

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
November 16, 2009

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

The regular meeting of Lincoln County Planning and Zoning Commission was brought to order at 7:00 pm by Chairwomen June Nusz with members Craig Andersen, Darrel Sogn, Chuck Molstad, Dick Portz, Chad Nelson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Courthouse, Commissioners Room, 104 N Main Street, Canton, SD 57013.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director, Gregg Thompson-Compliance Officer and Jon Peters-GIS.

ITEM 1. APPROVAL OF AGENDA – A motion was made by Andersen to approve the agenda of November 16, 2009 with a revision to “Additional Items”. The motion was seconded by Nelson. Motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Molstad and seconded by Sogn to approve the minutes of October 19, 2009. The motion was unanimous.

ITEM 3. Conditional Use Permit #09-CUP-030 The Purpose is to allow Applicant to locate the annual festival, the 13th festival now being planned for Labor Day weekend, September 3-5, 2010, at the Pederson farm, approximately 2.5 miles east of Worthing, SD. The festival operation is otherwise referenced as a “Large Event,” in the text of stipulations/conditions Applicant has self-imposed on the proposed CUP, as more fully outlined in Schedule F, following. In addition to the annual Large Event (as defined in Schedule F), Applicant may develop smaller events and activities also held on this site, periodically, all related to Applicant’s ministry as a non-profit corporation. Applicant’s corporate headquarters would remain at 2601 S. Western Ave., Sioux Falls, SD 57105.

Legal Description: SE1/4, Section 2, Township 98, Range 50, Lincoln County, South Dakota
W1/2, SW1/4, Section 1, Township 98, Range 50, Lincoln County, South Dakota
N1/2, NW1/4, Section 11, Township 98, Range 50, Lincoln County, South Dakota
N1/2, NE1/2, Section 11, Township 98, Range 50, Lincoln County, South Dakota

Location: 47468 280th St, Worthing, SD 57077

Petitioner/Owner: LifeLight Communications, Inc./Evelyn Pederson

General Information

Present Zoning: “Agricultural”

Existing Land Use: “Agricultural”

Parcel Size: 400 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.**

Property in the immediate vicinity of the proposed use, not owned by Mrs. Pederson, is open farmland. The proposed use is not expected to negatively impact the value of farmland. The proposed use is a conditional use in the district under Section 3.04 (L) of the Revised Zoning

Ordinance. There are several families living in a one-mile radius of the site; at this writing, no owner has expressed a concern about potential adverse effects on property values.

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

Vacant land in the surrounding area is predominantly farmland, which the Comprehensive Plan forecasts are remaining in undeveloped state. As there is no apparent proposal for permanent improvements or structures on the Pederson lands, the proposed use should not be viewed as out of step with the Comprehensive Plan. The events, particularly Large Event (10,000+ attendees), should bring considerable economic opportunity to merchants throughout the County, while retaining rural character of the site during balance of year.

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

Utilities will be required for camping hookups when and as permitted by the CUP, infrastructure on the Pederson land that will need to be developed at Applicant's expense. The CUP proposed addresses matters of pedestrian safety. If new driveway approaches are required to enter parking areas, Applicant will need to provide them at its expense, after obtaining permission from highway authorities. It does not appear that new permanent improvements on public rights-of-way will be required to accommodate or foster the proposed use. Applicant anticipates much of the traffic will approach and depart the area on Highway 115, and 44/124 through Worthing. These roads are well improved. To the Planning Director's present knowledge, the officials of both Lynn Township and City of Worthing also appear to welcome this use and the projected activities.

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

While the event(s) sponsored by Applicant will entail considerable parking/loading requirements, the Revised Zoning Ordinance, Article 15.00, does not address this particular use or event(s). Applicant professes considerable experience in conducting prior festival events at a location in Minnehaha County; it will need to provide adequate directional signage as well as supervisory personnel for traffic flow, under a plan to be approved in advance by the Planning Director in advance of a Large Event, as defined in the CUP Application.

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.

Applicant has committed in the CUP Application to controlling road dust by appropriate, suitable means on the surrounding Lynn Township gravel roads and within the parking or driving lanes. Applicant is to make suitable arrangements with Lynn Township concerning gravel road maintenance; plans to authorize restrictions or closure of 280th for traffic during Large Events are underway with the Township. The Large Event current sponsored transpires over a 3-day period leading up to a national holiday (Labor Day). The Planning Director, working with Applicant and the various "stakeholders" as identified in the CUP (Lincoln County Sheriff, etc.), is prepared to adjust the operational plan for future Large Events based on acquired experience (such as potential time limits for sound and light emissions), so that taken together, the circumstances will not arise to nuisance levels – particularly given the relatively short duration and infrequency of Large Events.

Recommendation:

Staff recommendation is to approve with self-imposed stipulations listed:

Schedule F

1. *Applicant-sponsored events only:* This CUP allows events sponsored by Applicant, subject to each of the provisions following.
2. *General Parking & Shuttle Services:* Contiguous lands in Section 2, and in Section 11-98-50, owned by Owner and as identified in Application, may be used for parking in conjunction with Applicant's events, each parking lot or area to include temporary lighting for pedestrian walkways, adequate driving lane space, and manned by Applicant's staff for traffic control. Applicant may provide or contract with passenger shuttle services from Sioux Falls, Harrisburg or other convenient gathering areas, to a safe area at the Facility for discharge and loading of passengers.
3. *Notice to Stakeholders – Other Requirements:* Applicant will provide advance notice of Applicant-sponsored events to City of Worthing, Worthing Fire Department, LC Emergency Management Coordinator, LC Planning Director, LC Highway Department, LC Sheriff, SD Highway Patrol, and SD Department of Transportation, as state, county and local governmental bodies and authorities ("Stakeholders"), for which attendance is reasonably expected to exceed 500 persons, along with any other requirements as specified, following.
Small Events: (A) If attendance is anticipated to exceed 500 persons but less than 1000, Applicant shall provide 5-days prior notice (email or telephone) to each Stakeholder. (B) If attendance is anticipated to exceed 1000, Applicant shall provide 30-days prior notice to each Stakeholder. *Large Events:* If attendance is anticipated to exceed 10,000 ("Large Event"), Applicant shall provide not less than 9 months prior written notice (email or regular mail) to each Stakeholder, specifying dates attendance estimates, and general operations plan. Not less than 75 days prior thereto, Applicant must serve (email or regular mail) a draft LE Plan, outlining public routes, emergency and contingency plans and any other information reasonably requested by Stakeholders. Not less than 60 days prior, LC Planning Director will host a Stakeholders' meeting for purposes of reviewing, commenting upon, and approval of the LE Plan; LC Planning Director may modify or amend the LE Plan, in his discretion, prior to approval. Once approved, Applicant will sponsor the activity in accordance with the approved LE Plan
4. *First Aid Services:* For each Large Event held at the Facility, Applicant will furnish on-site first aid services for participants, staffed by EMT or other trained medical personnel.
5. *Camping:* If camping by attendees is to be allowed at any Applicant-sponsored event, Applicant will obtain a temporary campground license (State) covering the period or dates of each such event.
6. *On-site Vendors:* Applicant will provide each vendor, allowed to operate on Facility site, with state sales tax requirements information and food-handling permit information, and allow access to State Health Department officials for on-site inspection of food vendor stations.
7. *Other approvals:* In addition to Owner's approval, Applicant will obtain approvals or permits from Township, County, or SD Department of Transportation officials (as applicable) for placement and construction of temporary or permanent approaches for traffic flow into Facility parking areas off Township, County or State roadways.
8. *Dust control, road maintenance:* Applicant will take reasonable measures to control dust from traffic on 280th St., between Highway 115 and 475th Ave., as well as in parking areas

and the Facility. For each Large Event, Applicant will cause 280th St. surface to be graded and maintained by contractors or other providers acceptable to Lynn Township's Road Overseer.

Opposition: No one spoke in opposition

Proponents: Sheriff Milstead of Minnehaha County offered congratulations to Lincoln County for being chosen to host LifeLight. He also offered support to Lincoln County during the planning stages of the event.

Todd Gannen: City of Worthing, City Councilman stated that the Council has unanimously approved of the event being hosted near Worthing.

A letter was received in the Planning and Zoning office from Lynn Township in favor of the event.

A motion was made by Andersen to approve with stipulations listed above. The motion was seconded by Portz. The motion was unanimous.

Item 4. Plats.

A. Nelson Tracts 2 & 3 an Addition in the Northeast quarter (NE1/4) of Section 33, Township 97, Range 50, Lincoln County, South Dakota

A motion to approve the plat was made by Andersen and seconded by Sogn. The motion was unanimous.

ADDITIONAL ITEMS:

1. December 21, 2009-Work shop on Ordinance for Temporary Uses 6:00 pm, regular meeting 7:00 pm
2. Joint Jurisdiction meeting December 9, 2009 at 7:00 pm

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning