Pashby asked for an updated list of commission member contact information. Staff will supply this at the next meeting.

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

Landeem noted the county commission will be discussing the transportation plan at the July 9th meeting.

9. NEW BUSINESS

- a. Setting public hearing dates. Toby outlined the zoning ordinance amendments recommended by the Ad Hoc committee, and set public hearings for amending Article 3, Section 12.09(F), and Section 19.05. Toby also provided a list of permits staff has identified that should be reviewed by the Planning Commission for compliance. No permit review public hearings were set.
- b. Other new business. None.

10. ADJOURNMENT

Landeem motioned to adjourn at 8:40pm and was seconded by Pashby. Motion passed unanimously (6-0).

Respectfully submitted,
Joan Doss
Planner