

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

August 17, 2020

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Erik Scott, Joel Arends (arrived at 7:00), Jerry Jongeling, Gary Pashby, Stacey Clay Namminga, Wendi Hogan, and Colin Enstad

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Brad Van Surksum, Kent Torve, Ron Albers, David Kuper, Nate Kuper, Tony Ventura, Patricia Sudbeck, Katie David, Don & Sarah Abbas, Matt Haugan, Patrick King, Brian Melchert, Corinna & Mick Christopherson, Erik & Shanna Bender, Lisa Hirschhorn, Camaron Marlow, Michelle & Keith Bittner, Corey Horner, Matt Mathiesen, Mark Nelson, Myron Holzwarth, Jim Jibben, Bill Buss, and David Brouwer.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order on August 17, 2020 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Pashby.

2. APPROVAL OF JULY 20, 2020 MINUTES

Scott motioned to approve the minutes and was seconded by Jongeling. Motion passed unanimously (6-0).

3. APPROVAL OF AGENDA

Enstad 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. USE-0056-2020: Conditional Use Permit to allow an agriculturally related operation involving the handling, storage, transporting, and shipping of farm products – requesting use for seed sales. The property is legally described as a future subdivided portion of the Southwest quarter (SW1/4) except lot H-1, of Section 1, Township 98 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: David Kuper, Kuper Seed Sales/Donald Abbas

Location: Approximately 1/3 mile east of the intersection of 469th Avenue and SD Highway 44 - Lennox

Staff Presentation:

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The building/office and operation shall be developed substantially in accordance with the submitted site plan (dated: July 27, 2020) and narrative (dated: July 14, 2020). These plans shall be requirements of this permit. Any proposed expansion of the submitted site plan shall be cause for issuance of a new conditional use permit.
2. Any permanent outside storage shall be screened from all neighboring residences.
3. Lighting shall be down shielded to prevent glare on adjacent properties.
4. All applicable building permits shall be obtained. A building permit is required before work to construct, enlarge, alter, repair, move, or demolish a building or structure, or to change the occupancy (use) of a building or structure.

Public Comment:

Dave Kuper noted they chose the location because of the elevation to avoid the wet areas further west. He also noted he would expect roughly 50-60 customers overall, with the busy season from April through June.

Pashby asked for public comment.

Camaron Marlow, Corey Horner, and Michelle Bittner noted concerns about the location in regard to their homes and the impact on property values.

Ron Albers noted concern about drainage.

Don Abbas noted the county should address drainage, and also noted that the water currently drains to the west.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Namminga motioned to approve with the recommended conditions and was seconded by Hogan. Jongeling noted concerns about the location and traffic. Scott noted the applicant should look into solving the drainage issue, and maybe table the application. Arends noted the county should look into the traffic and drainage concerns in the area. Motion failed 2-4-1, with Namminga and Hogan voting in the affirmative, and Arends abstaining.

- b. USE-0060-2020: Conditional Use Permit to allow an accessory building to exceed 1,500 square feet – requesting 2,500 square feet. The property is legally described as Lot 52 of Springdale Estates, in the north half of the northwest quarter (N1/2NW1/4) of Section 26, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Mark Nelson/Jeffrey & Lisa Coit

Location: 27121 Mockingbird Drive - Harrisburg

Staff Presentation:

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0060-2020) is approved solely for the construction of 2,500 sq. ft. accessory building on the property. Any expansion of the building shall be permitted only upon approval of a new Conditional Use Permit.
2. A building permit is required before work to construct, enlarge, alter, repair, move, or demolish a building or structure, or to change the occupancy (use) of a building or structure.
3. Prior to building permit approval, a surveyed site plan shall be submitted to the Planning and Zoning office.
4. The structure shall not be used in conjunction with a business or commercial activity, without first obtaining an additional Conditional Use Permit.
5. A certificate of occupancy issued by the building official is required before the structure, or portion thereof, is used or occupied.

Public Comment:

Mark Nelson noted he is wanting more than 1,500 sq. ft. to store his boat, trailer, and vehicles. He also noted he would use a small portion as a workshop.

Pashby asked for public comment

Matt Haugan, Brad Van Surkum, Mike Christopherson, Katie David, Bill Buss, Brian Malchert, Patrick King, Lisa Hirschhorn, and Patricia Sudbeck noted concerns on the size and appearance of the proposed building, issues with covenants, and drainage issues it would potentially cause.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Jongeling motioned to approve and was seconded by Namminga. Arends noted he felt it is out of character for the area. Motion failed 1-6, with Namminga voting in the affirmative.

- c. USE-0061-2020: Conditional Use Permit to allow a Class 1 Major Home Occupation. The property is legally described as Lot 52 of Springdale Estates, in the north half of the northwest quarter (N1/2NW1/4) of Section 26, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Mark Nelson/Jeffrey & Lisa Coit

Location: 27121 Mockingbird Drive - Harrisburg

Staff Presentation:

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0061-2020) is approved for the use of a Class 1 Major Home Occupation.
2. No unscreened outdoor storage pertaining to the home occupation shall be allowed on the property.
3. The occupation shall conform to the regulations outlined within Section 12.03.02(A) of the 2009 Revised Zoning Ordinance.

Public Comment:

Mark Nelson noted that the majority of the business is done off-site and does not have any other employees.

Pashby asked for public comment.

Katie David noted concern about the precedent it would set for the area.

Brad Van Surksun claimed covenants do not allow businesses.

Patrica Sudbeck questioned requiring insurance for the building.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Namminga motioned to approve with the recommended conditions and was seconded by Hogan. Motion passed 5-2, with Arends and Pashby dissenting.

- d. USE-0062-2020: Conditional Use Permit to allow an accessory building to exceed 1,500 square feet – requesting 2,256 square feet. The property is legally described as the Lot 1 in Block 4 of Arthur Estates, in the West half of the Northeast quarter (W1/2NE1/4) of Section 32, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Eric Bender

Location: 27201 Regal Court – Sioux Falls

Staff Presentation:

Toby gave an overview of the application and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0062-2020) is approved solely for the construction of a 720 sq. ft. addition to the existing accessory building on the property. Any further expansion of the building shall be permitted only upon approval of a new Conditional Use Permit.
2. A building permit is required before work to construct, enlarge, alter, repair, move, or demolish a building or structure, or to change the occupancy (use) of a building or structure.
3. The structure shall not be used in conjunction with a business or commercial activity, without first obtaining an additional Conditional Use Permit.
4. Landscaping shall be planted and maintained in accordance with the site plan dated June 6, 2020.
5. A certificate of occupancy issued by the building official is required before the structure, or portion thereof, is used or occupied.

Public Comment:

Eric noted he spoke with the HOA and they were fine with the proposal. He also noted he would like the addition to be 18'x46' instead of the original proposal of 18'x40'.

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

Discussion & Action: Jongeling motioned to approve with the recommended conditions and with amending #1 to say 828 sq. ft. The motion was seconded by Arends. Motion passed unanimously (7-0).

- e. Amendment to the 2009 Revised Zoning Ordinance. Public hearing for proposed amendments to Article 3 of the 2009 Revised Zoning Ordinance. The proposed amendments to Article 3 will include amendments to Section 3.03 – Permitted Special Uses and Section 3.04 – Conditional Uses.

Staff Presentation:

Toby gave an overview of the amendment, and the history of the previous amendment. A long discussion was had between commission members based on whether this amendment is needed.

Public Comment:

Pashby asked for public comment

Tony Ventura noted the amendment should be tabled until the County Board acts on the previous amendments.

David Brouwer noted that neighbors should be notified about CAFOs.

Don Abbas echoed the concern about notification.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Namminga motioned to table the amendment until next month and was seconded by Scott. Namminga noted that the previous amendment must have been implemented for a reason, and why should they change it back now. Motion passed unanimously (7-0).

6. OLD BUSINESS - None

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

- a. Correspondence received. – None
- b. Comments from Planning Commission members. – Pashby noted issues with the quality of the submitted site plans.

8. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION –
Commissioner Arends noted the public hearing for the budget will be September 1st.

9. NEW BUSINESS

- a. Lincoln Master Drainage Plan – Kent Torve, from WENCK Associates, present an overview of the county's master drainage plan process, and noted it will be set for a public hearing and adoption in the coming months.
- b. Setting public hearing dates. Toby noted there will only be a regular planning commission meeting in September.
- c. Other new business - None.

10. ADJOURNMENT

Hogan motioned to adjourn at 10:45pm and was seconded by Namminga. Motion passed unanimously (7-0).

Respectfully submitted, Joan Doss - Planner