

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

August 20, 2018

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Darwin Sogn, Tyler Klatt, Ron Albers, Monty Derousseau, Gary Pashby, Jim Schmidt, and Stacey Namminga

STAFF PRESENT: Toby Brown, Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Dave Gillespie, Paul Kostboth, Don Abbas, David Tuntland, Marlys & Duane Clay, Hal Schroeder, Corey Farror, Lester Vogeli, Faith & Larry Kinkner, Tony Ventura, Nacole & Brad Venjohn, Mike Pederson, Cindy Thomas, Andre & Kia Adams, Steve & Keila Smith, Rebecca Terk, Paul & Glenadene Aamot, Al Hoines, David Johnson, Frank Kloucek, Kevin Janni, Lee Daggett, Mitch Peterson, Ernest Stratmeyer, Shane & Lindsay Zylstra, Ramon Lyardo, Doug Corwin, Kurt & Emily Hinsch, Sarah & Kasey Hahn, Josh Nielson, Seth Denning, Craig Anderson, Darin Larson, Andy & Terry Dolan, Reid Jensen, John Thompson. In addition, two illegible names from Parkston, SD and one from Parker, SD.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on August 20, 2018 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derousseau.

2. APPROVAL OF JULY 16, 2018 MINUTES

Klatt motioned to approve the minutes from July 16, 2018, and was seconded by Sogn. The motion passed unanimously (7-0).

3. APPROVAL OF AGENDA

Klatt motioned to approve the agenda, moving the informational presentation to the beginning, and was seconded by Schmidt. The motion passed unanimously (7-0).

4. PUBLIC HEARINGS

- a. **CONDITIONAL USE PERMIT / 18-CUP-028:** Request for review and approval of a Conditional Use Permit proposing to operate a Class 1 Major Home Occupation. The property is legally described as West 533.44' and East 41' of West 574.44' of South 557.07' in the South half (S1/2) of the Southeast quarter (SE1/4) of Section 17, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Kasey Hahn/Kasey & Sarah Hahn Location: 46560 270th St – Tea

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township. The subject site is approximately ½ mile west of the intersection of County Highway 105 and 270th Street. The site is currently used as a rural residence. The zoning code requires a conditional use permit for a Class 1 Major Home Occupation in the "A-1" Agricultural zoning district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of agricultural production with low density residences to the southwest. The corporate limits of Tea are approximately 2½ miles to the east of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to operate their construction and carpentry business within an accessory building on the subject property.

Staff Recommendation: Approve the application to allow the operation of a Class 1 Major Home Occupation, subject to the following conditions:

1. The occupation shall be conducted entirely within a dwelling and/or accessory building and clearly incidental to the use of the structure for residential purposes.
2. The occupation shall be operated by a member of the family residing in the dwelling.
3. Employees of the occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
4. In addition to the dwelling, up to 2000 square feet of accessory building space may be used for the occupation.
5. The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to the normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These off the property noise standards shall not apply to public and railroad rights-of-way.

6. The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
7. No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur, with the exception of parking a business vehicle overnight shall be permitted.
8. A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation. No off premise signs shall be used.
9. The occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
10. There shall be only limited and incidental sale of products conducted on the premise.
11. The number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.
12. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
13. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report, and noted the conditions are the regulations for home occupations as stated in the ordinance. Kasey Hahn, the applicant, noted the space would be used to store his home construction equipment. Schmidt asked if he understood the conditions, and Kasey confirmed his understanding.

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

Discussion & Action:

Pashby motioned to approve of the application, with the recommended conditions, and was seconded by Namminga. There was no discussion. The motion passed unanimously (7-0).

Conditional Use 18-028 – Approved

- b. **CONDITIONAL USE PERMIT / 18-CUP-029:** Request for review and approval of a Conditional Use Permit proposing to allow motor vehicle sales, display, and service. The property is legally described as Tract 8 of Landmark Industrial Park Addition in the Southwest quarter (SW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Adan Arteaga/Jeren Homes Inc. Location: 47001 Mona St, Suite #3 - Tea

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township, and is within the Landmark Industrial subdivision. The subject site is approximately ¼ mile north of the intersection of 272nd Street and 470th Avenue. The site is currently used as a contractor’s shop and storage yard, which was permitted July 2017. The zoning code requires a conditional use permit for a motor vehicle sales and service in the “I-1” Light Industrial zoning district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of commercial and industrial uses, while vacant properties are utilized for limited agricultural uses. The corporate limits of Tea are approximately ½ mile to the southwest of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to move their motor vehicle sales and service business to Suite #3 of the building on the subject property. The applicant’s business was previously permitted at 46953 Monty Street, Unit #4 (14-CUP-023), and did not have any compliance issues.

Staff Recommendation: Approve the application to allow the operation of motor vehicle sales, display, and service, subject to the following conditions:

1. The property shall be kept in a neat and orderly condition at all times.
2. There shall be no outside storage of inoperable or unlicensed vehicles.
3. There shall be no salvage operations, unless permitted through an additional Conditional Use Permit.
4. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.

5. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report. Ramon Lyardo, representing the applicant, noted they are looking to move their business to a larger space.

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

Discussion & Action:

Klatt motioned to approve the application, with the recommended conditions, and was seconded by Albers. There was no discussion. The motion passed unanimously (7-0).

Conditional Use 18-029 – Approved

- c. CONDITIONAL USE PERMIT / 18-CUP-030: Request for review and approval of a Conditional Use Permit proposing to allow the construction and operation of a contractor's shop and storage yard. The property is legally described as Lot 1 in Block 2 of La Valley Business Park Addition in the Northwest quarter (NW1/4) of Section 5, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Stephen Smith/Smith Properties LLC Location: 47112 Homefield Pl - Harrisburg

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in La Valley Township, and is within the La Valley Business Park subdivision. The subject site is at the northeastern corner of the intersection of La Valley Place and Homefield Place. The site is currently used for warehousing and personal storage. The zoning code requires a conditional use permit for contractor's shops and storage yards in the "C" Commercial zoning district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of commercial uses including warehousing and contractor's shops. The corporate limits of Harrisburg are approximately 2½ miles to the east of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to utilize the existing building for contractor's shops.

Staff Recommendation: Approve the application to allow the operation of a contractor's shop and storage yard, subject to the following conditions:

1. The property shall be kept in a neat and orderly condition at all times.
2. Equipment, trailers, and vehicles utilized for the contractor's shop may be parked outside on the property, provided they are screened from view from adjacent property and streets.
3. Any exterior lighting shall be directed downwards and shall not create any light glare or spillage onto adjacent property.
4. The owner of the subject property shall ensure that employees park on the subject property.
5. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
6. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
7. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report, and noted the surrounding area is mostly warehousing and contractor's shops. Stephen Smith, the applicant, noted he understood the conditions of the permit.

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

Discussion & Action:

Sogn motioned to approve the application with the recommended conditions and was seconded by Pashby. There was no discussion. The motion passed unanimously (7-0).

Conditional Use 18-CUP-030 – Approved

- d. CONDITIONAL USE PERMIT / 18-CUP-031: Request for review and approval of a Conditional Use Permit proposing to exceed 10,000 square feet of total warehouse building area – requesting 15,310 square feet. The property is legally described as Tract 5 of D & L Industrial Addition in the Southwest quarter (SW1/4) of Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Josh Nielson/Just Right Storage LLC

Location: 46936 Austin St – Tea

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township and is within the D&L Industrial Addition. The site is near the intersection of 271st Street and 469th Avenue. The property currently has a 4,920 sq. ft. warehouse/mini-storage facility on the premise.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties to the west, east and south are also zoned “C” Commercial and the existing uses are commercial/light industrial. The area to the north of the subject property is zoned “A-1” Agricultural and the existing use is agriculture. The corporate limits of Tea are approximately 2,000 feet to the southwest of the subject property.

PROJECT DESCRIPTION. The applicant is proposing to construct 15,310 sq. ft. off new warehousing (mini-storage) on the subject property. Conditional Use Permit 07-CUP-006 authorized three structures (approximately 18,630 sq. ft.) for warehouse (mini-storage) on the subject property. Only one structure, totaling 4,920 sq. ft. was constructed.

Staff Recommendation: Approve the application (CUP No. 18-031) to exceed 10,000 sq. ft. of total warehouse (mini-storage) building area – requesting to construct 15,310 sq. ft. for a total of 20,230 sq. ft. on the subject property, subject to the following conditions:

1. Conditional Use Permit No. 18-031 shall replace Conditional Use Permit No. 07-006
2. The site plan submitted with a building permit application must substantially conform to plans submitted with the conditional use permit application on July 13, 2018.
3. The use shall be operated in a manner, which does not create a public nuisance. Any such nuisance must be abated immediately upon notice by the County.
4. No outside storage is permitted.
5. Lighting used for outdoor illumination shall be installed to deflect light away from adjoining property. The sources of light shall be hooded or controlled so light does not shine upward nor light adjoining property.
6. The applicant and/or property owner shall not deposit any snow or improperly direct water onto neighboring properties and dispose of storm water onsite through an approved engineering method.
7. A building permit is required before work begins to construct, enlarge, alter, repair, move a structure, or to change the occupancy (use) of a structure.
8. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
9. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report, and noted the original conditional use permit allowed for multiple buildings, but only one was constructed. Staff determined a new permit would be needed since the proposed size of the building is different from the original plan. Namminga asked about drainage plans for the site. Josh Nielson, the applicant, noted that a drainage plan has been submitted to the City of Tea for review and approval.

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

Discussion & Action:

Namminga motioned to approve the application, with the recommended conditions, and was seconded by Pashby. The motion passed unanimously (7-0).

Conditional Use 18-CUP-031 – Approved

A ten-minute break commenced.

- e. CONDITIONAL USE PERMIT / 18-CUP-032: Request for review and approval of a Conditional Use Permit to allow motor vehicle sales. The property is legally described as Lot 2 in Block 4 of La Valley Business Park Addition in the Northwest quarter (NW1/4) of Section 5, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Lee Daggett/Richard Hoffman Location: 27316 La Valley Pl – Harrisburg

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in La Valley Township and is within the La Valley Business Park. The site is near the intersection of Interstate 29 and 273rd Street. The property currently has a 3,264 sq. ft. building on the premise.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties to the west, north and south are also zoned “C” Commercial and the existing uses are commercial/light industrial. The properties to the east of the subject property are zoned “I-1” Light Industrial and “C” Commercial and the existing uses are storage and vacant. The corporate limits of Harrisburg are approximately 2½ miles to the east of the subject property.

PROJECT DESCRIPTION. The applicant is proposing to operate motor vehicle sales, display and service on the subject property. No new structures are associated with this request.

Staff Recommendation: Approve the application (CUP No. 18-032) to operate motor vehicle sales, display and service on the subject property, subject to the following conditions:

1. Site plans must substantially conform to plans submitted with the application on July 16, 2018.
2. The use shall be operated in a manner, which does not create a public nuisance. Any such nuisance must be abated immediately upon notice by the County.
3. The items for sale shall only be motor vehicles.
4. Vehicle display area shall not encroach into the required yard areas.
5. The outdoor storage of motor vehicle parts is prohibited.
6. Lighting used for outdoor illumination shall be installed to deflect light away from adjoining property. The sources of light shall be hooded or controlled so light does not shine upward nor light adjoining property.
7. Appropriate parking shall be provided based upon the number of vehicles on display, in accordance with Article 15 of the 2009 Revised Zoning Ordinance for Lincoln County.
8. The applicant and/or property owner shall not deposit any snow or improperly direct water onto neighboring properties and dispose of storm water onsite through an approved engineering method.
9. A building permit is required before work to construct, enlarge, alter, repair, or move a building or structure, or to change the occupancy (use) of a building or structure.
10. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
11. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report. Pashby asked why we didn’t include “inoperable vehicles” as part of condition #5. Toby noted the ordinance requires all vehicles need to be licensed. Lee Daggett, that applicant, noted he only plans on having about 5 vehicles on site at a time.

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

Discussion & Action:

Albers motioned to approve the application with the recommended conditions and was seconded by Sogn. There was no discussion. The motion passed unanimously (7-0).

Conditional Use 18-CUP-032 – Approved

- f. CONDITIONAL USE PERMIT / 18-CUP-033: Request for review and approval of a Conditional Use Permit to allow motor vehicle sales. The property is legally described as Lot 3 in Block 2 of La Valley

Business Park Addition in the Northwest quarter (NW1/4) of Section 5, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Lee Daggett/Whirlwind LTD Co. Location: 27306 La Valley Pl – Harrisburg

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in La Valley Township and is within the La Valley Business Park. The site is near the intersection of Interstate 29 and 273rd Street. The property is currently vacant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. All surrounding properties are also zoned “C” Commercial and the existing uses are commercial/light industrial or vacant and anticipated for commercial uses. The corporate limits of Harrisburg are approximately 2 ½ miles to the east of the subject property.

PROJECT DESCRIPTION. The applicant is proposing to operate motor vehicle sales and display on the subject property. No new structures are associated with this request.

Staff Recommendation: Approve the application (CUP No. 18-033) to operate motor vehicle sales and display on the subject property, subject to the following conditions:

1. Site development must substantially conform to plans submitted with the application on July 16, 2018.
2. The use shall be operated in a manner, which does not create a public nuisance. Any such nuisance must be abated immediately upon notice by the County.
3. The items for sale shall only be motor vehicles.
4. Vehicle display area shall not encroach into the required yard areas.
5. The outdoor storage of motor vehicle parts is prohibited.
6. Lighting used for outdoor illumination shall be installed to deflect light away from adjoining property. The sources of light shall be hooded or controlled so light does not shine upward nor light adjoining property.
7. Appropriate parking shall be provided based upon the number of vehicles on display, in accordance with Article 15 of the 2009 Revised Zoning Ordinance for Lincoln County.
8. The applicant and/or property owner shall not deposit any snow or improperly direct water onto neighboring properties and dispose of storm water onsite through an approved engineering method.
9. A building permit is required before work to construct, enlarge, alter, repair, or move a building or structure, or to change the occupancy (use) of a building or structure.
10. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
11. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report, noted this would be a secondary display area in conjunction with the previous permit. He also noted in discussions with the applicant, that he plans on being there for a short time, and suggested adding an additional condition for a review in 6-months. Klatt asked if the review would be a cap on the length of the permit, or could it be extended indefinitely. Lee Daggett, the applicant, confirmed that the current property owner is looking at developing the lot, at which time he would have to cease displaying vehicles. It was noted the review could be 12-months since not much can happen in 6 months. Monty also noted concern about compliance with the Auto Dealer’s rules and regulations, and advised Lee to check the rules before he begins sales.

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

Discussion & Action:

Klatt motioned to approve the application with the recommended conditions, adding a 12-month review condition to the permit, and was seconded by Namminga. There was no discussion. The motion passed unanimously (7-0).

Conditional Use 18-CUP-033 – Approved

Commissioner Namminga recused herself, and left the room for the following item.

5. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISISON

- a. CONDITIONAL USE PERMIT / 18-CUP-025: Request for review and approval of a Conditional Use Permit proposing to allow the construction and operation of a Class C Swine CAFO (2,499 head). The property is a portion of the property legally described as the Northeast quarter (NE1/4) of Section 3, Township 96 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Shane Zylstra/Mark & Joyce Horstman

Location: Southwest corner of the intersection of 291st Street & 474th Avenue - Beresford

Motion by Albers, and seconded by Klatt, to remove the application from the table. The motion passed unanimously (6-0)

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Pleasant Township at the intersection of 291st Street and 474th Avenue. The site is currently used for crop production. The zoning code requires a conditional use permit for a Class C CAFO in the “A-1” Agricultural zoning district if the site has not sought coverage under the South Dakota DENR General Water Pollution Control Permit. The proposal will parcel out at least 5 acres from the current 160 acres.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of agricultural crop production, with a limited amount of residences in the vicinity. There are two vacant farmstead properties to the north. The corporate limits of Beresford are approximately 5 miles to the southwest of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to construct and operate a Class C CAFO (2,499 head of swine over 55 pounds). The plans submitted with the application notes that the manure will be applied to three separate fields, which are located at the subject site and within section 28 and 34 of Lincoln Township. The building appears to be a standard confinement barn (51’W x 393’L). The odor model submitted with the application shows that the three closest residences all exceed the 98% annoyance-free estimation and the ¼-mile setback from dwellings. The applicant also notes he will use pit additives for controlling odor and flies, which he states have been successful at his other sites.

Staff Recommendation: Approve the application to allow construction and operation of a Class C CAFO (2,499 head of swine over 55 pounds), subject to the following conditions:

1. The total confinement barn shall be located on a single, legally described parcel consisting of a minimum of five (5) contiguous acres.
2. The total confinement barn shall be limited to 2,499 swine over 55 pounds (Class C CAFO).
3. All building and waste storage facility plans associated with the concentrated animal feeding operation shall be approved by an engineer that is licensed in the state of South Dakota.
4. All waste applied to farm fields must be knifed or injected into soil.
5. All manure application records, soil analysis, and manure analysis shall be retained on file for a period of at least three (3) years, and shall be available to the Planning and Zoning Department upon request.
6. The Waste (Nutrient) Management Plan must be updated annually, be retained on file for a period of at least three (3) years, and shall be available to the Planning and Zoning Department upon request.
7. Adequate measures shall be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.
8. Additional fly control shall be addressed with pesticides when necessary.
9. Landscaping be installed after the completion of the total confinement barn and that all exposed earthen surfaces be seeded into grass or utilized as crop acreage.
10. Planning and Zoning Department Staff may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules and ordinances.
11. The conditional use permit will be periodically reviewed by the Planning and Zoning Department to assure compliance with the permit and permit conditions.
12. Test boring location and test boring results be furnished prior to issuance of a building permit.
13. Plant a minimum of two rows of trees intended to screen properties to the south, west, and east of the proposed total confinement barn.

14. All pit additive application records shall be retained on file for a period of at least three (3) years, and shall be available to the Planning and Zoning Department upon request.

Public Comment:

Toby Brown presented the updated staff report. Toby also noted that last month the public hearing was closed, but without having a clear answer from the board staff decided to re-notice the application to allow for public comment tonight and noted staff went above and beyond notification requirements for this public hearing, by sending notices to property owners within a half-mile instead of the required 500 feet. Toby noted that within the staff report there are two additional recommended conditions, in addition to the conditions recommended last month, including planting trees and keeping pit additive records.

Shane Zylstra, the applicant, explained since last month he did research on trees and odor, found that at the distances his neighbors are, it would be more beneficial for him to plant trees for them on their property instead of his own. He also mentioned he had specifically talked about this idea with the Kinkner family. He closed by stating he heard of a meeting last week and attempted to answer questions about his application, but he was asked to leave. Pashby asked about the differences from his previous barns. Shane noted the main difference is the way fans are connected to the pit. Current barn designs no longer have additional pit fans other than ones installed at the pump-out locations. Shane also explained how the ventilation systems work, and how there are different levels that are automatically adjusted depending on the temperature and age of animals. There was discussion on trees and was noted that two rows are significantly more effective than one. Albers asked about the amount of traffic. Shane noted about one or two delivery times a week. Monty commented that trees may make it look better, but that power-vent barns also look better. Schmidt asked about bio-filters. Shane noted he hasn't done a lot of research since it is still a pretty new technology and have heard there have been some major issues and is also a large expense.

Derousseau asked for public comment.

Ric Morren noted he was one of the county's first hog farmers and that these operators meticulously test the soils to insure proper nutrient application. He also noted he took offense to a flyer that has been passed around stating "Family Farms, not Factory Farms" and that if his farm is not a family farm he is not sure what is.

Reid Jenson, Farm Bureau, noted we need young farmers to keep agriculture strong for the next generation.

Craig Anderson noted if trees are too close to the barn the ventilation may not work properly, and manure pit additives keep becoming more effective but trial and error is always needed. He noted that he believes the proposal would be in compliance with the ordinance.

Darin Larson noted he was also one of the first permitted farms, and he uses pit additives as well to keep odors down. He also took offense at the flyer that was previously mentioned.

Lindsay Zylstra noted the large number of pigs in Sioux County, IA and stated current health statistics. She noted the statistics show little difference in the rates of various respiratory ailments between Sioux County and Lincoln County. She closed by saying she is a 5th generation farmer, and this helps to provide risk management.

Ben Fahlberg noted he has worked closely with Shane and that agriculture helps the local economy when friends and families are employed, and farmers need to diversify their operations.

Kurt Hinsch noted that he lives next to Ben Fahlberg's first barn and he only smells is a couple days a year.

Glenn Muller, Pork Producers, noted that biofilters reduce some odors, but is not a cure all, and attracts rodents. He also noted these facilities have significant expertise and engineering that go into designing each site.

David Johnson, state senator from Iowa, handed out information from the Iowa Policy Project and noted concerns for water quality, and cited a court case from North Carolina.

Andre Adams noted concern about property values and not being able to sell his property once he retires.

Faith Kinkner noted she had sent a letter to the office from her doctor and is worried about asthma and MRSA.

Larry Kinkner concerned that after spending his life building up his farm, he might be forced off his land due to health problems.

David Tuntland noted concern about manure runoff and aquifer impact.

Don Abbas, noted CAFOs drive out neighbors and concerned about property values. He also noted he wants a ban on curtain barns.

Lester Vogeli noted concern about road conditions, and facilities should be required to have liability insurance.

Paul Aamot noted he agreed with Lester's concerns and that the owners should have to live near the site.

Tony Ventura read the setback requirements from the ordinance and noted he believed setbacks should be based on the property line. He also noted a number of issues he had with in the application materials, and asked that the application be resubmitted with corrections. He closed by saying it would devalue available building eligibilities.

Mike Pederson noted Shane insists that additives work, but the odor hasn't improved in a year at his second site, and feels the county should be making him do more.

Mitch Peterson noted he has contested 30 CAFO cases, and noted he felt the application was incomplete.

Ernest Stratmeyer noted he lives 6 miles north, and on many days he smells two other CAFOs near his home. He also noted the county needs odor meters to insure compliance.

Brad Venjohn noted concern for the next generation and doesn't want to become like Sioux County, IA.

Rebecca Terk, Dakota Rural Action, agreed with previous comments about issues with the application and feels the proposal is not agriculture since they don't live on the land and does not promote the health, safety, and welfare of residents.

Glenadene Aamot asked for a moratorium and passed out copies of a petition against CAFOs. She also noted concern about her well water.

Frank Kloucek noted that they need to look at the frequency, intensity, duration, and offensiveness of the odor and they should require evergreen trees and biofilters.

Toby Brown then read three letters received in our office: Kapplinger Farms LLC (mailed from Colorado), Rizan Hajal, MD (re: Faith Kinkner), and John Meyer (emailed from Illinois). These correspondence noted concerns for their health, issues with the odor and air quality, and decreasing property values.

Mitch Peterson was asked back to the podium for questions. Pashby asked if there was anyone else he knew of that had not spoken yet. Mitch noted that Cindy Thomas had to leave the meeting. Pashby also asked about Mitch's clients, and he responded by saying he would not disclose without their consent.

Larry Kinkner was asked back to the podium for questions. Pashby asked about the tree planting agreement. Larry noted that he was already planning on planting more trees and Shane agreed to pay for some of them.

Hearing no further comments, Derausseau closed the floor.

Discussion & Action:

Schmidt said he had decided to abstain from the vote and noted he received numerous phones calls throughout this process. He also mentioned there was vast amounts of misinformation presented, and sees how divided the community has become. He urged the commission to consider thoughtfully all information presented.

Klatt motioned to approve the application with the recommended conditions, and was seconded by Pashby. Derausseau noted that he prefers the tunnel vent barns. Albers commented that there is not much space left in the county for CAFOs because of the setbacks. Sogn noted that even though Shane lives in town, he is in and around the site everyday. The motion then passed 4-1-1, with Derausseau dissenting and Schmidt abstaining.

Conditional Use 18-CUP-025 – Approved

Commissioner Namminga returned to the room.

6. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received. Toby noted the correspondence received since last meeting were placed at their seats prior to the meeting. He also noted we would start to mail correspondence on USB drives with the packet in the future.
- b. Comments from Planning Commission members. None.
- c. Comments from the audience – Tony Ventura noted he would have other comments at the next meeting.

7. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION – None

8. NEW BUSINESS

a. Setting public hearing dates –

Toby asked the commission members if they would like to set public hearing dates to review the conditional use permits of Doug Tinklenberg and Brian Yock. The members agreed to review the permits at the September 17, 2018 meeting.

b. Informational Presentation – At 7:00pm, Kevin Janni, Ph.D, PE, from the University of Minnesota presented information about livestock odors and strategies to mitigate negative impacts from livestock operations.

9. ADJOURNMENT

Schmidt motioned to adjourn at 11:10pm, and was seconded by Albers. Motion passed unanimously (7-0).

Respectfully submitted,

Joan Doss

Planner