

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:05 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all attending. Dale Thompson was excused attending the rural water annual meeting out of town.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Gene Anderson. M/C All were ayes.

REORGANIZATION:

Official Mandi Anderson asked for nominations for Chairman.

Doug Jerlow nominated Don Bickett. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Doug Jerlow, second by Gene Anderson, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2018 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Official Mandi Anderson asked for nominations for Vice Chairman.

Doug Jerlow nominated Gene Anderson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Doug Jerlow, second by Craig Johannsen, for nominations to cease and a unanimous ballot be cast for Gene Anderson as 2018 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2018 Meeting dates and times set for the second Wednesday of each month at 8am with the exception that there is not an Agenda to meet for. The 2018 Planning Meeting Calendar was provided in their packets.

At the January 2nd Lake County Commissioner's meeting Doug Jerlow and Gene Anderson were reappointed to serve another 3-year term.

Welcome Aaron Johnson back to our Planning board. He is a County Commissioner serving on our Planning Commissioner Board.

Mandi Anderson turned the meeting over to Chairman Don Bickett.

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve December 13th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Lot 1 of B. Price Addition in Government lot 4 of Section 10-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are re-platting the last lot of B. Price's subdivision for future residential purposes. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Joe Aldrich. M/C All were ayes.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:15 AM.

REGULAR
February 14, 2018

PLANNING
08:00 AM

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:02 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Aaron Johnson to approve the agenda. Second by Craig Johannsen. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Craig Johannsen to approve January 10th minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

VARIANCE 18-01

Owner/Applicant: Rodney Jatón, Scott Williams – Contractor

Property Description: NW ¼ Section 28-108-52, Nunda Township

Zoning Description: "A"- Agricultural District

Request: The applicants are seeking a variance from the minimum front yard setback.

History/Issue(s):

1. The applicant is interested in building an addition onto the existing house and is requesting to build in the required front yard.
 - a. Addition to include a bedroom on the main floor. 16'x 16'
2. They are requesting a 11' variance, the proposed addition would be 64' from the Western front yard lot line.
 - a. Ordinance states that structures shall maintain a minimum setback of 75' measured from the Road R-O-W.
 - b. He meets all other setbacks. He is not located on a corner lot.
3. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks. The current house sits within the required front yard and therefore additions to the North, South or West would require a variance.
4. The Nunda township has been contacted. They have raised no objections to the variance request and their signature was obtained in approval. Adjoining land is owned by Jatón or is not applicable for this variance request.
5. Staff recommendation – Variance – **Minimum Front Yard Setback**
The Planning Commission has the option to table, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment

If the Planning Commission recommends granting of the Variance it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare

- The township does not object to the Variance request
- The Variance is the minimum Variance that will make possible the reasonable use of the land
- The reasons set forth justify the granting of the Variance
- The granting of the variance request would confer on the applicant special privilege denied to others in the "A" district.
- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance it could use the following finding:

NONE

Action Item: Variance – Minimum Front Yard Setback

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's variance request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lot 2A of Callahan's 4th Addition in the SE ¼ of Section 4-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing Lot 1 of Callahan's Addition for residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Tract 1 of Hyland Hog's Addition in the NE ¼ of Section 12-107-53 in Farmington Township was presented to the Planning Commission. This plat is located in the "A" District. They are dividing land from farmland for future hog confinement development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:15 AM.

REGULAR
April 11, 2018

PLANNING
08:00 AM

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:01 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Gene Anderson. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve February 14th minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

Conditional Use #18-01

Owner/Applicant: Brandon & Jamie Hodne (Hodne Homes, LLC)

Property Description: Lot 1 Dunham's & Hemmer's 1st Addition SW ¼ SW ¼ Section 25-106-52

Zoning Description: "LP 3" Lake Park District 3 - Lake Madison

Request: Requesting to build a storage building with greater dimensions than 4,000 sq/ft and taller than 14' sidewalls.

History/Issue(s):

1. They are requesting to build a 47x120x16 (5,640 sq/ft) storage building on a property they just recently purchased. Storage and display for their adjacent business, Sodak's Marina, LLC.
 - a. The existing storage shed was moved off and to another location.
2. Lake County Ordinance requires a landowner to go thru the conditional use process to build an oversized storage building greater than 4,000 sq/ft and with sidewalls taller than 14'.
3. The proposed structure would meet the front and north side yard setbacks but would need a variance from the south and rear yard setback. Variance to follow #18-02
 - a. The lot size and width meet Lake County requirements.
4. Staff recommendation – Conditional Use – **Oversized Storage Building**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- There are oversized storage buildings in the area that are similar and on similar sized lots, so it would be compatible with other properties in this district

- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

Discussion

Chris Dunham- Karen Dunham's son neighbor/owner to the north. He submitted pictures of the lot and surrounding area to the board. Listed his concerns for this proposed project. They included current and future drainage issues, the size of the building and the location and also covenants restrictions. He is concerned about the water coming off this large of a proposed building and wants to see a drainage plan. He feels that the size and height of the building is too large for the lot size and wasn't the intentions of the developer at the time these lots were developed and covenants were put in place. These are supposed to be used for private storage that left at least 10' in between each building. He stated that he feels like by building this type of storage used for his boats for sale it will change the use of the property and he should be rezoned to its proper usage.

- Zoning Officer explained that these lots are both allowed for private and commercial storage. Brandon wants commercial storage for his adjacent business. Brandon also owns several other oversized buildings in the same area which he sells his boats out of currently.

Chris Dunham is not in favor and insists that this area was never intended for commercial storage. Feels there will be an increased traffic flow and more water draining onto his property. Should have to follow the covenants.

Several commissioners brought up the fact that there are more than handful of buildings out in that development that the covenants have not been enforced on. County does not enforce covenants. Chris responds with saying that the other neighbors all signed off on those variance requests so the county approved it because the neighbors all agreed.

Zoning Officer reminds the board and also applicant and proponent that with a conditional use request for a larger and taller building the decision isn't made by the neighbor wither or not they can or cannot build it. It's the variance request that the neighbor can object to if they are asking for a lesser setback on the shared lot line from which the current Lake County Ordinance requires. In this case Brandon isn't requesting a variance from Dunham's and their lot. He is requesting a variance from Park's Marina and Gary Avise which he obtained approval on.

There was some more talk about the drainage plan. The proposed plan is to run the water through gutters to the East and through a culvert onto Avise's land. May need to increase the size of the culvert at some time.

Action Item: Conditional Use – Oversized Storage Building

Motion by Aaron Johnson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Dale Thompson. M/C All were ayes.

VARIANCE #18-02

Owner/Applicant: Brandon & Jamie Hodne (Hodne Homes, LLC)

Property Description: Lot 1 Dunham's & Hemmer's 1st Addition SW ¼ SW ¼ Section 25-106-52

Zoning Description: "LP 3" - Lake Park District 3 – Lake Madison

Request: The applicant is seeking a Variance from the minimum side and rear yard setback.

History/Issue(s):

1. The applicant is interested in building storage building on property that they recently purchased and is requesting to build closer to the south side and rear yard lot line.
 - a. Their lot is 50' wide with a 167' depth. Proposed building 47' wide with 120' depth.
2. They are asking for a 5 ft. variance from the rear yard setback. Also, they are asking for a 1' variance from the southern side yard lot line. Lake County Ordinance requires buildings to be 2' from side yards and 10 ft. from the rear yard lot line. They meet the northern side yard and front yard required setback.
3. They will stay in line with the existing neighboring buildings in the front yard.
4. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
5. Adjoining neighbors to the East and West and the township have been contacted. They raise no objections to the Variance request. Their signatures were obtained in approval.
 - a. The adjoining neighbor to the north has been contacted and also notified via certified mail. Karen Dunham does object to the building's size, lack of open space and rain water runoff. (Please see attached letter for her response.) Initially the size of the building was proposed as 48' width, Hodne's changed their plans to 47' width to accommodate Mrs. Dunham's adjoining lot lines. They are not asking for a variance from their adjoining lots, staying the required 2'.
6. Staff recommendation – Variance – **Minimum Side and Rear Yard Setback**
The Planning Commission has the option to table, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the Variance to the BOA, it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The two adjoining landowners and township do not object to the variance request.
- The variance is the minimum variance that will make possible the reasonable use of the land.
- Granting the variance would not substantially impair the intent and purpose of the zoning ordinance

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- There are no special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.
- The granting of this variance request would confer on the applicant special privilege denied to others in the LP-3 district.

Action Item: Variance – Minimum Side and Rear Yard Setback

Motion by Doug Jerlow to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second my Craig Johannsen. M/C All were ayes.

VARIANCE-18-03

Owner/Applicant: Jim & Pam Pfeifer

Property Description: 1968 Pierce Mobile Home, 3511 Basler Drive, Chester Township

Zoning Designation: "LP 2" – Brant Lake

Request: The applicant is requesting a Variance from the maximum age mobile home requirement

History/Issue(s):

1. The applicant is requesting to move a 1996 (28x46) refurbished double wide Type A Mobile Trailer Home onto leased land on Basler's Trailer Court.
 - a. This mobile home is considered a Type A Manufactured Home because of its square footage being over 1,200 sq/ft.
2. Lake County Ordinance requires that a Type A Manufactured Home shall not exceed fifteen (15) years from the date of manufacture; therefore, is required to go through the variance process if they cannot meet the age requirement.
 - a. The variance requested would exceed the age allowed by 7 years.
 - b. They meet the current Lake County regulations for setback requirements for single family homes.
3. They have provided photographs of the interior and exterior.
 - a. Western Housing in Sioux Falls is where this mobile home is at currently and their plan is to have all the renovating completed before it is moved to the leased land.
 - b. New siding and roofing materials, completely remodeling the interior as well with new flooring, paint, window coverings, kitchen and bathroom updates and new appliances.
 - c. The plumbing and electrical are all up to code and they will be installing all new lighting in the interior.
 - d. The home will have a permanent perimeter skirting enclosure and will be anchored to the ground.
4. Adjoining neighbors, landowner and the Brant Lake Sanitary District have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
5. Staff recommendation – Variance – **Maximum Age Requirement**
The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- Type A manufactured homes may receive a variance from the maximum age requirement if they meet the requirements
- Single family Manufactured homes are compatible with adjacent properties and other properties in LP-2; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors, landowner and sanitary district do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- They will also be required to follow Lake County Ordinance Section 1207 Manufactured Home and Modular Home Regulations
- There are special conditions or circumstances that exist which are peculiar to the land, *structure*, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-2 district.

Discussion:

Doug questioned how we know that what they say and where they say they are putting it will be done for a mobile home. How do we know that these renovations are going to be done? Zoning Office responded with "our current ordinance mandates these renovations be done BEFORE they ever move the mobile home into Lake County or off of another lot and onto another. There is a specific list of requirements and expectations that the applicant must meet to be approved. Also, when the equalization office goes out to inspect they typically tell me that something is off or not right and that way I can go and inspect myself.

Dale asked "when do we start saying no", "how old is too old"? Zoning Officers response was that they can always ask for a variance but the applicant better meet all of the ordinances requirements and just to remember every case is unique and never the same. So we take these types of variances case by case. It's something we can discuss when we go over our current ordinance and proposed amended ordinance in the future."

Action Item: Variance – Maximum Age Requirement

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Gene Anderson. M/C All were ayes.

VARIANCE-18-04

Owner/Applicant: Murray & Karla Driggs

Property Description: 1964 Van Dyke Mobile Home, 6493 Hares Drive, Lakeview Township

Zoning Designation: "LP 2" – Lake Madison

Request: The applicant is requesting a Variance from the maximum age mobile home requirement

History/Issue(s):

1. The applicant is requesting to move a 1994 (28X48) refurbished double wide Type A Mobile Trailer Home onto leased land on Hare's Drive.
 - a. This mobile home is considered a Type A Manufactured Home because of its square footage being over 1,200 sq/ft.
2. Lake County Ordinance requires that a Type A Manufactured Home shall not exceed fifteen (15) years from the date of manufacture; therefore, is required to go through the variance process if they cannot meet the age requirement.
 - a. The variance requested would exceed the age allowed by 9 years.
3. They have provided photographs of the interior and exterior.
 - a. Western Housing in Sioux Falls is where this mobile home is at currently and their plan is to have all the renovating completed before it is moved to the leased land.
 - b. New siding and roofing materials, new windows and trim, new furnace and hot water heater.
 - c. New flooring has been installed and they are planning a kitchen and bathroom remodel in the future.
 - d. The plumbing and electrical are all up to code.
 - e. The home will have a permanent perimeter skirting enclosure and will be anchored to the ground.
4. Adjoining neighbors, landowner and the Lake Madison Sanitary District have been contacted. They have raised no objections to the Variance request.
5. Staff recommendation – Variance – **Maximum Age Requirement**
The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- Type A manufactured homes may receive a variance from the maximum age requirement if they meet the requirements
- Single family Manufactured homes are compatible with adjacent properties and other properties in LP-2; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors, landowner and sanitary district do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- They will also be required to follow Lake County Ordinance Section 1207 Manufactured Home and Modular Home Regulations
- There are special conditions or circumstances that exist which are peculiar to the land, *structure*, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-2 district.

Action Item: Variance – Maximum Age Requirement

Motion by Craig Johannsen to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

Conditional Use #18-02

Owner/Applicant: Spencer Mann & Greg VanZanten

Property Description: SW ¼ Section 33-105-51, Chester Township

Zoning Description: "A" Agricultural

Request: Requesting to start a "Class C" CAFO

History/Issue(s):

1. They are requesting to build a Class C concentrated animal feeding operation consisting of 999 animal units, 2,400 head of finishing swine.
 - a. A 193'x102' tunnel/power vent deep pit finishing barn with an attached 16'x16' office space located 150' off the township road r-o-w.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district.
3. Their proposed CAFO is in conformance with Lake County Zoning Ordinance for a Class C.
 - a. The proposed structure would meet all required setback and separation distance;
 - b. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards as well as Centrol;
 - c. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
 - d. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain.
 - e. Using a private well for their water supply and Kingbrook Rural water for their backup.
4. This operation is located off of the Chester township road and they have been contacted. Also, Kingbrook Rural water has been contacted. They have raised no objections to the conditional use request.
5. Staff recommendation – Conditional Use – **CAFO Class C**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- CAFO's are allowable as a CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing CAFO operations in the area so it would be compatible with adjacent properties.
- They have provided all the required information for a Class C CAFO permit.
- Kingbrook rural water and township do not object to the Conditional Use request.
- Meets all the Lake County setback requirements
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

Discussion:

Aaron asked the applicants about electricity and gas. Response was there was electricity on the other side of the road and they were using propane gas.

Aaron asked the applicants if they had notified the neighbors or if the Zoning office had put a notice in the adjoining county's newspaper. Response was that no they did not go around and notify neighbors because they weren't in the setbacks. The neighbors all know of their current operations in the area and they spread their manure on those same 1/4 's as their homes are on. Zoning office response was that no I did not advertise a notice in Minnehaha's local paper because the county isn't required it BUT that I did have them place the 18x24" sign out on the property 3plus week ahead of this meeting notifying the public of a CAFO Conditional Use request with the county and the time, dates and location of the public hearings. Applicant spoke about a possible tree shelter belt on the west side of his property to help with an odor blowing to the west to the "unknown owner's" (Victor Grib) property to the west if he should have any concerns.

Applicant spoke about using good neighbor practices. Not spreading the manure when it's a holiday or birthday or neighboring celebration going on. Or when it's hot and muggy with no wind. They work the Centrol whom tests all their soil and manure as part of their comprehensive plan. They spread manure and then come back and till it under with in 12-24 hours. They feel it is a better practice and creates less odor over the next following days.

Action Item: Conditional Use – CAFO Class C

Motion by Dale Thompson to recommend approval of the applicant's conditional use to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

Conditional Use #18-03

Owner/Applicant: Adam VanZanten, Wyatt Fischer & Greg VanZanten

Property Description: SW ¼ Section 31-105-51, Chester Township

Zoning Description: "A" Agricultural

Request: Requesting to start a "Class C" CAFO

History/Issue(s):

1. They are requesting to build a Class C concentrated animal feeding operation consisting of 999 animal units, 2,400 head of finishing swine.
 - b. A 165'x122' tunnel/power vent deep pit finishing barn with an attached 16'x18' office space located 150' off the township road r-o-w.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district.
3. Their proposed CAFO is in conformance with Lake County Zoning Ordinance for a Class C.
 - a. The proposed structure would meet all required setback and separation distance;
 - b. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards as well as Centrol;
 - c. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;

- d. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain.
 - e. Using a private well for their water supply and Kingbrook Rural water for their backup.
4. This operation is located off of the Chester township road and they have been contacted. Also, Kingbrook Rural water has been contacted. They have raised no objections to the conditional use request.
5. Staff recommendation – Conditional Use – **CAFO Class C**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- CAFO's are allowable as a CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing CAFO operations in the area so it would be compatible with adjacent properties.
- They have provided all the required information for a Class C CAFO permit.
- Kingbrook rural water and township do not object to the Conditional Use request.
- Meets all the Lake County setback requirements
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

Action Item: Conditional Use – CAFO Class C

Motion by Craig Johannsen to recommend approval of the applicant's conditional use to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Joe Aldrich. M/C All were ayes.

A Plat of Lot 1 of Spilde's Addition in SW ¼ SW ¼ of Section 16-108-53 in Badus Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing a lot for residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

A Plat of Lot 1 of Hoekman's Addition in the NW ¼ of Section 1-107-52 in LeRoy Township was presented to the Planning Commission. This plat is located in the "A" District. They are dividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Gene

Anderson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lot 5 of Stoney Point Addition in government lot 4 & the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are subdividing a lot for residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:42 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Gene Anderson. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve April 11th minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

Ordinance Amendment #18-67

Rezoning #18-01

Owner/Applicant: Rick Odland

Property Description: Lots 24 to 26 Exc H-1 Plat Voiture Subdivision Block 1 Chautauqua Plat, SW ¼ of Section 15
Lakeview Township

Zoning Description: "LP 1" Lake Park District 1 - Lake Madison

Request: Petition to Rezone his property from "LP 1" Lake Park District-1 to "LP 3" Lake Park District-3 to allow for oversized commercial storage buildings

History/Issue(s):

1. The applicant has petitioned to rezone his property to allow for him to build several rental storage units.
2. Lake County Ordinance requires a landowner to go thru the petition to rezone process and ask the Planning Commission for a recommendation after reviewing the proposal.
3. Both lot size and width meet the Lake County requirements LP-3 District.
4. The proposed structures on his site plan would meet our current Lake County Ordinance for setback requirements.
5. Depending on which buildings he would construct first may require him to obtain a conditional use permit for dimensions larger than 4,000 Sq/ft or sidewalls taller than 14'.
6. The current access to this property is located off of Dakota Ave. However, he is communicating with the SD DOT for access directly off of SD Hwy 34. There is an agreement in place that grants this access. No other adjoining landowner may utilize this access, it is strictly allowed only for Lot 24-26. The approach will be sufficient to accommodate the traffic coming in and going out of the property.
7. I have spoken with the City of Madison about their bike path running along Hwy 34 road r-o-w, Chad Comes has just said he wants communication with the SD DOT and applicant whenever the approach work is done. There doesn't seem to be any pedestrian safety concerns from his stand point since there will be pretty limited traffic used for the storage facility.
8. A 6' chain link fence with barbwire top will be constructed to surround the property for safety of the renter's possessions along with exterior security lighting.
9. He has notified all adjoining landowners via certified mail of this proposed rezoning of the use of the land and also the Hearing dates/time as required in our Lake County Ordinance.
10. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Dale Thompson asked Rick about the access for this property? Rick stated that he has been in communication with the SD DOT about the existing access and is working with them on the final approval process. It remains in their hands if they will grant this Highway Deed or not. If they do not, the property currently has access off of Dakota Ave.

Steve Olson, neighbor to the East, family has owned this property in the past and talked about how the approach off of the SD Highway was illegally put in and should be moved to the East to line up with the 20' alleyway so he can have access to it too. In the past he has asked the State to move this approach but his request was denied and also if it were to be moved it wouldn't be at the expense of the State.

- Zoning Officer's response to the board was that this access granting or denial or moving of the approach isn't up to the county. This is something that the landowner and SD DOT will have to work out. We cannot answer his request.

Action Item: Ordinance Amendment #18-67

Motion by Doug Jerlow to recommend **granting** the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and findings found in the staff report. Second by Dale Thompson. M/C All were ayes.

Ordinance Amendment #18-68

Rezoning #18-02

Owner/Applicant: Jesse Bruns

Property Description: a portion of the NE ¼ Exc Bruns' 1st Addition Section 9-106-53 (Herman Township), Lake County, South Dakota, the portion shall later be platted and designated as Lots 1-8 Bruns' 2nd Addition in NE ¼ Section 9- 106-53 (Herman Township), Lake County, South Dakota

Zoning Description: "A" Agricultural District

Request: Petition to Rezone his property from "A" to "PD" Planned Development to allow for 8 single family residential lots

History/Issue(s):

1. The applicant has petitioned to rezone his property to allow for him to plat and sell 8 single family residential lots for future development.
2. Lake County Ordinance requires a landowner to go thru the petition to rezone process and ask the Planning Commission for a recommendation after reviewing their proposal.
3. Both the lot sizes and widths meet the Lake County requirements "A" District.
 - a) Our current Lake County Zoning Ordinance for the "A" allows only 4 single family dwellings per ¼ - ¼ section of land.
 - b) According to our Comprehensive Land Use map this area allows for lot sizes of at least 1 acre or more for single family residences.
4. The proposed setbacks for a single-family home would remain the same as the "A" District's currently are however he would like to propose a lesser setback for the side and rear yard for unattached accessory buildings. Rear yard 45' to include the service road and side yard of 5'. The current Ordinance requires rear yard 50' and side yard 30'.
5. This development is close to a mirror image of the development to the North and to the East so he feels that this proposed planned development would fit in well with the surrounding properties.
6. He is proposing one private access road off of County road 451st to reach all 8 of his lots with a culdassack at the far west end of lots 7 & 8. This access road will be blacktopped and the lot owners will maintain the road afterwards. Road will be owned by the buyer of each lot. He has spoken with the Hwy superintendent about this access approach and it was okayed by Dave Fedeler.
7. He has notified all adjacent landowners to this portion of land via certified mail of this proposed rezoning of the use of the land and also the hearing dates/time as required in our Lake County Ordinance.
8. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Action Item: Ordinance Amendment #18-68

Motion by Dale Thompson to recommend **granting** the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and finding found in the staff report. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #18-04

Owner/Applicant: Mathias (Matt) & Maggie Burbach

Property Description: Lots 17 & N ½ of 18 Nordstrom's Addition 36-106-52, Lakeview Township

Zoning Designation: "LP 1" –Lake Park-District 1

Request: The applicant would like to build a shed/garage/accessory building with sidewalls greater than 12 feet and dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build a 60'x 100' x 16' shed on his property.
 - a. Shed to include cold storage for his own personal use. This is a non-living dwelling. He owns a property on Evergreen Acres Drive across from this lot with living and needs the extra storage.

- b. Proposed structure to contain 6,000 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way and shall not be nearer than 2 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Shed/Garage/Accessory Building**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached sheds/garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Shed/Garage/Accessory Building

Motion by Doug Jerlow to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

VARIANCE #18-05

Owner/Applicant: Thomas Taylor

Property Description: Lot 6A Round Lake Hills Addition Sec 5-105-51

Zoning Description: "A"- Agricultural & Aquifer Protection Overlay, Zone A District – Round Lake

Request: The applicant is seeking a Variance from the minimum side yard setback.

History/Issue(s):

1. The applicant is interested in building a storage/garage/accessory building on the rear of his property.
 - a) Building 40 x 40 x 16
2. He is asking for a 20 ft. variance from the west side yard setback. Lake County Ordinance requires unattached storage/accessory buildings to be 30' from side yard lot lines. He meets all other required setbacks.
3. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
4. Adjoining neighbors and the homeowner's association have all been sent certified notification letters and the township have been contacted. Township raises no objections to the Variance request.
5. Staff recommendation – Variance – **Minimum Side Yard Setback**
The Planning Commission has the option to table, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends approval of the Variance it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The variance is the minimum variance that will make possible the reasonable use of the land.
- Granting the variance would not substantially impair the intent and purpose of the zoning ordinance
- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.
- The reasons set forth justify the granting of the variance.

If the Planning Commission recommends denial of the Variance it could use the following findings:

- The granting of this variance request would confer on the applicant special privilege denied to others in the A district.

Action Item: Variance – Minimum Side Yard Setback

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Alan Schaefer. M/C All were ayes.

A Plat of Lot 1 of K & B Hoekman's Addition in the SW ¼ of Section 36-108-52 in Nunda Township was presented to the Planning Commission. This plat is located in the "A" District. They are dividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

Welcome Alan Schaefer to the Planning Commission Board and celebrate Joe Aldrich's retirement off of the board.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the meeting at the hour of 8:32 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Aaron Johnson. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve May 9th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #18-05

Owner/Applicant: Mary Hendriks

Property Description: Lot 3 North Creek Went Park 1st Add, Section 30-106-51, Wentworth Township

Zoning Designation: "LP 1" –Lake Park-District 1

Request: The applicant would like to build a shed/garage/accessory building with sidewalls greater than 12 feet and dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. She is requesting to build a 42'x 64' x 18' shed on her property.
 - a. Shed to include cold storage for her own personal use. This is a non-living dwelling. She owns a property across from this lot and needs the extra storage.
 - b. Proposed structure to contain 2,688 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way and shall not be nearer than 2 feet to any side or rear lot line. This is a unique situation as she owns the lot that the private road runs through in between the lake side and rear lot. There is no designated road or easement. Therefore I am only requiring her to meet a 10' setback from the edge of the road to allow for safety and off-street parking. She meets all setbacks on this lot.
 - a. Structure also cannot be taller than 30' to the peak. Meets this Ordinance requirement as well.
4. Staff recommendation – Conditional Use – **Oversized Shed/Garage/Accessory Building**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached sheds/garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;

- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Shed/Garage/Accessory Building

Motion by Aaron Johnson to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #18-06

Owner/Applicant: Albert Lee Yager & Donna Flying Horse “Gravel Pit”

Property Description: Tract 2 B. Prices Add W ½, Section 15-106-52, Lakeview Township

Zoning Designation: “A” – Agricultural district

Request: The applicant is requesting to expand their current Conditional Use permit to mine the remainder of Tract 2.

History/Issue(s):

1. They are requesting to expand the current boundaries of their permit for the gravel mining operation.
 - a) Sand, gravel, or quarry operation permit was issued in May 2016 for approx. 12.4 acres in both the southern portion of Tract 2 and the western portion of Tract 3 B. Prices Addition.
 - b) These boundaries were to uphold the required (1,000) feet Residential setback distance.
 - c) Lee has since purchased the residential property to the North of Tract 2.
 - d) Being the operator and the owner of the residence now excludes them from this required setback distance.
2. The property is adjacent to and visible from SD Hwy 34.
3. The property is east of three existing gravel pit operations (Reinicke Const, Dawson Const & Myrl).
4. As long as the applicant stays within the legal loads limits that the County has set, the County will not require a road haul agreement.
5. Lake County Ordinance requires a land owner to go through the Conditional Use process to start a sand, gravel or quarry operation in the “A” district and comply, at a minimum, with Section 1224.
6. The site has obtained the Department of Environment and Natural Resource approval.
7. Staff recommendation – Conditional Use – **Expansion of sand, gravel, or quarry operation**
 The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Sand, gravel, or quarry operations are allowable as a conditional use in the A – Agricultural District under certain conditions.
- The applicant has provided a site plan; a letter from SD DENR indicating the applicant has been granted a mine license; a letter from the SD State Historical Society indicating the proposed use will have no effect on known cultural resources; and a letter from the Department of Game, Fish and Parks indicating the proposed use will have no significant impact on fish and wildlife resources.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance. Specifically, the applicant shall comply with the minimum requirements of Section 1224 and the following conditions as outlined in the applicant’s site plan, including but not limited to:
 - Applicant shall maintain all required permits from the South Dakota Department of Environment and Natural Resources (DENR) and comply with all local, state, and federal laws;
 - The mining area shall not exceed the boundaries of Tract 2 identified in applicant’s site plan;
 - The mining area shall be a minimum of 1,000 feet from the nearest residence;
 - Equipment that is not being used shall not be left on the property;
 - Dust control efforts shall be utilized to ensure minimal fugitive dust;
 - Noise shall comply with MSHA regulations and shall not exceed the 90-decibel noise level and 8-hour time-weighted average at the property line;
 - MSHA shall be contacted prior to commencing operation;

- Operations shall occur during business hours normally associated with the construction industry, typically from mid-April to November between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday;
 - Applicant shall maintain existing fencing;
- A reclamation bond shall be provided to the State as required by law for the gravel pit reclamation on final restoration
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None

Discussion:

Dale- Reclaimed area's in the county? Lee Yager – East of Chester, Bill Hyland's land behind his house etc. Lee said he may leave a pond on the North end of tract 2, looks nice and feels that it will raise the value after it has been reclaimed.

Doug- Currently mining, how is the gravel and is there much more to be mined? Lee Yager- says that the gravel to the East isn't any good and after he takes what is left he will start back filling. Wants the gravel to the North, best gravel he has ever seen.

Aaron – adding another approach? Lee Yager – NO, no need for one. Will use the current system, in on the south approach and out on the northern approach. He spoke with the highway trooper and he said that is the safest use of the approaches and doesn't see an issue. Mandi also spoke with our Hwy dept and states attorney's office and the use of the way in and out shouldn't cause safety hazards.

Action Item: Conditional Use – Expansion of sand, gravel, or quarry operation

Motion by Dale Thompson to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

*At this time Dale recused himself from the following CU permit #18-07 at 8:17am

Conditional Use #18-07

Owner/Applicant: Dale & Marty Thompson, Paul Kostboth – A1 Development Solutions

Property Description: "S ½ NW ¼ Section 7-105-53" a portion of the N ½ of Sec 7-105-53, Orland Township

Zoning Description: "A" Agricultural

Request: Requesting an initial site analysis and preservation for a future conditional use Class A mature dairy cow operation.

History/Issue(s):

1. They are requesting a review and approval to move forward with a Class A Mature Dairy Cow CAFO based on their desired location description.
2. Their proposed CAFO site is in conformance with the required setbacks and separation distances in our current Lake County Zoning Ordinance for a Class A.
 - a. The proposed structure would meet the required established residential setbacks and also separation distance from churches, CI zoned properties, PD districts, City limits, incorporated and unincorporated towns, private wells, lakes & streams and the County Road R-O-W;
 - b. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain.
 - c. Using Kingbrook Rural Water and they are ready to supply.
3. This operation is located off of our County road and they are working with Dave Fedeler to establish a road haul plan prior to the final request.

Discussion

Craig and Gene both think that it is a great site for a Dairy. Low population of residences and off of a paved road. Dale Thompson- Great location, water and electrical supply, hard surface road, low population benefit and the neighbors have been supportive with wanting to sell hay and contracting for their manure.

Paul Kostboth – This is the preplanning stages, Stage 1 essentially. Once the site is considered suitable for a Class A Dairy now it's the leg work of finding the right manager/owner. Then finding the land for manure and the feed from neighbors. Will for sure be talking to the County Hwy Dept and Townships about road haul agreements. This type of barn will be completely enclosed.

Alan – Lagoons, how often are they pumped? Paul – they are designed for 1 years' worth of manure storage. Typically, just spread and incorporate once a year.

Aaron - is anyone interested in the Dairy yet? Paul – not yet, they are going to look for the “right Dairyman” for this operation, one that will work well with the community, township and neighbors

Aaron – Road concerns. Paul – they will be in contact with townships for road haul agreements. Dairy covers dust control for neighbors during high traffic season and will cover cost to repair roads after usage.

Aaron – Pipelines or draglines for the manure. Be aware of bursts or leaks on neighbor's properties, could be a potentially bad thing and not everyone likes or wants manure on their land or in their ditches. Paul – very aware that could happen, it is all part of the practice and will come down to the operation's manager that they choose and they will be in charge of watching for accidents and leaks. The pipelines are flushed and back washed before removed from the lands/ditches so they are cleaned out to prevent any spillage onto the lands when they are rolled back up.

Aaron – Feels pressure for a future approval of the CU permit, if we approve you today for the site then we will feel pressure to approve you later. I don't want you to hurry and find an operator for this site just because you got the okay today for the site. Paul – That is why we are going through this process so now that we know it is possible at this site we can continue forward with finding the right dairyman for the job. No hurry, need to find one that is going to run this facility as efficiently as possible and will work with the neighbors on feed and manure.

Steve Strom – audience member, Orland Township member. Happy to hear there is talk of a road haul agreement with the Township and will be expecting contract with the dairy

Action Item:

We acknowledge this Conditional Use application is incomplete however;

We consider this location suitable for a Class A Mature Dairy Cow CAFO based on the site's ability to meet our current Lake County Zoning Ordinance for required setbacks and separation distances. Please continue gathering the required information to complete your request, Therefore;

I, Doug Jerlow, make a motion to postpone the Conditional Use permit request until the applicant is able to present a completed application. This postponement period shall last no longer than 6 months or a status update shall be required by the applicants. Seconded by Craig Johannsen

*Dale entered back into the Planning Meeting at 8:49am

A Plat of Tract 1 Leighton's Addition in the SE ¼ of SE ¼ of Section 18-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the “A” District. They are dividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Tract 4 Stapleton's Addition in the N ½ of SE ¼ of SE ¼ of Section 26-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “A” District. He is re-subdividing land. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

A Plat of Block 1 Stauffacher's Addition in the E ½ of SE ¼ of Section 6-108-51 in Summit Township was presented to the Planning Commission. This plat is located in the “A” District. They are dividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Gene Anderson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the meeting at the hour of 8:55 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Doug Jerlow. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve June 13th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

PUBLIC COMMENT:

Discussed new public comment guidelines for SDCL 1-25-1.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

VARIANCE 18-07

Owner/Applicant: Deanna & Gary Junso, Contractor – Nathan Goehring (Dream Builders Inc.)

Property Description: Lot 27 Hilde's Addition Section 23-106-52, Lakeview Township

Zoning Description: "LP 1"- Lake Park District 1- Lake Madison

Request: The applicant is seeking a Variance from the minimum side yard setbacks.

History/Issue(s):

1. The applicant is interested in rebuilding a portion of the main floor, building a side patio and an upper level addition onto the existing single-family dwelling.
 - a) Completely destroy a portion of the existing and rebuild the main level and add an upper level addition to include a bathroom and 2 spare bedrooms and also a sitting/viewing area.
 - b) Add an attached enclosed screened in porch which would be located on the south side of the property on the front of the remodeled portion of the existing home.
2. They are requesting a 7' side yard variance. Ordinance requires a 9' side yard setback.
 - a) The existing structure currently sits right on the shared side yard lot line with the overhang on the neighbor's property to the South.
 - b) The proposed new structure would sit 2'4" off the side yard.
 - c) The south side overhang with a new gutter system will capture rain water and would improve the current drainage. The overhang would now be located totally on their property.
 - d) They would meet all other setbacks (front, rear, height, averaging and 4' above OHWM.)
3. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 8,120 sq. /ft. (58'width x 140'depth) and the width only being 58'. It is a lot of record.
 - a) Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
 - b) Minimum lot width requirement for LP-1 district is 75 feet.
4. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
5. Adjoining neighbor to the North, Homeowners Association and township have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval. The adjoining neighbors to the South objected to the request and so they were notified via Certified Mail of the meeting dates and times and also were updated with the blueprints, site plan, and the proposed exterior photos.

6. Staff recommendation – Variance – **Minimum Side Yard Setbacks**

The Planning Commission has the option to table, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the Variance to the BOA, it could use the following findings:

- The unique size of this lot.
- Single family dwelling additions are compatible with adjacent properties and other properties in LP-1; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The one adjoining landowner, homeowner's association and the township do not object to the Variance request
- The Variance is the minimum Variance that will make possible the reasonable use of the land
- The reasons set forth justify the granting of the Variance
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Granting the variance would not substantially impair the intent and purpose of the zoning ordinance
- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

NONE

Discussion from the board about the fence that will be constructed between the properties after the completion of this proposed project. Fence will follow the current ordinance guidelines.

Action Item: Variance – Minimum Side Yard Setback

Motion by Dale Thompson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

A Plat of Lot 10 in Block 8 of Lakes Community Addition in the NE ¼ of Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are subdividing Block 8 for single family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the meeting at the hour of 8:27 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Don Bickett, Doug Jerlow, Aaron Johnson, and Official Mandi Anderson were all present. Dale Thompson, Alan Schaefer and Gene Anderson were all excused.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Doug Jerlow. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve July 11th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

*A Quorum is present.

CONDITIONAL USE #18-08

Owner/Applicant: Mary Hendriks

Property Description: Lot 3 North Creek Went Park 1st Add, Section 30-106-51, Wentworth Township

Zoning Designation: "LP 1" –Lake Park-District 1

Request: The applicant would like build larger dimensions that her previously requested CU permit was approved for.

History/Issue(s):

1. She is requesting to build a 48'x 64' x 18' garage on her property.
 - a. CU permit #18-05 was approved June 2018 for a 42' wide garage.
 - b. Structure to include cold storage for her own personal use. This is a non-living dwelling. She owns a property across from this lot and needs the extra storage.
 - c. Proposed structure to contain 3,072 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with greater dimensions than 1,200 sq/ft in the "LP 1" District.
3. She meets all setbacks on this lot.
 - a. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way and shall not be nearer than 2 feet to any side or rear lot line. This is a unique situation as she owns the lot that the private road runs through in between the lake side and rear lot. There is no designated road or easement. Therefor I am only requiring her to meet a 10' setback from the edge of the road to allow for safety and off-street parking.
 - b. Structure also cannot be taller than 30' to the peak. Meets this Ordinance requirement as well.
4. Staff recommendation – Conditional Use – **Oversized Shed/Garage/Accessory Building**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached sheds/garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:

- Entrance and exit to property and proposed structures thereon;
- Off-street parking and loading areas;
- Utilities, refuse, and service areas;
- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Shed/Garage/Accessory Building

Motion by Craig Johannsen to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

VARIANCE-18-08

Owner/Applicant: Randy & Sheri Fischer

Property Description: 1965 Hilton Mobile Home, 6509 Hares Drive, Wentworth Township

Zoning Designation: “LP 2” – Lake Madison

Request: The applicant is requesting a Variance from the minimum side yard setback

History/Issue(s):

1. The applicant is requesting to build living quarters in an existing 2-story garage located on the road front of the property.
 - a. They have just recently purchased a cabin and accessory buildings on Hare’s leased land.
 - b. This garage was originally built back in 2016-2017 but the loft portion has remained unfinished.
 - c. There is a 3-stall garage on the main ground level that will remain that use but the upper level would like to be finished into useable living space.
 - d. Finished upper space to include 2 beds, bath, living room and kitchen.
 - e. 30’ x 36’ x 20’-sidewalls
2. Lake County Ordinance requires that all single-family structures in the Lake Park District-2 must have a minimum side yard setback of 9’.
 - a. They are requesting a 5’ variance, asking for the existing structure to remain 4’ from the designated side yard lot line. (Designated by Bob Hare, owner of the property)
 - b. They meet all other setbacks (front, other side yard, rear, height) and requirements for a single-family structure.
3. Adjoining neighbors, Bob Hare - landowner, Big Sioux Rural water and the Lake Madison Sanitary District have been contacted. They have raised no objections to the Variance request and their signatures were obtained in approval.
4. Staff recommendation – Variance – **side yard setback**
 The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors, landowner, rural water and sanitary district do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- There are special conditions or circumstances that exist which are peculiar to the land, *structure*, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-2 district.

***Conditions if this variance is denied – Owner must go through a Conditional Use process to bring this existing structure into compliance with our current Lake County Ordinance for sidewall height on an accessory building.**

Action Item: Variance – Side yard setback

Motion by Doug Jerlow to recommend approval of the applicant’s variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lot 1 of Dean Reinicke's Addition in the W ½ of NW ¼ of Section 16-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are re-subdividing Lot 1 of Madison Golf Course Subdivision for gravel business development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

PUBLIC COMMENT:

None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the meeting at the hour of 8:18 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson and Official Mandi Anderson were all present. Gene Anderson was excused from today's meeting.

AGENDA/ADDITIONS:

Revise the commissioner's agenda on VanZanten's Plat to Chester township instead of Lakeview township. The correction was made prior to the Agenda being publicly displayed but not before the commission packets went out.

Motion by Dale Thompson to approve the revised agenda. Second by Craig Johannsen. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Craig Johannsen to approve August 8th minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

VARIANCE-18-09

Owner/Applicant: Sterling & Candice Nelson Contractor: Kim Hofer (Big D Homes)

Property Description: Lot 5 Plat Block 13 Wentworth Park, Wentworth Township

Zoning Designation: "LP 1" – Lake Madison

Request: The applicant is requesting a Variance from the minimum side yard setback

History/Issue(s):

1. The applicant is requesting to build a new single-family residence on their lake side lot.
 - a. There is a small existing cabin on the lot and are wishing to replace it with a 2-story home.
2. Lake County Ordinance requires that all single-family structures in the Lake Park District-1 must have a minimum side yard setback of 9'. If they cannot meet the setbacks they shall go through the Variance process.
 - a. They are requesting a 4' variance from the South side yard property line.
 - b. There will be at least 15' between their new structure and the neighbor's structure.
 - c. A gutter system will capture rain water and would improve the current drainage. Yards will be sloped to the side yard lot line and will run with the land down to the lake.
 - d. They would meet all other setbacks (north side yard, front, rear, height, averaging and 4' above OHWM.)
3. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 6,800 sq. /ft. and the width only being 40'. It is a lot of record. (40'width x 170'depth)
 - a) Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
 - b) Minimum lot width requirement for LP-1 district is 75 feet.
4. Adjoining neighbors and Homeowners Association have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
5. Staff recommendation – Variance – **Minimum Side Yard Setbacks**
The Planning Commission has the option to table, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors and homeowner's association do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-1 district.

Discussion:

Aaron Johnson asked about the drainage and slope on the side yards. Any concerns about a steep grade of land for any drainage issues?

Contractor Kim Hofer responded saying there is only be a 4" drop on the south side yard so no concerns there.

Action Item: Variance – Side yard setback

Motion by Dale Thompson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

Ordinance Amendment #18-69

Rezoning #18-03

Owner/Applicant: Lance Nordstrom, Nordstrom Investment Co. LLC

Property Description: Lots 1 & 2 Nordstrom Addition in Section 25, Lakeview Township

Zoning Description: "LP 1" Lake Park District 1 - Lake Madison

Request: Petition to Rezone his property from "LP 1" Lake Park District-1 to "LP 3" Lake Park District-3 to allow for oversized commercial storage buildings

History/Issue(s):

1. The applicant has petitioned to rezone his property to allow for him to build several rental self-storage units.
2. Lake County Ordinance requires a landowner to go thru the petition process to rezone and ask the Planning Commission for a recommendation after reviewing the proposal.
3. Both lot size and width meet the Lake County requirements LP-3 District.
4. The proposed structures on his site plan would meet our current Lake County Ordinance for setback requirements.
5. Depending on which buildings he would construct first may require him to obtain a conditional use permit for dimensions larger than 4,000 Sq/ft or sidewalls taller than 14'.
6. The access to this property is located off of Nordstrom Trail. The entrance will be sufficient to accommodate the traffic coming in and going out of the property.
7. He has notified all adjoining landowners via certified mail of this proposed rezoning of the use of the land and also the Hearing dates/time as required in our Lake County Ordinance.
8. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Discussion:

Doug Jerlow states that he received a call from a property owner of Evergreen Acres Association with drainage concerns regarding to filling in of Lots 1 & 2 Nordstrom's Addition. Where will the drainage go?

Lance responded regards to the current berm and the culvert that is existing. He plans on relocating the culvert that runs north/south under Evergreen Acres Drive towards the West under the road. Same size, same depth 36" culvert. He then is planning for his private road, Nordstrom's Trail, to have driveways with culverts located under them entering into most of the lots with a ditch system to carry potential water run off in the same direction it is currently going. He says he spoke with SD GF&P, John, and at this time doesn't have concerns about his drainage plan

Zoning Official Mandi Anderson – this property is not a wetland nor is it in the Flood way or FEMA flood plain.

Concerns from Evergreen Acres via Email from Jeff Nelson were received by Zoning Official Mandi Anderson and the following was taken into record: (attached enclosure will be referred to as **Exhibit A**)

*Please accept the following comments with the attached enclosure for consideration by the Planning and Zoning Committee when it meets on September 12, 2018 to consider the pending zoning request of Lance Nordstrom. Please contact me if you or members of the Committee have any questions. Thanks.
Jeff Nelson 605-270-3200.*

Ms Mandi Anderson, Lake County Planning and Zoning Officer

On behalf of the Evergreen Killarney Lenola Park (homeowners) Association please accept these comments concerning the pending request from Lance Nordstrom to rezone two lots in the Nordstrom Development from LP-1 to LP-3. I wish to ask

these comments and enclosure be provided to the Planning and Zoning Committee as part of the record related to this request.

We wish to offer the following:

1. The two lots subject to rezoning are the location of a 'water retention and regulation' (reservoir) area which was constructed by the previous owner (Gene Hemmer) in late 2005 or spring 2006 as a means to mitigate concerns related to drainage. The reservoir was constructed to serve as a 'catch basin' and temporary settling pond with a modestly sized culvert designed to moderate water flows in high water events through the large culvert in the township road which drains into Walkers State Park and ultimately into Lake Madison. This reservoir apparently will be filled and used as a building site for commercial rental units if rezoning is approved. Since purchasing this property Nordstrom has partially filled the reservoir.

2. The basis for the construction of the retention/ regulation area arose from concerns expressed by residents of this Association and the SD Game Fish and Parks. Hemmer hired an engineer who prepared an Erosion plan which calculated the reservoir size and flow projections for a 10-year rain event and shows two scenarios using a Hydrograph to map the outcome. That Erosion plan is enclosed and we ask it be included as part of the Planning and Zoning Committee hearing on the Nordstrom request.

3. If this rezoning is approved and the reservoir is filled for construction of new structures, we wish to request a revised assessment be made of the drainage from this property related to the effects on landowners who reside on Evergreen Acres Drive.

4. We also offer the observation that the Association believes the projected drainage problems for landowners who are part of the Association, the Walkers State Park and Lake Madison will be again placed at risk of flooding and conveyance of sediment into Lake Madison if the reservoir is filled.

We wonder if the Nordstrom proposal is in the best interests of the affected parties and suggest retaining and restoring this reservoir should be considered and other portions of the Nordstrom development used for LP-3 purposes.

On behalf of the Association,
Jeff Nelson, President

Zoning Official Mandi Anderson reminded the Planning Commissioners that drainage will be discussed during the Building Permit process once Lance has decided what and where he wants to build the first storage unit. Drainage is not a part of our Lake County Zoning Ordinance and a drainage plan is not required for a Rezoning Request/Ordinance Amendment. The Lots 1 & 2 that we are considering today are already zoned for development (LP-1) and by rezoning (LP-3) we are allowing the type of development to be altered. So today we acknowledge the Association's concerns but they do not have a bearing on the Ordinance Amendment / Rezoning process. A drainage complaint or concern is acted on by the Board of Resolution (county commissioners).

Action Item: Ordinance Amendment

Motion by Craig Johannsen to recommend **granting** the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and finding found in the staff report. Second by Alan Schaefer. M/C All were ayes.

CONDITIONAL USE #18-09

Owner/Applicant: Jay Shank

Property Description: Lot 13 Nordstrom's Addition 25-106-52, Lakeview Township

Zoning Designation: "LP 1" –Lake Park-District 1

Request: The applicant would like to build an attached garage with dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build a 40'x 80' x 12' shed/house on his property.
 - a. This garage will be all storage for now but eventually he will add living in the rear portion with a dividing wall between the garage and living area. He owns a property on Lake Madison and needs the extra storage and living space.
 - b. Proposed structure to contain 3,200 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.

3. He is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way or rear and shall not be nearer than 9 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Shed/Garage/Accessory Building

Motion by Aaron Johnson to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

PLATS:

A Plat of Tract 1 Van Zanten's Addition in the SE ¼ of SW ¼ of Section 33-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing land away from the adjacent farmland for CAFO development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

A Plat of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Bruns' 2nd Addition in the NE¼ of Section 9-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the "PD" District. He is subdividing land for single family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lot 1 of Block 4 of Woodland's 71st Addition in Government Lot 5 of Section 23-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are re-subdividing Government Lot 5 for single family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

PUBLIC COMMENT:

None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the meeting at the hour of 9:00 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Doug Jerlow. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve September 12th minutes sent to them by mail. Second by Gene Anderson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #18-10

Owner/Applicant: John Haman

Property Description: Lot I Exc N10' & All of Lot J of G. Spawn's Lake Shore Park in Gvt lot 1, 10-105-51, Chester Twnsp

Zoning Designation: "LP 1" –Lake Park-District 1 (Brant Lake)

Request: The applicant would like to build an addition onto an existing garage with greater dimensions then permitted

History/Issue(s):

1. He is requesting to build a 40'x 60' x 12' garage addition onto his existing 28x26x8 garage in the rear of his property.
 - a. It will be used for his own personal storage and shop space.
 - b. Newly proposed structure will contain 2,400 sq/ft. Overall 3,128 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to both a public and private road. (463rd Ave on the West side – public & South Shore Drive to the East side– private) Ordinance regulates that they must have a front yard of no less than 30 feet from the road right-of-way when adjacent to a public road, no closer than 10' to the private road and shall not be nearer than 2 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Garage**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

Discussion:

Commissioner Aaron Johnson asked about the drainage of the land. Applicant replied that it doesn't go any one direction and that any water runoff just seems to dissipate, no standing water.

Action Item: Conditional Use – Oversized Garage

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #18-11

Owner/Applicant: Michael Roberts

Property Description: Lot 1 & 2 Brant Lake Hills Addition, SE ¼ 3-105-51, Chester Township

Zoning Designation: "LP 1" –Lake Park-District 1 (Brant Lake)

Request: The applicant would like to build a shed/garage with greater dimensions

History/Issue(s):

1. He is requesting to build a 40'x 36' x 12' barn style storage shed onto his property.
 - a. This will be used for extra storage and will possibly have a living space in lofted area at some point.
 - b. Proposed structure to contain 1,440 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way when adjacent to a private road, no closer than 25' to the rear and shall not be nearer than 2 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Storage Shed**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized garages/sheds/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

Discussion:

Drainage of the land? Applicant replied that any water runoff with flow into the tree/wetland area to the Northwest of the property and then down to the lake.

Action Item: Conditional Use – Oversized Storage Shed

Motion by Craig Johannsen to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

CONDITIONAL USE #18-12

Owner/Applicant: Mark Barger

Property Description: Lots 5 & 6 Block 10 Chautauqua Plat, 15-106-52, Lakeview Township

Zoning Designation: "LP 1" –Lake Park-District 1 (Lake Madison)

Request: The applicant would like to build/move-in a garage with greater dimensions

History/Issue(s):

1. He is requesting to move in a 40'x 64' x 13' garage/shed onto his property.
 - a. This will be used for extra storage, wood framed with steel siding and roofing material. Coming off of Tweet Farm.
 - b. Proposed structure to contain 2,560 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to both a public and private road. (Dakota Ave on the South side – public & alley to the North side– private) Ordinance regulates that they must have a front yard of no less than 30 feet from the road right-of-way when adjacent to a public road, no closer than 10' to the rear alley way and shall not be nearer than 2 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Garage**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Garage

Motion by Alan Schaefer to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Gene Anderson. M/C All were ayes.

CONDITIONAL USE #18-13

Owner/Applicant: Brian Johnson

Property Description: Lot 4 Nordstrom's Addition, SW ¼ 25-106-52, Lakeview Township

Zoning Designation: "LP 1" –Lake Park-District 1

Request: The applicant would like to build a garage with living quarters with dimensions greater than permitted.

History/Issue(s):

1. He is requesting to build a 48'x 140' x 14' shed/house on his property.
 - a. He owns a property on Evergreen Acres Drive and needs the extra storage and living space.
 - b. The proposed garage space to be 48'x100'x14'. Proposed garage space to contain 4,800 sq/ft with 14' sidewalls.
 - c. The proposed living space to be 48'x40'x9'.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with taller than 12' sidewalls and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way, 10' rear setback and shall not be nearer than 9 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Garage**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized garage/shed/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Garage

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

PLATS:

A Plat of Tract 1 Van Zanten's Addition in the SW ¼ of SW ¼ of Section 21-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing land for land trade between family members. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

A Plat of Tract 1 Van Zanten's Addition in the SE ¼ of SW ¼ of Section 31-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing land away from the adjacent farmland for CAFO development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lot 2 Hansen's Addition in the SW¼ of Section 14-108-52 in Nunda Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing land for land trade between family members. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

A Plat of Lots 26, 27, 28, 29, 30, 31, 32, 33 & 34 Nordstrom's Addition in SW ¼ of SW ¼ of Section 25-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land into lots for single family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

PUBLIC COMMENT: Commissioners started to discuss our current Lake County Zoning Ordinance, particularly the CAFO permits when it comes to trees/shrubs for buffer area between the barn and any neighbors. Also, discussion on Lake District properties as to why we see so many CU permits for garage being built over 1,200sq/ft, need to discuss changing our current Ordinance to permit applicants to build larger without having to go through this process. Zoning Official will add it to next month's agenda to formally discuss it at the that time.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the meeting at the hour of 8:53 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Gene Anderson. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve October 10th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #18-14

Owner/Applicant: Chris and Amanda Carlson (CAC Holdings, LLC)

Property Description: Lots 3 & 4 Marr's Beach Addition in Gvt lot 6 SW ¼ Section 22-106-52, Lakeview Township

Zoning Designation: "LP 1" –Lake Park-District 1 (Lake Madison)

Request: The applicant would like to build a multi-family home.

History/Issue(s):

1. They are requesting to build a twin home on the property line of Lots 3 & 4.
 - a) Mirror image twin home. Each home has an attached 1,200 sq/ft garage and will consist of 2 bedrooms, 2 bathrooms on the main with living and kitchen area and a walkout unfinished lower level.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a multi-family dwelling in the Lake Park District.
3. The lots meet the schedule of regulations for the minimum density and required square footage for this proposed twin home.
4. The proposed structure meets all setbacks on the lots.
5. Staff recommendation – Conditional Use – **Multi-family Dwelling**

The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Multi-family homes are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are several multi-family homes in this same area of the lake.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:
NONE

Discussion:

Scott Johnson – Lake Madison Sanitary District would request that before the applicant starts the twin home that he call and discuss the hookups for the sanitary district with their being a paved road and easements. Chris Carlson agreed to call.

Action Item: Conditional Use – Multi-family Dwelling

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

*Dale Thompson recused himself from the Planning Commission for this application.

Conditional Use #18-07

Owner/Applicant: Dale, Glenda & Marty Thompson -landowners, Jeff & Brian Bosma – applicant
Along with Paul Kostboth – A1 Development Solutions

Property Description: NW ¼ of Section 7-105-53, Orland Township

Zoning Description: “A” Agricultural

Request: Requesting to start a “Class A” CAFO

History/Issue(s):

1. They are requesting to build a Class A concentrated animal feeding operation consisting of a maximum of 5,000 head (7,000 animal units) of Dairy cows.
 - a. Initially proposing 3,200 head of Jersey dairy and approx. 15% of additional dry cows. With the hopes to grow the dairy over time to the requested 5,000 head.
2. This initial Conditional use request was heard at the planning meeting on June 13, 2018 and was for a site analysis and preservation for this Class A dairy cow operation. It was postponed to allow the applicant to pursue a dairy operator and complete the application. The applicants, Jeff and Tina Bosma, along with Brian and Candace Bosma have decided this area would be suitable for their Dairy and farming business.
3. Lake County Ordinance requires a landowner to go thru the conditional use process in the “A” District under Section 1101.03 #12, Class A.
 - b. After approval of all the permits required, the Bosma’s have the intentions of platting and purchasing the land in which the dairy operation would be located.
4. Their proposed CAFO is in conformance with all Lake County Zoning Requirements for a Class A.
 - a. The proposed structure would meet all required setback and separation distance;
 - b. A nutrient management plan will be developed and they will maintain and follow it to the SD Dept. of Environment and natural resources’ standards;
 - c. They will follow a manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
 - d. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain;
 - e. They are speaking with Kingbrook Rural Water on the best choice for their water supply.
5. This operation is located off of a Lake County road and they have been contacted. They have raised no objections to the conditional use request.
6. Class A CAFO’s require SD-DENR approval and conformance with State regulations and standards. Lake County would require this Conditional Use permit be granted conditioned on receiving the State DENR permit.
7. Staff recommendation is to grant the Conditional Use – **CAFO Class A**
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- CAFO’s are allowable as a conditional use in the AG District under certain conditions.
- There are existing CAFO operations in the area, we would consider this request to be compatible with adjacent properties.
- A CAFO is not out of the ordinary being located in the AG District.

- The County Hwy Superintendent does not object to the Conditional Use request.
- They shall provide all of the required information for a Class A CAFO permit.
- Meets all the Lake County setback requirements.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None

Discussion:

Paul Kostboth introduced the family and recapped on their initial site analysis hearing in June 2018. Now that they have found the right family, they are proceeding with this application approval.

Dale Thompson spoke about this being an ideal site. Rural water, Sioux Valley energy, hard surface road, least populated area of the county makes this site great for a Class A. Great family going to run this operation. This will be an improvement to the community. All the infrastructure is in place already. Great location.

Jeff Bosma and Brian Bosma introduced themselves and their family and operation's manager they have present at the meeting. Spoke about the new technology this Dairy will have. All robotics. Cows stay in their housing area and are milked and eat on demand. Jersey cows are smart and curious which makes them a great breed for this robot milking barn operation.

Keith Braun from Agropuire was present in the audience and added that he supports this Dairy and needs their business. Ready to take their business Spring 2019.

Paul Kostboth adds comments about speaking with the County Hwy Sup. Dave Fedeler about the useage of the road and adding a designated culvert for the hose when pumping the manure under the County Road. Is speaking with the townships about road agreements for the useage of their roads during the harvest silage hauling season once a year.

Aaron Johnson – asked approx. acres needed for the full 5,000 head Dairy for manure management acres required. Paul stated around 1 acre per cow.

Aaron Johnson – asked about regulations on the Nitrogen level, do you regulate any other levels? Brian Bosman states that they test the soils and the manure for both the Phosphorus and Nitrogen levels. They want to meet the Phosphorus and add to the Nitrogen.

Gene Anderson – Timeline? When are you hoping to be completed and running? Brian and Jeff both responding with a 1-year. 15 employees including the family members. Family operating the Dairy will live very close to the facility.

Shelterbelt question arose. There already is a large seatbelt established that will go along with this property when the Thompson's are ready to sell the land.

Aaron Johnson makes a statement that his job is to neither be for or against a CAFO. His job is to look out for the best interests of Lake County. Our roads, public safety, environment and our tax base. And so, he thinks about the future and what may/could unthinkablely happen. He would like to see a surety bond placed on this facility for any unforeseen future catastrophes. Such as abandonment, environmental manure spill or financial loss. We need our interests to be protected in this worse case scenario.

Bosma's responded with talk about their financial stability and business history. They would provide historical documents to suffice any concerns Aaron may have.

Aaron Johnson – Isn't worried about the past and believes that they have great historical records and isn't concerned about that. More so the unforeseen future that could happen. He would like to see something in place such as an insurance policy for protection if the operator abandons the facility and Lake County is left with the job and burden of paying for the lagoons to be pumped, the animals to be tended to.

Doug Jerlow asks Paul Kostboth, is this common?? Are we seeing surety, performance or insurance bonds to be placed on CAFO's?

Overall response was no, not common.

Ty Eschenbaum – audience member, Paul Kostboth's business partner, speaks about a policy covered under their own insurance, an umbrella effect.

Ben Stout – audience member, manager of the Riverview Dairy, large operation. The Bosmas' have a great reputation and welcomes them. He works as the environmentalist and manure manager of the operation. He is in favor of this Dairy. Back in 1934 there were 5x's as many Dairy cows in existence in SD then there are today. He has never heard of a surety bond.

Craig Walker – audience member, is a neighboring landowner and welcomes the Bosma's. He supports their Dairy and is excited for their operation. Disagrees with Aaron Johnson on the surety bond, cannot regulate who would get paid if they abandoned the operation and it isn't the county's responsibility.

Rory Maynard – audience member, LAIC member. Welcomes them to the community and depending on what the surety/performance bond would cover, it could get very expensive to cover the whole facility.

Paul Kostboth and the Bosmas will look into a surety, performance, insurance coverage bond and will bring some ideas to the County BOA meeting on Tuesday.

Action Item: Conditional Use – CAFO Class A

Motion by Aaron Johnson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. In addition, would like to recommend looking into a performance, surety, insurance bond for any potential future environmental concerns or abandonment of the operation. Second by Craig Johannsen. M/C All were ayes.

*Dale Thompson returned to the board as a member of the Planning Commission after the application.

PLATS:

A Plat of Tract 1 & 2 of Hammer's Addition in the S ½ of Section 35-108-51 in Summit Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing oddly shaped AG land into 2 separate tracts of land. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

A Plat of Tract 1 Bortnem's Addition in the NE ¼ of NE ¼ & NW ¼ of NE ¼ of Section 15-108-51 in Summit Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Gene Anderson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

Board Discussed some topics current to our Lake County Zoning Ordinance. Specifically discussing about the large garages/accessory buildings in the Lake Park District. The tree recommendation with CAFO's. Trailer/mobile homes being over the 15 years of age ordinance.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the meeting at the hour of 9:41 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:05 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Alan Schaefer, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present. Dale Thompson and Don Bickett were excused.

Gene Anderson, Vice Chairman, will run today's Agenda items.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Aaron Johnson. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve November 14th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

PLATS:

A Plat of Tract 1 & 2 of Hammer's Addition in the S ½ of Section 35-108-51 in Summit Township was represented to the Planning Commission with a revised plat. The plat approved at the November 14th meeting required some changes after title work had been done. We have corrected the plat and have taken out the appropriate land involved. This plat is located in the "A" District. They are subdividing oddly shaped AG land into 2 separate tracts of land. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

A Plat of Lot 1 Cassutt's Addition in the SE ¼ of Section 27-108-53 in Badus Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lots 1A & 1B Manthey's Subdivision of part of Lot 4, County Auditor's Subdivision in the NW ¼ of Section 32-108-53 in Badus Township was presented to the Planning Commission. Lot 1A, they are subdividing "AG" land for a single-family residential lot. Lot 1B they are resubdividing land to add land into the existing "C/I" business lot. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Craig Johannsen. M/C All were ayes.

Board to discuss our current procedures for permits and conditional use, variance and rezoning ordinances. Board decided since they were missing 2 commissioners to postpone this discussion until the next meeting.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Vice Chair Gene Anderson adjourned the meeting at the hour of 8:28 AM.