ITEM 3. CONDITIONAL USE PERMIT 14-CUP-001 For the purpose of operating an auto and truck repair business.

Legal Description: Lot 3, Block 4 of La Valley Business Park in the Northwest Quarter (NW1/4) of Section 5, Township 99N, Range 50W of the 5th P.M., in Lincoln County, South Dakota

Location: 27320 La Valley Pl, Harrisburg, SD

Petitioner/Owner: Nick Cable

General Information

Present Zoning: “C” Commercial

Existing Land Use: “C” Commercial

Parcel Size: 1.27 Acres

Report By: Paul Aslesen

Reference Article 6.04 Conditional Uses in a Commercial District on page 16. Item P.

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.
   No negative effect is anticipated by the petitioned use. Uses currently permitted include light manufacturing, service oriented business, contractor shops, and lawn care businesses. Property values are positively affected by good businesses relocating and existing uses should not be negatively challenged.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   No negative effect is anticipated. This subdivision was established for like commercial businesses.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.
   Utilities will be the responsibility of the petitioner as defined by the provided purchase agreement as will be the approach/access to the lot. Approved drainage plans are provided for the petitioner.

4. That the off-street parking and loading requirements are met.
   The provided site plan indicates a customer parking area. No loading area is determined by the site plan.
   Petitioned business would not need off loading facilities such as warehousing.

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.
   Good management measures will control any nuisance factors. A commercial business of this type is likely to have some noise, some fumes and odor. Management will need to implement appropriate measures to curtail...
the nuisance factors. Outside storage of salvage vehicles, parted out vehicles and or other non-operating vehicles could create offensive nuisance factors.

**Recommendation:**
Staff recommends approval as this is a Conditional Use in a Commercial District with the following stipulations:
1. Site plan to be followed.
2. Storage area to be fenced with proper materials creating a 90% opaque environment.
3. Building permit to be applied for
4. Adherence to good management measures to keep the area free of salvage/junk vehicles
5. Proper security of customer owned equipment.

**Action:** A motion was made by Larson to approve CUP-001 with listed stipulations. The motion was seconded by Albers. Motion was unanimous.

**ITEM 4. CONDITIONAL USE PERMIT 14-CUP-002**
For the purpose of constructing an oversized building in a residential area (1,800 square feet).

**Description:** Lot 10A Meadow Ridge Addition, in the Northeast Quarter (NE1/4) of Section 4, Township 99N, Range 49W of the 5th P.M., in Lincoln County, South Dakota
**Location:** 27343 Ridgeway Rd., Harrisburg, SD
**Petitioner/Owner:** Richard Sylverson

**General Information**
**Present Zoning:** “A-1” Agriculture with Residential Use (4 or more residence in an Ag District)
**Existing Land Use:** Residential
**Parcel Size:** 1.04 Acres

**Report By:** Paul Aslesen
Reference Article 12.06, item D.2. Property qualifies as a residential use area requiring a Conditional Use Permit for anything over 1500 square feet. Petition is for 1,800 square feet.

**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.
   Staff review located (1) accessory building over 1500 square feet in the residential use area. No negative effect is anticipated to property values or current enjoyment of developed property.
2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   Petitioner has obtained signatures of Home Owner’s Association officers who have signed off in favor of the oversized building. The continued development and improvement of the petitioned use area is apparently acceptable.
3. That utilities, access roads, drainage and/or other necessary facilities are provided.
   Parcel is developed.
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.
   Not an issue within normal residential use.

**Recommendation:**
Staff recommends approval with stipulations:
1. Site plan to be followed with adherence to set-back distances.
2. Building permit to be applied for.

**Action:** A motion was made by Larson and seconded by Sogn to approve CUP-002 with stipulations listed. Motion was unanimous.
ITEM 5. CONDITIONAL USE PERMIT 14-CUP-003 For the purpose of erecting a Meteorological tower to measure wind data.

Legal Description: Southwest Quarter (SW1/4) of Section 4, Township 96N, Range 50 W of the 5th P.M.
Location: Extreme Southwest corner of the Southwest Quarter of Section 4, Beresford, SD
Petitioner/Owner: Brian Minish for Dakota Power Community Wind/Marion “Butch” Reit
Nick Sershen presented on behalf of Brian Minish

General Information

Present Zoning: “A-1” Agriculture
Existing Land Use: “A-1” Agriculture
Parcel Size: 151.56 Acres

Report By: Paul Aslesen
Reference Article 12.02 Wind Energy Conversion Systems. This activity is one of the first steps in making a
determination of the available wind energy in the proposed wind energy utilization area. The tower has a temporary
mission and a longevity of 2 to 5 years.

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.
The MET will have little if any effect on the agricultural uses located in the immediate vicinity. As indicated by
the report, this is a temporary site/use with little effect to property values.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for
uses predominant in the area.
The MET is a prerequisite to the establishment of a wind farm. This tower, utilized for the collection of data, is
illustrated by the handout in your packet. This area is currently dominated by agricultural uses to include row
crop and livestock production. The data collection area is not subject to rural residential development or
annexation activity. Some rural single family residential acreages may be established with the utilization of any
existing lots or eligibilities. There are other towers located along Hwy 117 to the North of the proposed tower
site.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.
The facility requirements are the responsibility of the Dakota Power Community Wind LLC.

4. That the off-street parking and loading requirements are met.
Project activity requires parking spaces for tower employees and MET technicians. Site size will depend on the
height of the tower as an 80m MET will utilize approximately 1.5 acres and a 60m MET will utilize a little over an
acre.

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.
There will be a signature effect exhibited by the tower that may create some discomfort for abutting property
owners as far as sight view. The site selection meets the necessary size to accommodate the required set back
distances generated by THE Lincoln County Wind Energy Ordinances. The MET will be lighted and will have bird
diversers. None of which should create a nuisance.

Recommendation:
Staff recommends approval of this use with the following conditions/stipulations:
1. An annual review of the MET data be provided Lincoln County
2. Adherence to Article 12.02 Wind Energy Conversion Systems, specifically, the set-backs, illumination and security,
noise, signs, electromagnetic interference, air space, roads, decommission plan, and a site restoration plan with the
over-all intent of encouraging the development of alternate sources of energy while protecting the health, safety and
welfare of the public.

Action: A motion was made by Schmidt and seconded by Albers to approve CUP-003 with listed stipulations. The
motion also included a cap of ten (10) MET towers without requiring a CUP for each one. Future MET towers would go
through a notification process with “Location without objection”. Motion was unanimous.
ITEM 6. CONDITIONAL USE PERMIT 14-CUP-004 For the purpose of Wholesale/retail/assembly. Light manufacturing.

Legal Description: Lots 4 & 5 in the South half (S1/2) of Gov’t Lots 1 & 2 in Section 31, Township 100N, Range 50 W of the 5th P.M.

Location: 27278 & 27280 Verhey Place, Tea, SD

Petitioner/Owner: Ronald Hesla

General Information

Present Zoning: “C” Commercial

Existing Land Use: “C” Commercial

Parcel Size: 2 Acres +/-

Report By: Paul Aslesen

Reference the Commercial District Article 6.04 item C. and the 2006 Lincoln County Revised Zoning Ordinance that defined a light Industrial use applicable in a commercial district which was utilized when this subdivision was approved. Staff will be pursuing a rezone of this area to I-1 Light Industrial.

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.

   The petitioned use will occupy existing structures which should provide a positive effect on existing businesses and property values by keeping the area and buildings maintained. Uses in the area are either of a commercial or light industrial nature and include car and truck repair, auto body repair, motor vehicle display and sales, contractor’s office and shop and individual storage units. The petitioned use should not have a negative effect on the existing uses.

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

   Improvement of the immediate area will be generated by this new business and the effect on the continued development of the area should be positive.

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

   All provided.

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

   Parcel has ample size to accommodate parking and loading. No site plan was provided defining the parking and loading.

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.

   Some noise is anticipated but nothing that would constitute a nuisance is anticipated.

Recommendation:

Staff recommends approval with the following stipulations/conditions: 1. A site plan defining employee parking, customer parking and product loading. 2. No unsecured storage. 3. Signage in compliance with county ordinances.

Action: A motion was made by Sogn to approve CUP-004 with stipulations listed. The motion was seconded by Larson. Motion was unanimous.

ITEM 7. CONDITIONAL USE PERMIT 14-CUP-005 For the purpose of Construction of rail siding and associated improvement to bring LP gas to the existing terminal.

Legal Description: Parcel 1: S500 of the East One-half of the Northeast Quarter (E1/2NE1/4) that lies W of the W Right-of-Way limits of Hwy 11 (Lot H-2) and North of the Northerly Right-of-Way line of the Railroad.

Parcel 2: South 500’ of the East one-half of the Northeast Quarter (E1/2NE1/4) that lies West of West Right-of-Way line of the Railroad. Both parcels are in Section 17, Township 98N, Range 49W of the 5th P.M., Lincoln County, South Dakota

Location: 28147 SD Hwy 11, Canton SD

Petitioner/Owner: Greg Eckhart/Growmark, Inc
General Information

Present Zoning: “I-2” General Industrial
Existing Land Use: “I-2” General Industrial
Parcel Size: 13.38 Acres

Report By: Paul Aslesen
The reference for this petition is Article 8, The General Industrial District, specifically 8.04 Conditional Uses, item H. Tank Farm, petroleum products terminal. The petitioner, known as “Growmark Energy,” will be using the existing site to facilitate off loading and uploading of petroleum products. Product is to be railed in and trucked out.

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.
The immediate area is utilized for agriculture purposes with a few established residential acreages. The residential areas should be impacted by the petitioned use in basically the same way as the previous use. No or very little change is expected to property values or current enjoyment of other property in the immediate vicinity.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
The petitioned site is surrounded by farm land that is used primarily for row crop production. Lincoln County has not received any development plans for this area and has not received any annexation requests from the city of Canton, SD. Area is anticipated to remain in crop production with the possibility of utilization of single family eligibilities for residential sites.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.
Facilities will be updated to handle the downloading activities involved with the LP Growmark site. Drainage issues presented during the rezone hearings for this property are being addressed by Growmark as per the Conditional Use Permit submittal. Lincoln County will review the submittal and provide input as needed. The access will be the same as previous and was approved for the previous use by the DOT.

4. That the off-street parking and loading requirements are met.
County requirements are complied with. The previous operation accommodated 40 semi tankers per day. The present user is anticipating 20-30 trucks during the peak season months of October thru February. The site has room for employee parking and has demonstrated room for the loading and parking of haul vehicles.

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.
The proposed site has been utilized as a petroleum terminal since September 24, 1984. No nuisance factors have been provided to Lincoln County for the previous operation. The nuisance impact should not be greater for the change in use even with the offloading of product from rail and not from the previous method of delivery.

Recommendation:
Staff recommends approval with the following stipulations/conditions:
1. Provide crisis/emergency plans and provide time frames/places for first responder training activities.
2. Provide a copy of the Process Safety Management plan for the facility.
4. Notify the local fire departments of the activity.
5. Identified storm water management techniques as per the Preliminary Hydrology Report to be implemented with an as built statement by the facility engineer.

One adjacent landowner addressed odors coming from the facility recently. This had already been addressed by Growmark. Landowner just wanted this on the record.

Action: A motion was made by Sogn and seconded by Larson to approve CUP-005 with stipulations listed. The motion was unanimous.
ITEM 8. Toby Brown-SECOG

1. Formulate a committee to review Ordinances & provide input to Ordinances
2. Provide a plan for review and input to Ordinances
3. Discuss time frames for committee’s work

Volunteer’s for this committee are Jim Schmidt, Darrel Sogn and Ron Albers.

Additional Items:

1. Election of Officers for 2014
   Chairman Chad Nelson opened nominations for Chair. A motion was made by Schmidt to nominate Chad Nelson and that nominations cease with a unanimous ballot. The motion was seconded by Larson. Motion was unanimous.
   A motion was made by Schmidt to nominate Ron Albers for Vice Chair and that nominations cease with a unanimous ballot. The motion was seconded by Nelson. Motion was unanimous.
   Chad Nelson will serve as Chairman and Ron Albers will serve as Vice Chair for 2014.

Adjourn: A motion was made by Larson and seconded by Albers to adjourn the meeting. The motion was unanimous.

Respectfully submitted by:
Laurie Lundquist
Deputy Director
Lincoln County Planning & Zoning