

# MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

July 15, 2019

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Stacey Clay Namminga, Tyler Klatt, Jerry Jongeling (arrived 6:35), Monty Derosseau, Gary Pashby, and Tiffani Landeen

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Adam Hanisch, Jeff Boyle, Gavin Boyle, Greg Noteboom, Jamie Nielson, Randy Dump, Ned Horsted, Shanna & Joel Neubauer, Damian Greble, Ann and Lyn Tschetter, Faith & Larry Kinkner, Deb Thompson, Luella Dejong, Tony & Robyn Ventura, Sarah & Don Abbas, Al Hoines, Mike Pederson, Don Hoffman, Cindy Thomas, Steve Enger, Paul Aamot, Ernest Stratmeyer, David Brouwer.

## 1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on July 15, 2019 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derosseau.

## 2. APPROVAL OF JUNE 17, 2019 MINUTES

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

## 3. APPROVAL OF AGENDA

Pashby motioned to approve the 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 471<sup>st</sup> Ave - Harrisburg*

### Staff Presentation:

Toby presented a summary of the last month’s meeting and the staff report. Landeen asked if this would fit with the master drainage plan. Toby noted it is a sensitive area, but appears to meet the current regulations.

### Public Comment:

Jamie Nielson, representing Kelly Nielson, was available for questions. Pashby asked how many storage units would be on site. Jamie noted roughly 50 large units and 75 smaller units.

Damian Greble, project engineer, was available for questions. He noted page 8 of the plans shows the cut/fill calculations. Derosseau asked cut and fill ratio. Damian noted they accounted for extra storage capacity above a 1:1 ratio. Jongeling asked if the site would drain to the cut area. Damian noted not necessarily, but would be utilized with heavy rain events.

Derosseau asked for public comment.

Deb Thompson noted the site does not drain east, and that the development will make the land north un-farmable.

Damian replied that the development would allow drainage to the south, and would not disturb wetlands.

Don Hoffman noted there are already retention ponds that are full of water, and wetlands should be left alone.

Damian replied some wetland mitigation areas are planned to have standing water, but all storage volume would be above base water level.

Luella DeJong was concerned about setbacks and standing water on the site.

Adam Hanish noted the development would flood his land and would ruin his property improvements.

Hearing no further comments, Derosseau closed the floor.

### Discussion & Action:

Landeem motioned to recommend denial of the applications and was seconded by Jongeling. The motion passed unanimously (6-0).

**RZNE-0039-2019 & PLAT-0038-2019 – Recommended Denial**

- b. **REZONING / RZNE-0044-2019:** 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. The property is legally described as North 127’ of Tract 2 of the Northwest quarter (NW1/4), except Lot H-1, of Section 2, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Greg & Mary Noteboom      Location: 27302 SD Hwy 115 - Harrisburg.

**Staff Presentation:**

Toby presented a summary of the staff report. He noted the City of Harrisburg supports the proposal and finds the rezoning brings the defined area closer to the goals and recommendations found in the current master plan.

**Public Comment:**

Greg Noteboom noted he will clean up the property and expand the display of campers. His long-term plan would be to remove the existing house.

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

**Discussion & Action:**

Jongeling motioned to recommend approval and was seconded by Klatt. The motion passed unanimously (6-0).

**RZNE-0044-2019 – Recommended Approval**

- c. **REZONING / RZNE-0046-2019:** Request for review and recommendation of approval to the Board of County Commissioners of a Rezoning from the “RR” Rural Residential District to the “A-1” Agricultural District. The property is legally described as Lot A of Tract 2 of Sanchez’s Addition in the Northeast quarter (NE1/4) of Section 25, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Chris Enger

Location: 47585 271<sup>st</sup> St - Harrisburg

**Staff Presentation:**

Toby presented a summary of the staff report. He noted the purpose of the rezone is to allow livestock to remain on-site, and that the proposal would bring the area closer to conformance with the comprehensive plan.

**Public Comment:**

Chris Enger noted he farms for a living and uses the property for his cow-calf pairs during calving season. He also noted the previous owner had livestock as well, and he was unaware of any covenants on his property.

Derousseau asked for public comment.

Ned Horstead noted he always saw cattle on site and that he never noticing any odor.

Lynn Tschetter presented covenants to the board and said the previous owners only had a couple cows at a time.

Ann Tschetter noted they have tried to be good neighbors, but there are too many cattle and runoff is an issue.

Jeff Boyle noted there is runoff in the ditch and more cattle than previous owner.

Joel Neubauer noted the area has changed over the years and that runoff is an issue.

Chris Enger replied that he has a lift station for draining the tile that surrounds his house, and there are no surface inlets. He noted he asked for the rezone to get into compliance with the ordinance.

Hearing no further comments, Derousseau closed the floor.

**Discussion & Action:**

Landeem motioned to recommend approval and was seconded by Klatt. The motion passed 5-1, with Pashby dissenting.

**RZNE-0046-2019 – Recommended Approval**

- d. **CONDITIONAL USE PERMIT / USE-0027-2019:** Request for review and approval of a Conditional Use Permit to allow for motor vehicle sales, service, and display. The property is legally described as

Tract 1 of D & D Addition, in the Southwest quarter (SW1/4) of Section 21, Township 99 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Applicant/Owner: Randy Dump*

*Location: 27688 466<sup>th</sup> Ave - Lennox*

**Staff Presentation:**

Toby presented a summary of the staff report. 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 land use described per Conditional Use Permit (USE-0027-2019) to allow for motor vehicle sales, service, display, and rental.
2. The property 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.
3. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.
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:**

Randy Dump noted he would be using a gravel pad to display roughly 10 trailers.

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

**Discussion & Action:**

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

**USE-0027-2019 – Approved**

- e. PROPOSED TEXT AMENDMENT TO THE 2009 REVISED ZONING ORDINANCE: To amend Article 3.00, A-1 Agricultural District

**Staff Presentation:**

Toby presented a summary of the amendments drafted by staff and the Ad Hoc Committee. Toby noted a couple additional changes of striking proposed 3.02(B)3 and changing the front yard setback to 150 feet from the centerline of the road. Pashby noted he felt the section should be kept named “A-1” versus changing to “A.”

**Public Comment:**

Derausseau asked for public comment.

Don Hoffman noted that the livestock industry isn’t respected in Lincoln County and that you need a lawyer if you want to do anything in the county.

Tony Ventura noted the amendments were a step in the right direction.

Hearing no further comments, Derausseau closed the floor.

**Discussion & Action:**

Pashby motioned to recommend approval with the noted changes and was seconded by Klatt. The motion passed unanimously (6-0).

- f. PROPOSED TEXT AMENDMENT TO THE 2009 REVISED ZONING ORDINANCE: To amend Section 12.09(F), Concentrated Animal Feeding Operation Minimum Separation Distances

**Staff Presentation:**

Toby presented a summary of the changes recommended by the Ad Hoc committee. Namminga asked if home occupations would be covered under the commercial setback. Toby said the setback would be for properties zoned commercial or industrial.

**Public Comment:**

Derausseau asked for public comment.

Mike Pederson noted that there was compromise throughout the committee’s discussions.

Tony Ventura noted the CAFOs impede on the use of building eligibilities. He also played an audio recording from a previous Ad Hoc Committee meeting.

Robyn Ventura noted her photography business should be covered under the commercial setback since she would lose customers.

Hearing no further comments, Derausseau closed the floor.

**Discussion & Action:**

Landeen noted she doesn't agree with having a mutual setback for constructing dwellings.

Klatt motioned to recommend approval as presented and was seconded by Pashby. The motion passed 5-1, with Landeen dissenting.

- g. PROPOSED TEXT AMENDMENT TO THE 2009 REVISED ZONING ORDINANCE: To amend Section 19.05, Conditional Use Permit Planning Commission Hearing

**Staff Presentation:**

Toby noted the proposed change would change the notice requirements for CAFO and WECS application, and increase notification timeframes for all conditional use permits. Landeen and Pashby noted a few areas to correct grammar, and noted that the "good faith effort" wording could be removed.

**Public Comment:**

Derausseau asked for public comment.

Don Abbas noted it should be for every CAFO.

Tony Ventura noted stronger signs should be used.

Hearing no further comments, Derausseau closed the floor.

**Discussion & Action:**

Klatt motioned to recommend approval of the amendment with noted corrections and was seconded by Pashby. 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. – None.

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

Landeen noted the county commission had lots of discussion about a road and bridge levy, but it did not pass, so the projects outlined in the master transportation plan would not be able to be funded.

**9. NEW BUSINESS**

- a. Setting public hearing dates. None.
- b. Other new business. None.

**10. ADJOURNMENT**

Pashby motioned to adjourn at 9:45pm and was seconded by Landeen. Motion passed unanimously (6-0).

Respectfully submitted,  
Joan Doss  
Planner