

**MINUTES OF THE
LINCOLN COUNTY PLANNING COMMISSION**
September 12, 2016

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Monty Derosseau, Ron Larson, Gary Pashby (by phone), Mike Poppens, Tyler Klatt and Darrel Sogn.

STAFF PRESENT:

Toby Brown and Joan Doss – County Planning

1. CALL TO ORDER

A special meeting of the Lincoln County Planning Commission was brought to order on September 12, 2016 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Ron Albers.

2. APPROVAL OF AGENDA

A motion was made by Derosseau and seconded by Sogn to approve the agenda. The motion passed unanimously.

3. REVIEW AND DISCUSSION OF, AND POSSIBLE DIRECTION TO COUNTY STAFF REGARDING POSSIBLE TEXT AMENDMENTS TO THE 2009 REVISED ZONING ORDINANCE FOR LINCOLN COUNTY

a. Proposed Text Amendments

- Revisions to Section 6.03(A) Commercial District Permitted Special Uses.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Commissioner Klatt noted that the change to add warehousing makes sense.

- Revisions to Section 12.02(C) Commercial WECS.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Commissioner Derosseau noted that it would make sense to strike RC Recreation/ Conservation district from this part of the ordinance since he feels that wind turbines would infringe on the natural environment of that zoning district.

Commissioner Pashby agreed with Commissioner Derosseau.

- Revisions to Section 12.02(C)(2) Commercial WECS Setbacks.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Commissioner Larson asked for clarification of how the height is measured, and it was noted that the measurement is from the base of the tower to the top of the blade.

Commissioner Derausseau noted that he felt good about setting the setback to 2,640 ft. (1/2 mile) to a habitable dwelling, and is not concerned with setting the setback to the property line. He also noted that he would be fine with a variable setback measured at 5 times the height of the tower.

Commissioner Pashby noted that he liked being similar to Minnehaha County, but also agreed with Derausseau that it is a good idea to have the setback from the dwelling instead of the property line.

Mr. Brown asked the commission what their ideas about a setback waiver for neighboring property owners. Commissioner Derausseau says it makes sense to have a waiver system in place, similar to the waiver system for CAFOs.

Commissioner Poppens noted the importance to have sound scientific backing for the reason of a setback distance.

Commissioner Derausseau also noted that the setback should be large enough so that noise is not an issue since it is not feasible to enforce noise level complaints

- Revisions to Section 12.02(C)(4) Commercial WECS Noise.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Mr. Brown noted that some jurisdictions require a sound study as part of the permitting and project siting process.

Commissioner Albers noted that if the setback is high enough, there is no reason to change the required sound level from 65 dBA, but if the setback is shorter, the noise level would need to be adjusted accordingly.

Commissioner Derausseau noted that an old fridge runs at 40dBA, so the noise should be adjusted to maybe 40 dBA or setting it at 45-50 at night and 65 during the day.

Commissioner Poppens said that the sound levels should be based off of the newest tech standards.

Commissioner Larson said it would be best to set a consistent noise standard, at maybe 50-55dBA.

Commissioner Poppens asked how does wind speed affect the noise levels, and whether or not they should address inaudible sound.

Commissioner Pashby said that he likes 60dBA better than the current 65dBA, but thinks 50 is too restrictive.

Commissioner Klatt said they should decide on the setback first then debate the noise restrictions.

Commissioner Derosseau asked if noise restrictions should be included in the waiver, and was left unanswered.

- Addition of Section 12.02(C) Commercial WECS Flicker Analysis.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Commissioner Larson asked how this would be measured and enforced.

Commissioner Pashby said the turbines should be sited to minimize flicker.

Mr. Brown noted that the proposed language is pretty standard, 30 hours of flicker maximum per year, and that issues once the system is in place should be mediated between applicant and resident.

- Revisions to Section 12.06(A) Accessory Building and Uses Limited Use.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Consensus that this amendment made sense.

- Revisions to Section 12.10 Temporary Uses.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Consensus that this amendment made sense.

- Revisions to Section 12.11 Telecommunications Towers, Antenna Support Structures and Wireless Communication Facilities.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Consensus that this amendment made sense, with the simple change of “Communication Director to “Planning Director”.

- Revisions to Section 19.08 Conditional Use Permits Expiration.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Consensus was that this amendment makes sense since construction of a project might be difficult to complete with one year.

- Addition of Article 27.00 A-2 Agricultural District.

Discussion

Toby Brown of the County Planning Department presented the possible text amendments.

Commissioner Derausseau says that even though it wouldn't pertain to many, it is a good idea to give protection to farmers.

Mr. Brown noted that they could put WECS as a permitted use in A-2.

It was a consensus that the section would need more work and discussion at a later date.

Commission members recommended addressing all amendments with the discussed changes except Article 27.00 – A-2 District, at a public hearing separate from the regular monthly meeting in October. Also mentioned it may be a good idea to have the public hearing at the high school for a larger venue.

4. ADJOURN

A motion was made by Commissioner Poppens and seconded by Commissioner Klatt to adjourn the meeting. The motion passed unanimously.