

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
June 15, 2009

6:00 pm Public Hearing
7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

The Public Hearing on a proposed Building Permit Fee increase was brought to order at 6:00 pm by Vice Chairman Craig Andersen with members Darrel Sogn, Chuck Molstad, Dick Portz, Chad Nelson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Commissioners Room, 104 N Main Street, Canton, SD 57013.

Absent was June Nusz

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director and Jon Peters-GIS. There were no members of the public in attendance for the public hearing.

The regular meeting was brought to order at 7:00 pm with the previously mentioned board and staff members in attendance.

APPROVAL OF AGENDA –A motion was made by Nelson to approve the June 15, 2009 agenda with the addition of items 3 & 4 in Additional Items. The motion was seconded by Molstad. The motion was unanimous.

ITEM 1. APPROVAL OF MINUTES

A motion was made by Molstad and seconded by Portz to approve the Minutes of May 18, 2009 & the June 2, 2009 Special Meeting. The motion was unanimous.

ITEM 2. CONDITIONAL USE PERMIT #09-CUP-013 For the purpose of constructing a Proposed Permanent Manure Stockpile Facility

Legal Description: NW1/4, NW1/4 of Section 26, Township 96, Range 48

Location: 295th Street approximately one-half mile West of Spur Avenue

Petitioner/Owner: Bar-K Cattle LLC by Kelly Hulstein

General Information

Present Zoning: Agriculture

Existing Land Use: Agriculture

Parcel Size: 3 Acres

Report By: Paul Aslesen

Staff Analysis:

1. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
A manure storage area should not have a negative effect on other property in the immediate vicinity as the use is to be located as per the set back requirements of a feedlot of the same size. Use is located in an agricultural district which provides for this type of use by Conditional Use as indicated by ITEM Y of Section 3.04. See page 7.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

No negative impact is anticipated. The use of the property for agricultural purposes (growing crops) should be enhanced by the nutrient stored in this fashion.

3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**

Plans have been approved by the South Dakota Department of Environment and Natural Resources and will be inspected by them for compliance.

4. **That the off-street parking and loading requirements are met.**

Not applicable

5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

Plans for the prevention of the negative items listed above have been addressed by the engineered plans provided by ProAg Engineering Inc. Appropriate measures are explained in the operation and maintenance manual.

Recommendation:

Staff recommends approval of this use with considerations indicated by the engineered plan. Set back distances as indicated by the plan are in compliance with feedlot determinations. Other recommended stipulations involve the shipping of the ag product: 1. All loads need to be covered and transported by leak proof haul vehicles. 2. A list of the Roads designated as haul roads must be provided. 3. Hauling activities should not be conducted on Sundays or Holidays 4. Displacement of the nutrient should be accomplished with appropriate techniques that limit the potential for offensive odor or fumes. 5. A Nutrient Management Plan must be approved by the State of South Dakota and provided to Lincoln County. 6. All State requirements must be completed.

Petitioner Comments: Kelly Hulstein as the Petitioner and Nick Rowe as Engineer for the petitioner presented the proposed plan with the approximate number of loads to be hauled annually, the months when hauling would occur, as well as the specifics of the engineered structure.

Public Testimony:

Written record indicates 66 members of the public in attendance for the meeting. The public was given the opportunity to voice opinions in opposition or approval of the project. A number of those in attendance spoke in opposition. Recordings of the meeting are available for review at the Planning and Zoning office.

Action: A motion was made by Portz to approve with stipulations, the motion was seconded by Molstad.

Roll call vote indicated a 4-1 majority vote. Motion passed with stipulations.

1. Meet all DENR regulations
2. All loads need to be covered and transported by leak proof/windproof haul vehicles
3. A list of the Roads designated as haul roads must be provided to Lincoln County.

4. Hauling activities should not be conducted on Sundays or Holidays
5. Displacement of the nutrient should be accomplished with appropriate techniques that limit the potential for offensive odor or fumes
6. Nutrient Management Plans must be approved by the State of South Dakota and provided to Lincoln County.
7. Verbal agreement between John Anderson (Eden Township Chairman) and petitioner will result in Township road 295th Street west of Spur Avenue remaining a low maintenance road. Petitioner will be responsible for any additional maintenance or upkeep.
8. Flexibility of haul times will be between June and November 1
9. Manure storage capacity will be in compliance with DENR/Lincoln County requirements
10. Petitioner will adhere to Best Management Practices as defined by Lincoln County Ordinance
11. Any new Lease agreements generated by this activity shall be on file with the Lincoln County Planning & Zoning office.
12. File legal documents with state to register LLC (suggested)

ITEM 3 PLATS:

- A. Tract 3 of Merkle Addition in the Northeast quarter of Section 8, Township 99, Range 50 in Lincoln County, South Dakota
A motion was made by Melcher and seconded by Sogn to approve the plat. The motion was unanimous.

ADDITIONAL ITEMS:

1. Public Hearing on Building Permits Fee Schedule 6:00 – 7:00 pm

Nelson moved to "Recommend to approve" the Building Permit Fee increase to the County Commissioners for approval with an annual review of fees scheduled in May. The motion was seconded by Commissioner Melcher and the vote to recommend was unanimous.

2. Grant Hustad –Development feasibility 10:00 pm to 11:30 pm
3. Date/Time set for Requested Rezone petition is July 20, 2009 7:30 pm
4. Major Amendment to Planned *Development*. Hand-outs were given to all board members in attendance as required for a proposed major amendment to Tom Sawyer Planned Development. Thus meeting the 30 day advance notice to the Planning Commission. Date/Time set is July 20, 2009 at 8:00 pm.
5. Planning and Zoning Board was given advance notice of a Joint Jurisdiction meeting on July 8, 2009 at 7:00 pm

A motion to adjourn was made by Molstad and seconded by Sogn. Vote was unanimous.

Respectfully submitted by:

Laurie Powell
Deputy Director
Lincoln County Planning & Zoning