

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, Alan Schaefer, Don Bickett, Aaron Johnson, Gene Anderson and Mandi Anderson were all attending. Dale Thompson was excused attending the rural water annual meeting out of town. Doug Jerlow was also excused from the meeting.

AGENDA/ADDITIONS:

None.

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

REORGANIZATION:

Official Mandi Anderson asked for nominations for Chairman.

Aaron Johnson nominated Don Bickett. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Aaron Johnson, second by Gene Anderson, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2019 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Official Mandi Anderson asked for nominations for Vice Chairman.

Alan Schaefer nominated Gene Anderson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Alan Schaefer, second by Craig Johannsen, for nominations to cease and a unanimous ballot be cast for Gene Anderson as 2019 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2019 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 2019 Planning Meeting Calendar was provided in their packets.

At the January 2nd Lake County Commissioner's meeting Dale Thompson was reappointed to serve another 3-year term. Alan Schaefer was appointed to serve his first 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 12th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 of Kern's Addition in SW ¼ of Section 33-108-53 in Badus Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing odd shaped AG land from the adjacent farmstead. 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.

PUBLIC COMMENT:

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:11 AM.

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, Alan Schaefer, Don Bickett, Doug Jerlow, Gene Anderson and official Mandi Anderson were all attending. Dale Thompson and Aaron Johnson were excused from today's meeting.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Gene Anderson to approve January 9th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Lot 5 of Christiansen Sunrise Acres 2nd Addition in SE ¼ of Section 26-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future 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 Alan Schaefer. M/C All were ayes.

A Plat of Tract 1 of Winesburg Addition in the SW ¼ of Section 17-105-53 in Orland Township was represented to the Planning Commission with a revised plat. This plat is located in the "A" District. They are subdividing oddly shaped AG land. 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 Doug Jerlow. M/C All were ayes.

A Plat of Tracts 6, 7, 8, & 9 of Keppen 3rd Addition in the SE ¼ of Section 1-105-52 in Franklin Township was presented to the Planning Commission. This plat is located in the "A" and "Aquifer protection Overlay" Districts. They are subdividing and resubdividing lots for single family residential development and land addition into Tract 6 & Tract 9. Lake County Zoning Ordinance allows for no more than 4-single family homes per ¼ - ¼ of land, the NW ¼ of SE ¼ has now met the maximum amount and may not exceed the single-family home requirement (Tract 1, 7, 8, & 9). Also requires for each tract/lot have a minimum of 5 acres when located over the shallow aquifer protection district. 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 Craig Johannsen. M/C All were ayes.

A Plat of Lots A Mundhenke's Tract 1, Addition in the NE ¼ of Section 22-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing a lot for potential future 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 Doug Jerlow to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:30 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:03 AM in the County Commission Board Room.

ROLL CALL:

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

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 February 13th minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #19-01

Owner/Applicant: MC Properties, LLC; Terry Erfman

Property Description: Lot 5 Marr's Beach Addition in Gvt Lot 6 Section 22-106-52, Lakeview Township

Zoning Designation: "LP 3" –Lake Park-District 3

Request: The applicant would like to build an oversized commercial storage facility with greater dimensions than the Ordinance regulates.

History/Issue(s):

1. He is requesting to build a 40'x 108' x 16' commercial storage facility containing 9 units for lease.
 - a. The overall proposed facility will contain 4,320 sq/ft with a 16' sidewalk.
 - b. There is already currently a commercial storage facility located on the same lot.
 - c. The facility is located in the rear of the lot which leaves adequate amount of space for lessees to maneuver their boats/vehicles into their leased stall.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build an oversized commercial storage facility with taller than 14' sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the "LP 3" District.
3. The lot is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 20 feet from the road right-of-way, 10' rear setback and shall not be nearer than 2 feet to any side lot line. The maximum height of the structure may not exceed 30' tall. He meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Oversized Commercial Storage Facility**
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:

- Oversized private and commercial storage facilities are allowable as a conditional use in the "LP 3" District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the 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.
- 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

Commissioner Aaron Johnson asked Terry about the drainage of the current storage facility and the newly proposed. Will there be gutters? Terry responded, no gutter system seems to be needed. Any rain water seems to stay and soak in on the property as the soil is very permeable as it is mainly gravel.

Action Item: Conditional Use – Oversized Commercial Storage Facility

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 #19-02

Owner/Applicant: Mergen Family, Mark & Cheryl and Jesse & Kyle (sons)

Property Description: Lots 2-3-4-5 & N ½ SE ¼ Section 32-107-51, Rutland Township

Zoning Description: “A” Agricultural

Request: Requesting to start a “Class E” CAFO

History/Issue(s):

1. They are requesting to build a Class E concentrated animal feeding operation barn consisting of up to 2,400 head (240 animal units) of nursery swine.
 - a. Lake County Ordinance allows for a Class E to range from 50 to 499 animal units.
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 E.
 - a. There is no concern for the proposed barn to be a potential pollution hazard due to its location. The proposed structure would meet all required minimum setback and separation distances. This barn is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain. No drainage will contribute directly into a creek, stream or lake;
 - b. The barn will be located at least 150’ off the township road r-o-w and a site plan has been provided;
 - c. Soil reports have been provided;
 - d. They are working with Big Sioux Rural Water for their best source of water supply.
4. This operation is located off of the Rutland township road and they have been contacted. I have not heard any objections to the conditional use request.
5. Staff recommendation – Conditional Use – **CAFO Class E**

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 CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the conditional use would not adversely affect the public interest.
- There are other existing CAFO operations in the area so it would be generally compatible with adjacent properties and other property in the district.
- They have provided all the required information for a Class E CAFO permit.
- Big Sioux Rural Water and township have not objected to the Conditional Use request.
- Meets all the Lake County required minimum setback and separation distances.
- 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

Sons, Jesse and Kyle Mergen, were attending along with Ty Eschenbaum from A1 Development Solutions. Ty explained that Sunterra Farms would be leasing the barn from the Mergens. Mergens would be the owner of the property and the barn but have decided for Sunterra to operate and lease the barn from them. They estimate that Sunterra has approximately 150 hog barns in South Dakota and that 50 alone were started in 2018. They are seeing an upward trend in hog confinements in 2019 and we will likely see more applications for these nurseries or finishing swine barns in the near future. This barn will be a deep pit 140'x61' and pumped out once in the fall. This barn will start 10lb pigs out and keep them for 6-7 week until they are approx. 50lbs and then they moved out into a finisher barn. There is a rendering service for any pigs that pass away, they will not be kept on the property.

Commissioner Aaron Johnson asked about hauling the manure or drag lining it in the fall to the fields. Jesse, Kyle and Ty all said with the small amount of manure these pigs will produce they will only be hauling it instead of drag lining it. Aaron would like to add this as a condition to the permit that no drag lining will be used, tank hauling only for the potential risk for equipment failure with drag lining and being close to the Milwaukee Slough.

Action Item: Conditional Use – CAFO Class E

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 and also recommend the added condition for no dragline manure, tanker hauling spread and knifed in manure only, as the biggest concern is the proximity of being so close to Milwaukee Slough and the possibility of equipment failure and potential water pollution hazard. Second by Alan Schaefer. M/C All were ayes.

PLATS:

A Plat of Lot 1 of Lake County Substation Addition in the W ½ or NW ¼ of Section 34-107-52 in Leroy Township was presented to the Planning Commission. This plat is located in the “A” District. They are subdividing Ag land for future proposed utility substation 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.

A Plat of Lots 2A, 3A & 4A of Marr’s Beach Addition in Government lot 6 of Section 22-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Resubdividing lot 2A for potential future single-family residential development and lots 3A & 4A for future twin home 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 Alan Schaefer. M/C All were ayes.

PUBLIC COMMENT:

None

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

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:04 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 attending.

AGENDA/ADDITIONS:

Note *Removed the Variance application for Hodne's Variance from April 10th meeting Agenda.

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

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve March 13th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #19-03

Owner/Applicant: East River Electric Power Cooperative Incorporated – Paul Letsche (project manager)

Property Description: Lot 1 of Lake County Substation Addition in the W ½ of the NW ¼ Section 34-107-52, Leroy Township

Zoning Designation: "A" – Agricultural District

Request: The applicant would like to build a substation

History/Issue(s):

1. The applicant is interested in building a substation for public utilities on a 10-acre parcel of Ag land that they have recently platted and purchased.
 - a) This substation is considered essential for the City of Madison and surrounding areas
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a substation under the "A" District Section 1101. CU. 16.
3. A site plan has been provided and all substation structures & chain link fence complies with the area regulations for front, side and rear yard setbacks. This does not include the overhead transmission lines or poles entering into and out of the substation.
4. Lake County Highway Department and Leroy Township have been contacted. They have raised no objections to the conditional use request and have permitted them for entrance and exit of the property. They will be working with them on the best placement and the need for culverts in the new approaches.
5. Staff recommendation – Conditional Use – **Substation**
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:

- Substations are allowable as a conditional use in the A – Agricultural 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

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

- NONE

Discussion

Commissioners asked about the new entrances and exits to the property and if the property was leased or do they own it? Paul said he has the approval from both the Leroy township official and Lake County Hwy Superintendent about new approaches with the adequate size culverts under them. East River owns the property.

Commissioner Aaron Johnson had questions regarding what type of substation this was, what makes it different from others and what type of noise or any EMF concerns? Paul explained that this is a new design and is a “switching station for transmission substation” and this type of facility helps balance voltage around the area. They perform transmission line switching right within the substation and have built one similar to this by Onida, SD and is working well. There will be less noise than in a typical substation and no humming like with some of the others and also less traffic after construction as the switching can be done from their office. There will be no issues with EMF outside of the substation, an individual would have to stand beside the equipment inside the substation for any EMF to occur and even then, Paul made the comparison that you would get more EMF standing in front of your microwave then next to this equipment.

There will be a 6-foot chain link fence around the substation with barbwire for added protection and screening/buffering.

Commissioners asked about drainage on and off the property? Paul- An engineered drainage plan has been provided. Extensive earth work will need to be done and there has been a year or more study done for the planning and design of this project for the surface water runoff. The water will run in the direction it is currently and to the County Road ditch. They will be removing the old tree line in the front of the property. With the transmission lines entering the property and the upkeep and aesthetics they need to be removed and the land cleaned up.

Shawn Doblar was an audience member with questions and concerns about the project. He said that no one had notified him of this project as he is a landowner to the west. He used to farm this land and rented it. His concerns were drainage, new approaches, EMF, new poles and lines, why East River chose this “golden spot”, the value of his property if this is built, and why this large design?

Paul responded to all of his concerns trying to alleviate them. He stated that this was an extensive environmental and engineered study performed by the Cooperative. They have provided an extensive drainage plan that includes sediment and erosion control measures for during the project construction and long term. Current elevation of the land and the new drainage directional flow after construction. They have submitted their Environmental Report and been approved by the Rural Utilities Services with the USDA. Several measures will be implemented to not disrupt any adjacent properties and if drainage problems arise, they will be remedied if they are caused by this new facility.

Action Item: Conditional Use – Substation

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 Aaron Johnson. M/C All were ayes.

PLATS:

A Plat of Lot 16 & Lot 17 of Tract A Mader's 18th Addition in the SE ¼ of Section 4-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the “PD” District. Resubdividing previously platted property into lots for future single-family 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 Doug Jerlow. M/C All were ayes.

A Plat of Lot 9 Christiansen Sunrise Acres 2nd Addition in the SE ¼ Section 26-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing a lot for future single-family development. 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 Gene Anderson. 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 Planning Commission meeting at the hour of 8:38 AM.

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

ROLL CALL:

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

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 25th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #19-04

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

Property Description: Lots 3A & 4A 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 3A & 4A.
 - a) These lots have been recently re-subdivided into smaller lots.
 - b) Previously, Lots 3 & 4 were approved for a CU permit for a twin home in November 2018 (CU #18-14)
 - c) 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 new 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

Commissioner Dale Thompson asked why he replatted and decreased the size of the lots?

-Chris Carlson responded by explained that he will have to run the sewer on the West side of these properties and will have to add a 30' easement to Lot 2A. This decreased the lots by 15' each to allow for the 30' easement.

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 Aaron Johnson. M/C All were ayes.

CONDITIONAL USE #19-05

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

Property Description: a portion of "Tract 3 B. Price Add W ½, Section 15-106-52", Lakeview Township

Zoning Designation: "A" – Agricultural district

Request: The applicant is requesting to expand their mining site plan

History/Issue(s):

1. They are requesting to expand the current boundaries of their permit for the gravel mining operation. Specifically, to mine more of Tract 3, up to the (1,000) residential setback (see site plan).
 - 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 and also (1,000) feet to the pasture property line to appease the neighbor to the East for her thoroughbred horses. It is my understanding that there are no longer horses being kept in this pasture. Therefore, Lee is asking to expand his mining up to the 1,000 required residential setback line.
 - c) The applicant also plans to remove top soil (dirt and clay) from the remainder of Tract 3 for an off-premise project. According to Brian from DENR, the removal and sale of top soil is not considered mining and does not require any approvals or permitting process from the state level.
 - d) Lake County Zoning Ordinance Definition of *Sand, Gravel, or Quarry Operation* - *An operation which uses surface excavation techniques in order to extract sand and /or gravel.*
2. The property is adjacent to and visible from SD Hwy 34.
3. The property is east of three existing gravel pit operations.
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 unless the Lake County Highway Superintendent finds it necessary.
5. Lake County Ordinance requires a land owner to go through the Conditional Use process to start or expand 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 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:

- 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
- There are other existing sand, gravel, or quarry operations in the area so it would be generally compatible 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 *may* adversely affect the public interest.

Discussion

Lee Yager- His plans are to mine 200-300' from the East adjoining property line to abide by the 1,000' residential setback requirement. He can and may remove top soil up to the property line but will not because he wants to keep the rows of trees that he planted and leave a buffer. He has plenty of excess soil for reclamation in the future. If he gets a large job the mining from that site may be completed sooner but he cannot bid on projects if he doesn't have the mining land to do so. He is only asking for what the Ordinance allows which is 1,000' from a residence. After the site has been mined it would be good for pasture land. He admits right now that the gravel pit is an eye sore but, the sooner he can take bids on large projects the sooner the site will be reclaimed.

Janet Weber, neighbor that lives to the East (Adjoining lot line with the horse pasture) states that she does still have 2 horses in the pasture at this time. She objects to the expansion because she states she cannot sell her house with the gravel pit being located next to her, the noise is affecting her horses she has and her livelihood. She said that two people have told her that they don't want to buy her property because of the gravel pit. So, if she cannot sell then she will have to go back to raising the thoroughbred horses again with some help. The noise will affect the mares whom are carrying foals.

Donna, Lee's daughter, states there is already a gravel pit there so what is the difference of mining to where the Ordinance allows us to and staying 1,000' from the property line.

Commissioners made comments to Janet about her location right off the highway, there is lots of traffic noise and constant movement from the highway, doesn't that affect them? She said no, and she could take them farther up north of the highway to the other end of the pasture and they are fine up there.

Lee states that the gravel crushing and processing equipment is staying at the West end of the property where its been.

Janet states if the gravel pit comes any closer then where am I suppose to put my horses? Will someone come load them up in a trailer and haul them somewhere quiet for the day, everyday that the gravel pit is mining?

Mining hours are 8am-5 or 7pm.

Commissioner Alan asked if there is any proof that these horses are affected by this noise? Janet said she could get some if they wanted it. Lee states that every time they are out there, the horses line up at the fence line watching and are curious about the operation and do not seem scared or stressed by any of the activity.

Commissioner Gene states he doesn't feel like this mining activity and the noise if going to have any different affect on the horses wither it's where it is now or 200' to the property line.

Commissioners ask about a compromise for a setback from the pasture property line, what would Janet be comfortable with.

Janet states that she doesn't want it any closer at all.

Lee said he would split the difference and stay 400-500 feet away from the property line.

Janet said she would take what she could get because she doesn't feel like she has a choice.

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

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 and also recommend the added condition: The mining of the gravel will stay 450' back from the adjacent East property pasture line. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #19-06

Owner/Applicant: Anita Greenhoff, Michael Greenhoff-son, Lindsay Lepera – Friend

Property Description: Lots 21 & 22 Stensland & Stout Subdivision, NW ¼ Section 23-106-52, Lakeview Township

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

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

History/Issue(s):

1. The applicant is requesting to build a new home with a 54'x30'x12' attached garage on their property.
 - a) Proposed garage to contain approx. 1,620 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. They meet all setbacks on this lot. See site plan.
 - a) They are adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way.
 - b) Shall not be nearer than 9 feet to any side yard lot line.
 - c) When adjacent to the lake, the rear yard setback (lakeside) is to be at least the average setback of the developed lots adjacent to the property. Also new construction must be at least 25' from the Ordinary High-Water Mark and 4' above the Ordinary High-Water Mark.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**
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:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

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

- None.

Discussion

Dave & Rose Goeden, neighbors to the East, have concerns about the drainage. There is a shared drainage ditch between the lots and are concerned about it being filled in or the size of the garage request being too large to handle the amount of water shedding off of it.

Michael and Lindsay both stated they have a defined plan by building up the property and sloping the side yard to the drainage ditch, they have no plans on filling anything in but rather to directly drain into the ditch. By building up their property by the required 3 feet it will help the water drain off the property faster instead of sit on it and cause more problems.

Action Item: Conditional Use – Oversized Attached Garage

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 and also recommend the added condition: to install a gutter system to the East side of the new structure and to capture the water directly and shed it to the lakeside instead of onto the neighbor if needed to prevent drainage issues in the future. Second by Alan Schaefer. M/C All were ayes.

PUBLIC COMMENT:

None

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:25 AM.

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

ROLL CALL:

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

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 May 8th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

Conditional Use #19-07

Owner/Applicant: Benjamin Elliott & Stewart Elliott (son)

Property Description: W 630' E 1860' S 927', SE ¼ Exc Hwy, Section 1-106-52, Lakeview Township

Zoning Description: "A" Agricultural

Request: Requesting to start a "Class E" CAFO

History/Issue(s):

1. He is requesting to start an Open Lot concentrated animal feeding operation consisting of up to 499 head (499 animal units) of feeder/slaughter cattle.
 - a. Lake County Ordinance allows for a Class E to range from 50 to 499 animal units.
 - b. He currently has up to 49 head of cattle on his property.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the "A" district under Article X1, Section 1101.03 #12.
3. The proposed CAFO is in conformance with Lake County Zoning Ordinance for a Class E.
 - a. There is no concern for the proposed barn to be a potential pollution hazard due to its location. This barn is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain. No drainage will contribute directly into a creek, stream or lake;
 - b. The open lot will be located off of a County road and a site plan has been provided for the phases of the expansion;
 - c. The proposed open lot would meet all required minimum setback and separation distances with the exception of the existing fencing in the front yard. (See #4 below)
 - d. He has spoken to Kingbrook Rural Water and they will provide water supply.
4. The Ordinance requires an open lot to have a minimum setback distance of 50' from the edge of the road r-o-w when adjacent to a federal, state or county road. The current fence location of the existing open lot sits approx. 42' from the edge of the road r-o-w. May it remain where it exists or should it be moved back?
 - a. One suggestion could be to allow him to keep the existing fence line at 42' from the edge of the road r-o-w but to not allow any structures within the required 75' front yard setback.
 - b. The other options would be to require him to move back 8' to comply with the Ordinance setback.
5. This operation is located off of Lake County Highway 36 and the highway superintendent has been contacted and has no objections to the conditional use request.
6. Staff recommendation – Conditional Use – **CAFO Class E**
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 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 generally compatible with adjacent properties and other property in the district.
- They have provided all the required information for a Class E CAFO permit.
- Kingbrook Rural water and the County Hwy Department have not objected to the Conditional Use request.
- Meets all the Lake County required minimum setback and separation distances with the exception of the existing fence in the front yard.
- 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:

- The granting of the conditional use *may* adversely affect the public interest.

Discussion:

Composting or usage of the manure? Ben stated it will either be placed in windrows and composted or the manure will be spread on his adjacent field. The composting will take place on a concrete pad for little to no seepage to occur. The composting will take place on the northern part of the property.

Action Item: Conditional Use – CAFO Class E

Motion by Gene Anderson to allow the applicant to keep the existing fence setback of approx. 42' from the edge of the road r-o-w. Second by Craig Johannsen. M/C All were ayes.

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 Dale Thompson. M/C All were ayes.

VARIANCE-19-01

Owner/Applicant: Michael Walz Contractor: Mike, Thunder Creek Custom Homes

Property Description: Lot 14 Ex Northerly 20' Blk 13 Lines lots Wentworth Park Addition, 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 an attached deck to the South side of the existing home.
2. Lake County Ordinance requires that any projections attached to a single-family structure in the Lake Park District-1 must have a minimum side yard setback of 9' when it projects more than 3 ½ feet from the building or has more than 50 sq/ft in area. If they cannot meet the setbacks, they shall go through the Variance process.
 - a. He is requesting a 7' variance from the South side yard property line.
 - b. They would meet all other setbacks (north side yard, front, rear).
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 7,200 sq. /ft. and the width only being approx. 30' on the road side. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
 - 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 Wentworth Park Association have been contacted via certified mail.
5. Staff recommendation – Variance – **Minimum Side Yard Setback**

The Planning Commission has the option to postpone, 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:

- 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.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant.

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

- The granting of the variance *may* be contrary to the public interest.

Action Item: – 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 outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

VARIANCE-19-03

Owner/Applicant: Roger & Roxanne Ellis

Property Description: Lot 16 Block 8 & Lot 6 Block 11 Wentworth Park Addition, SE ¼ Section 30, Wentworth Township

Zoning Designation: "LP 1" – Lake Madison

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

History/Issue(s):

1. The applicant is requesting to build living quarters above the existing unattached garage.
 - a. Living to include bed, bath and kitchen.
 - b. Existing garage is 20'x24' with 16' sidewall and currently the upper level is used for a bunkroom in the summer.
2. Lake County Ordinance requires that a single-family structure 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.
 - c. They are requesting a 7' variance from the West side yard property line and a 1' variance from the East side yard property line.
 - d. No exterior additions or alterations are necessary and the existing meets all other setbacks (front, rear, height).
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 4,320 sq. /ft. and the width only being 30'. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
 - 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 Wentworth Park Association have been contacted and have signed off in approval of the proposed project.
5. Staff recommendation – Variance – **Minimum Side Yard Setbacks**
The Planning Commission has the option to postpone, 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:

- 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.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant.

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

- The granting of the variance *may* be contrary to the public interest.

Action Item: Variance – Side yard setbacks

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 Doug Jerlow. M/C All were ayes.

CONDITIONAL USE #19-08

Owner/Applicant: Jon Waldman

Property Description: Lot 6 Block 12 Lakes Community Addition, NE ¼ Section 5-105-51, Chester Township

Zoning Designation: "LP 3" –Lake Park-District 3

Request: The applicant would like to build an oversized private storage facility with greater dimensions than the Ordinance regulates.

History/Issue(s):

1. He is requesting to build a 40'x 80' x 16' private storage building.
 - a. The overall proposed facility will contain 3,200 sq/ft with a 16' sidewalk.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build an oversized private storage facility with taller than 14' sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the "LP 3" District.
3. The lot is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 20 feet from the road right-of-way or road easement, 10' rear setback and shall not be nearer than 2 feet to any side lot line. The maximum height of the structure may not exceed 30' tall. The structure meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Oversized Private Storage Facility**
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:

- Oversized private and commercial storage facilities are allowable as a conditional use in the "LP 3" District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- There are other oversized private and commercial buildings in the area so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use will not adversely affect the public interest.

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

NONE

Action Item: Conditional Use – Oversized Private Storage Facility

Motion by Doug Jerlow to recommend 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.

VARIANCE-19-04

Owner/Applicant: Brian Kogel

Property Description: E 480' S 360' S ½ SE ¼, Section 24, Herman Township

Zoning Designation: "A" – Agricultural

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

History/Issue(s):

1. The applicant is requesting to build an accessory building in the front yard.
 - c. Pole shed 48'x 96' for personal storage/shop. It will be replacing the current existing shop located on the property.
2. Lake County Ordinance requires all buildings/structures shall have a front yard setback from the edge of the road r-o-w of no less than 75 feet and in no case shall an accessory building be located or extended into the front yard. Also structures that are located on all corners lots shall observe 2 front yards.
 - a. He is requesting to build the new accessory building 55' from the edge of the road r-o-w, asking for a 20' Variance.
 - b. The proposed structure would meet all other setbacks (side, rear, height).
3. This structure being located on a corner lot must maintain a vision clearance and cannot obstruct view with structures taller than 3'. He does not obstruct the Clear View Triangle.
4. This lot has never been platted but rather is a footage description. Lake County Zoning regulations considers this lot to be conforming due to the square footage being approximately 3.96 acres and the width being 360'x480'. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant.
 - c. Minimum lot size requirement for "A" district is 1 acre when located in the Area of Development Stability.
 - d. Minimum lot width requirement for "A" district is 150'.
5. There are no floodplains, sloughs or wetlands present on the property that restrict the proposed structure from meeting the required setbacks.
6. The Lake County Hwy Dept and adjoining landowners have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
7. Staff recommendation – Variance – **Minimum Front Yard Setback**
The Planning Commission has the option to postpone, 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 granting of the variance may not be contrary to the public interest.

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

- The reasons set forth justify the denial of the Variance.
- In no case shall an accessory building be located or extended into the front yard in the "A" district.
- The denial of the Variance will not restrict the landowner from building the accessory structure.
- The enforcement of the Ordinance would not result in unnecessary and undue hardship.
- There are not 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.
- Granting the variance will not be in harmony with the general purpose and intent of the Ordinance.
- The request may not be the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would confer on the applicant special privilege denied to others in the "A" district.

Discussion:

Snow drifting is a concern on that road.

Brian's plan is to this build in stages over 4-5 years. Dirt work, then structure, insulation and then concrete. Then move all his belongs from his current shop/shed into this new one and destroy the old shop/shed.

Action Item: Variance – Front yard setback

Motion by Dale Thompson 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.

- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
 - The Planning Commission feels that because of the existing trees & home are closer than 75' to the road r-o-w the variance shouldn't be injurious or detrimental. Snow already collects in that area.
- The granting of the variance is not be contrary to the public interest.
 - All neighbors and Hwy Dept signed off in approval.

Discussion too place involving the variance request and if it was the minimum variance possible. Brian Kogel agreed he could move it back another 10' feet to ask for a 10' variance instead of a 20' variance.

Dale Thompson amended his motion and recommend approval of the applicant's 10' variance permit to the Board of Adjustment and adopt the findings outlines in the staff report along with the specific findings listed and the new request of a 10' variance, applicant must stay 65' from the edge of the road r-o-w. Second by Aaron Johnson. M/C All were ayes.

VARIANCE-19-02

Owner/Applicant: Cole & Ashley McLaughlin

Applicant's mother-in-law was supposed to attend but was told she did not need to attend this meeting by Roger Hageman but to come to the meeting on the 18th instead.

The board cannot take action if no representation is in attendance.

Motion by Aaron Johnson to postpone this variance request due to no show of representation for the application. Will be moved to the July 10th meeting. Second by Dale Thompson. M/C All were ayes.

ORDINANCE NO. 16-62 APPOINT TWO ALTERNATES TO THE BOARD OF ADJUSTMENT.

Recommend the County Commissioners to appoint Alan Schaefer and Dale Thompson for a 1-year term to serve in a BOA members place if they are unable to participate in a meeting for a Variance and/or Conditional Use.

PUBLIC COMMENT:

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:21 AM.

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

ROLL CALL:

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

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 June 12th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

Application withdrawn: #19-02 Variance –Cole & Ashley McLaughlin – “A” District, Herman Township, 2-106-53– seeking a variance from the required minimum side yard setback. Motion by Alan Schaefer to acknowledge the withdrawn application. Second by Doug Jerlow. M/C All were ayes.

NEW BUSINESS:

VARIANCE-19-05

Owner/Applicant: Todd & Lori Norby

Property Description: Lot 2 Exc N 290' & All Lot 3 Exc Lot H-1 Schwebach's 1st Add, SW ¼, 2-106-53, Herman Township

Zoning Designation: “A” Agricultural

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

History/Issue(s):

1. The applicant is requesting to build an addition on the south side of the existing home.
 - a. Addition to include a 12' x 20' covered deck.
2. Lake County Ordinance requires that any projections attached to a single-family structure in the “A” District must have a minimum front yard setback of 75' from the edge of the road r-o-w when it projects more than 3 ½ feet from the building or has more than 50 sq/ft in area. If they cannot meet the setbacks, they shall go through the Variance process.
 - a. They are requesting a 12' variance from the South front yard property line.
 - b. The addition would meet all other setbacks (side, rear, height).
3. This lot was platted in 1986 and in accordance with our Lake County Zoning regulations and is considered conforming due to the square footage being approximately 1.4 acres and the width being 213'. It is a lot of record.
 - a. Minimum lot size requirement for “A” district is 1 acre when located in the Area of Development Stability.
 - b. Minimum lot width requirement for “A” district is 150 feet.
4. The house was built in 1981 and its original setback was 90' from the edge of the road r-o-w. However, in the 1990's the SD State Highway 34/81 expanded from a 100' road r-o-w to a 130' road r-o-w to allow for the 4-lane which decreased their front yard of the property by 15'. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
5. Adjoining neighbors and SD DOT have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.
6. Staff recommendation – Variance – **Minimum Front Yard Setback**
The Planning Commission has the option to postpone, 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:

- 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.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.

- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the “A” district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The granting of the variance is not contrary to the public interest.

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

NONE

Action Item: Variance – Front yard setback

Motion by Gene Anderson 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 #19-09

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

Property Description: Lot 11 G Hemmer’s 1st Addition, SW ¼, Section 25-106-52, Lakeview Township

Zoning Designation: “LP 3” –Lake Park-District 3 (Lake Madison)

Request: The applicant would like to build an oversized storage facility with greater dimensions than the Ordinance regulates.

History/Issue(s):

1. He is requesting to build a 46’x 120’ x 16’ storage building for private or commercial use.
 - a. The overall proposed facility will contain 5,520 sq/ft with a 16’ sidewalk.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build an oversized private storage facility with taller than 14’ sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the “LP 3” District.
3. The lot is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 20 feet from the road right-of-way or road easement, 10’ rear setback and shall not be nearer than 2 feet to any side lot line. The maximum height of the structure may not exceed 30’ tall. The structure meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Oversized Storage Facility**

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:

- Oversized private and commercial storage facilities are allowable as a conditional use in the “LP 3” District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- There are other oversized private and commercial buildings in the area so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use will not adversely affect the public interest.

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

NONE

Action Item: Conditional Use – Oversized Storage Facility

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.

A Plat of Lot 1 Newbold's Addition in SW ¼ of Section 2-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing previously described property into a lot. 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 Doug Jerlow. M/C All were ayes.

A Plat of Lots 12A & 12B of Nordstrom's Addition in Government Lot 3 and the SW ¼ of the SW ¼ of Section 25 and in Government Lot 1 and the NW ¼ of the NW ¼ of Section 36 all in Lakeview Township was represented to the Planning Commission. This plat is located in the "LP-1" District. They are resubdividing the existing lot into two conforming lots for 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 Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:23 AM.

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

ROLL CALL:

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

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 10th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE-19-07

Owner/Applicant: Rustic Acres Hutterian Brethren Inc. – Thomas Hofer

Property Description: NW ¼ of Section 29-105-52, Franklin Township

Zoning Designation: "A"

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 1992 (18x80) refurbished single wide Type A Mobile Trailer Home onto their property.
 - 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 12 years.
3. They have provided photographs of the interior and exterior.
 - a. Western Housing in Sioux Falls is the current location of this mobile home.
 - b. Newer style siding and roofing materials.
 - c. New flooring has been installed throughout the home.
 - 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 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 "A"; 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 “A” 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 Doug Jerlow. M/C All were ayes.

CONDITIONAL USE #19-10

Owner/Applicant: Charles Wiseman

Property Description: Lot 12A Of Nordstrom’s Addition in Government Lot 3 & SW ¼ of the SW ¼ of Section 25 and Government Lot 1 & NW ¼ of the NW ¼ of Section 36-106-52, Lakeview Township

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

Request: The applicant would like to build an unattached garage with greater dimensions.

History/Issue(s):

1. The applicant is requesting to build a new shop that’s 42’x60’x14’.
 - a) Proposed shop to contain 2,520 sq/ft and has a sidewall height of 14’.
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 meets all setbacks on this lot.
 - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
 - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10’ to the lot line.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
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:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

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

- None.

Action Item: Conditional Use – Oversized Unattached Garage

Motion by Doug Jerlow to recommend 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.

CONDITIONAL USE #19-11

Owner/Applicant: Charles Wiseman

Property Description: Lot 12B Of Nordstrom's Addition in Government Lot 3 & SW ¼ of the SW ¼ of Section 25 and Government Lot 1 & NW ¼ of the NW ¼ of Section 36-106-52, Lakeview Township

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

Request: The applicant would like to build an attached garage with greater dimensions.

History/Issue(s):

1. The applicant is requesting to build a new shop with living quarters. Shop size 42'x60'x14'.
 - b) Proposed shop to contain 2,520 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 meets all setbacks on this lot.
 - c) He is adjacent to a private access easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road side.
 - d) Shall not be nearer than 9 feet to any side yard lot line.
 - e) When adjacent to the lake, the rear yard setback (lakeside) is to be at least the average setback of the developed lots adjacent to the property. Also new construction must be at least 25' from the Ordinary High-Water Mark and 4' above the Ordinary High-Water Mark.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**
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:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

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

- None.

Action Item: Conditional Use – Oversized Attached Garage

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 Alan Schaefer. M/C All were ayes.

PLATS:

A Plat of Lot 1 Tweet Addition in N ½ of the SE ¼ of Section 14-108-51 in Summit Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. 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 Doug Jerlow. M/C All were ayes.

A Plat of Tract 1A of Hummel Addition in N ½ of the SW ¼ of Section 32 of Chester Township was represented to the Planning Commission. This plat is located in the “A” District. They are resubdividing the existing lot into a new lot to include the AG building. 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.

A Plat of Lot 1 & Lot 2 of Bott’s Addition in S ½ of Section 10-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Resubdividing previously platted lot into 2 conforming single-family residential lots. 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 Craig Johannsen. M/C All were ayes.

A Plat of Tracts 1 & 2 of Fischer Place Addition in the NW ¼, the SW ¼ of the NE ¼ and Government Lots 1,2,3 & 4 all in Section 24 of Lakeview Township was represented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing AG land into Tract 1 and subdividing the existing farmstead away from the adjacent farmland. 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

VARIANCE-19-06

Owner/Applicant: Michael and Joanne Wheeler

The board cannot take action if no representation is in attendance.

Motion by Aaron Johnson to postpone this variance request due to no show of representation for the application. Applicant will need to reapply for the request to be placed on the next agenda. Second by Craig Johannsen. M/C All were ayes.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:50 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:03 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and official Mandi Anderson were all attending. Dale Thompson was absent at today's meeting.

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 August 14th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

VARIANCE-19-06 (Postponed by Planning Commissioners on August 14, 2019)

Owner/Applicant: Michael & Joanne Wheeler

Property Description: Lot 6 Country Estates Addition, SE ¼, 2-106-53, Herman Township

Zoning Designation: "A" Agricultural

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

History/Issue(s):

1. The applicant is requesting to build a 10x16 storage shed in the required side yard.
2. Lake County Ordinance requires that there shall be a side yard of not less than 30 feet for all buildings/structures when located in the "A" District. If they cannot meet the setbacks, they shall go through the Variance process.
 - a. They are requesting a 25' variance from the South side yard, placing the structure 5' from the lot line.
 - b. The structure would meet all other setbacks (front, rear, height).
3. The shed located in the rear of the property was approved for a rear and side yard Variance in 2003. Existing shed sits 14' from the side yard.
4. This lot was platted in 1976 and according to our Lake County Zoning regulations and is considered non-conforming due to the square footage being approximately 0.9 acres (43,500 SQ/ft). The width being 150'. It is a lot of record.
 - a. Minimum lot size requirement for "A" district is 1 acre when located in the Area of Development Transition.
 - b. Minimum lot width requirement for "A" district is 150 feet.
5. Adjoining neighbors have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.
6. Staff recommendation – Variance – **Minimum Side Yard Setback**

The Planning Commission has the option to postpone, 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:

- 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.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- Conditions particular to the property were not the result of the actions of the applicant.
- The granting of the variance is not contrary to the public interest.
- The reasons set forth justify the granting of the Variance.

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

- The denial of the Variance will not restrict the landowner from building the accessory structure.
- The request may not be the minimum Variance that will make possible the reasonable use of the land, building and structure.

- The granting of the variance request may confer on the applicant special privilege denied to others in the “A” district.
- The enforcement of the Ordinance would not result in unnecessary and undue hardship.

Action Item: Variance – 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 outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

NEW BUSINESS:

Conditional Use #19-12

Owner/Applicant: Joshua Wilson – Wilson Swine Dakota Environmental, Inc. – Trevor Johnson & Brian Friedrichsen

Property Description: N-950’ E-950’ W-1350’ NW ¼, Section 14-108-51, Summit Township

Zoning Description: “A” Agricultural

Request: Requesting to expand existing finishing swine CAFO to a Class B.

History/Issue(s):

1. They are requesting to build another finishing swine barn consisting of up to 2,400 head (960 animal units). Together combined barns totaling 4,800 head of finishing swine (1920 animal units).
 - a. Lake County Ordinance allows for a Class B to range from 1,000-1,999 animal units.
2. Both barns will be located on the same legally described property. Proposed barn will sit approximately 100’ south from the existing barn.
 - a. Existing 2,400 head finishing swine barn Conditional Use permit approved September 2015.
3. Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district.
4. Their proposed CAFO is in conformance with Lake County Zoning Ordinance for a Class B.
 - a. The barn will be located at least 150’ off the township road r-o-w and a site plan has been provided;
 - b. There is no concern for the proposed barn to be a potential pollution hazard due to its location. The proposed structure would meet all required minimum setback and separation distances. This barn is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain. No drainage will contribute directly into a creek, stream or lake;
 - c. Soil reports have been provided;
 - d. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources’ standards;
 - e. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
 - f. They are working with Kingbrook Rural Water for their best source of water supply. They are hoping for a rural water and well water supply combination.
5. This operation is located off of a Summit township road and Tyler Pickard (road authority) has been contacted. I have not heard any objections to the conditional use request.
6. Class B CAFO’s require SD-DENR approval and conformance with State regulations and standards.
7. Staff recommendation – Conditional Use – **CAFO Class B**
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 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 generally compatible with adjacent properties and other property in the district.
- The CAFO is not out of the ordinary being located in the AG District.
- They have provided all the required information for a Class B CAFO permit.
- Kingbrook Rural Water and township have not objected to the Conditional Use request.
- Meets all the Lake County required minimum setback and separation distances.
- 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
- The granting of the conditional use would not adversely affect the public interest.

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

- None.

Discussion:

Gene Anderson asked if there had been any issues with the neighbors? Joshua said no problems that he had heard.

Aaron Johnson – asked about increased traffic and road use. Joshua said that the traffic will double and that the road was just improved and has been the best it's ever been and that if it needed to be graveled the swine facility would help with that maintenance if needed.

Clint and Joel Overskei will be buying about half of the manure to spread on their own land. The manure will be tanker hauled and knifed in.

Action Item: Conditional Use – CAFO Class B

Motion by Gene Anderson 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.

Public Hearing on Resolution Declaring Boundaries and Recommending Creating Tax Increment District Number Five

The matter of the creation of Tax Incremental District Number Five, Lake County, was presented to the Planning Commission.

Planning Officer Mandi Anderson opened the hearing by reviewing the staff report.

Nielsen Construction and Dougherty & Company LLC were represented by Casey Crabtree, Director of Economic Development and Governmental Affairs at Heartland Consumers Power District. Casey Crabtree introduced himself and talked through the highlights of the TID #5 Project Plan. Nielsen Construction owns the property and is the developer. The hope is to break ground this fall.

Discussion and questions of the Planning Commission members to the TID #5 Representative:

Planning Commission member Doug Jerlow asked about the county's involvement in a TID that is located within the city limits of Madison. Casey Crabtree responded that the County acts like a big brother as they have a higher debt limit. The City has a much smaller debt limit, not to say that the City absolutely could not take on the TID themselves, but they do not have the debt limit like the County does. Casey Crabtree stated that these will be single and multi-family structures. The intent is to create affordable housing opportunities, with prices starting at \$190,000 for townhomes and \$230,000 for single family style homes. Townhomes will own the land underneath them.

Discussion was opened up to the public to take public testimony.

Proponent Testimony: Eric Fosheim, LAIC Director, testified in favor of the development of TID #5. There is a need for housing administrators such as DSU, schools, qualified staffing. Nielsen Construction is taking a little risk and helping our community with this undertaking, and he has a good reputation. The taxable property value will be great for Madison.

Opponent Testimony: Steve Kant testified in opposition to the development of TID #5. Steve stated that the City never asked the County to be involved with the TID and questioned the County's involvement. Steve stated he had a discussion with Mayor Marshall Dennert, and that no one from the City requested this. Steve questioned the initial statement of Toby Morris that this would be a 1 – 1.5-million-dollar project to the current project plan requesting 1.8 million. The County will be missing out on taxes needed for our County. Steve stated the need doesn't exist, that the City of Madison can do it themselves. Steve agreed there is an affordable housing issue, but that this isn't affordable housing. Steve discussed the amount and length of time of the project and questioned the comment that the project could be completed in as little as 5 years. Steve questioned who would monitor the situation to keep TIF funds from being used in parts of the development that do not qualify for TIF assistance.

Response from TID #5 Representative:

Casey Crabtree responded to Steve Kant's concerns. Casey stated that there are plenty of jobs here in Madison, but we do not have the professionals to fill them. We are short on individuals needed to fill those qualifying jobs because they have nowhere to live here. The City of Madison has significant challenges and has a lot of debt, and the County is in a very strong position to help.

After the public comment on the proposed tax incremental district, member Craig Johannsen moved that the following resolution be passed:

**RESOLUTION DECLARING BOUNDARIES AND RECOMMENDING
CREATION OF TAX INCREMENTAL DISTRICT NUMBER FIVE,
LAKE COUNTY**

WHEREAS, the Planning Commission of Lake County, South Dakota, published a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Incremental District Number Five, Lake County, on real property consisting of the following parcels:

District Legal Description:

Tract 1 of Miller's Fifth Addition to Madison, Lake County, South Dakota, according to the recorded plat thereof

WHEREAS, such Notice was published in the official newspapers in Lake County, not less than ten (10) nor more than thirty (30) days from the date of the hearing; and

WHEREAS, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers and the School Board of the following taxing entities:

Kelli Wollmann
Chairperson Lake County Commission
200 East Center Street
Madison, SD 57042

Marshall Dennert
Mayor City of Madison
116 W Center Street
Madison, SD 57042

Joel Jorgenson
Superintendent Madison Central School District
800 NE 9th Street
Madison, SD 57042

Jay Gilbertson
Manager East Dakota Water Development District
132B Airport Ave
Brookings, SD 57006

WHEREAS, a hearing was held on the September 11th, 2019, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of Tax Incremental District Number Five, Lake County.

THEREFORE, BE IT RESOLVED by the Planning Commission of Lake County, South Dakota:

1. Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, the Planning Commission hereby declares the necessity to form a tax incremental district in Lake County.
2. Findings. The Planning Commission finds that there is statutory authority to refer said district to the Lake County Commission for their consideration and that all notice requirements have been met and all findings required by statute are hereby made.
3. Boundaries of District. The Planning Commission has determined the boundaries of the district are as follows:

Tract 1 of Miller's Fifth Addition to Madison, Lake County, South Dakota, according to the recorded plat thereof

4. Project Plan. The Planning Commission has reviewed the project plan for Tax Incremental District Number Five, Lake County and hereby adopts the project plan and submits it to the County Commission for consideration.
5. Recommendation of District. The Planning Commission hereby recommends to the County Commission that Tax Incremental District Number Five, Lake County be created and hereby submits its recommendation to the County Commission for consideration.

The motion for adoption of the foregoing resolution was seconded by member Doug Jerlow. The Resolution was read by the Planning Official. Upon roll call vote being taken thereon the following members voted YEA: Craig Johannsen, Doug Jerlow, and Aaron Johnson. The following members voted NAY: Alan Schaefer, Don Bickett, Gene Anderson. Motion to pass the Resolution failed.

Chair Don Bickett and member Aaron Johnson asked if they could do a re-vote. The Planning Commissioners took a brief recess. Upon reconvening, the Planning Official advised that a member could move for reconsideration of the previous vote. Member Craig Johannsen moved to reconsider the vote and was seconded by member Doug Jerlow. Motion carried.

Discussion by the Planning Commission members on the Resolution Declaring Boundaries and Recommending Creating Tax Incremental District Number Five was reopened. Alan Schaefer again questioned how the property was currently zoned, and it was confirmed, as noted on Attachment 3 of the Project Plan that the property is zoned R-90. Doug Jerlow stated that he feels this is a viable project and should be approved, as it does not handcuff the county or tie us to anything if the project were to fail.

After this additional discussion, member Craig Johannsen moved that the following resolution be passed:

**RESOLUTION DECLARING BOUNDARIES AND RECOMMENDING
CREATION OF TAX INCREMENTAL DISTRICT NUMBER FIVE,
LAKE COUNTY**

WHEREAS, the Planning Commission of Lake County, South Dakota, published a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Incremental District Number Five, Lake County, on real property consisting of the following parcels:

District Legal Description:

Tract 1 of Miller's Fifth Addition to Madison, Lake County, South Dakota, according to the recorded plat thereof

WHEREAS, such Notice was published in the official newspapers in Lake County, not less than ten (10) nor more than thirty (30) days from the date of the hearing; and

WHEREAS, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers and the School Board of the following taxing entities:

Kelli Wollmann
Chairperson Lake County Commission
200 East Center Street
Madison, SD 57042

Manager East Dakota Water Development District
132B Airport Ave
Brookings, SD 57006

Joel Jorgenson
Superintendent Madison Central School District
800 NE 9th Street
Madison, SD 57042

Marshall Dennert
Mayor City of Madison
116 W Center Street
Madison, SD 57042

Jay Gilbertson

WHEREAS, a hearing was held on the September 11th, 2019, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of Tax Incremental District Number Five, Lake County.

THEREFORE, BE IT RESOLVED by the Planning Commission of Lake County, South Dakota:

6. Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, the Planning Commission hereby declares the necessity to form a tax incremental district in Lake County.
7. Findings. The Planning Commission finds that there is statutory authority to refer said district to the Lake County Commission for their consideration and that all notice requirements have been met and all findings required by statute are hereby made.
8. Boundaries of District. The Planning Commission has determined the boundaries of the district are as follows:

Tract 1 of Miller's Fifth Addition to Madison, Lake County, South Dakota, according to the recorded plat thereof

9. Project Plan. The Planning Commission has reviewed the project plan for Tax Incremental District Number Five, Lake County and hereby adopts the project plan and submits it to the County Commission for consideration.
10. Recommendation of District. The Planning Commission hereby recommends to the County Commission that Tax Incremental District Number Five, Lake County be created and hereby submits its recommendation to the County Commission for consideration.

The motion for adoption of the foregoing resolution was seconded by member Doug Jerlow. The Resolution was read again by the Planning Official. Upon roll call vote being taken thereon the following members voted YEA: Craig Johannsen, Doug Jerlow, Aaron Johnson, and Alan Schaefer. The following members voted NAY: Don Bickett and Gene Anderson. Motion carried. Whereupon said resolution was declared duly passed and adopted.

Vote passes to Adopt the Resolution and authorizes the Chair to sign.

PLATS:

A Plat of Lots 3, 4, 7 & 22 of Block 1 of Peterson's Second Addition in Outlot 3 of Government Lot 2 in the NE ¼ of Section 23-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing four lots for potential future 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 Alan Schaefer. M/C All were ayes.

A Plat of Lot 1 of Koch Addition in Government Lot 1 of Section 31-106-51 Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are resubdividing the existing lot existing lots into a new lot and encompassing the old undeveloped road into the platted lot. 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 Craig Johannsen. M/C All were ayes.

A Plat of Lot 9 of Bruns 2nd Addition in the NE ¼ of Section 9-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing agricultural land for future single-family lot for 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 Alan Schaefer. M/C All were ayes.

A Plat of Lot 1 Clark's Addition in the NE ¼ of Section 12-108-51 Summit Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. Meets Lake County

Regulations and the taxes have been paid in full. Motion 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 Aarons Addition in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28-105-51 Chester Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. 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 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 Planning Commission meeting at the hour of 9:43 AM.

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

ROLL CALL:

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

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve September 11th minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

*Commissioner Doug Jerlow recused himself from Conditional Use #19-13 due to personal conflict. He was one of the creators of this subdivision and wishes not to be involved with any county requests.

CONDITIONAL USE #19-13

Owner/Applicant: Steven & Lorri Wochnick

Property Description: Lots 5 & 6 Christiansen Sunrise Acres 2nd Addition in the SE ¼ of Section 26-106-52, Lakeview Township

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

Request: The applicant would like to build an oversized personal garage/shop with greater dimensions.

History/Issue(s):

1. The applicant is requesting to build a garage for a shop area and storage for his RV on his property next to his house.
 - a) Proposed overall dimensions of 50'x 72'x 16'4" will contain 3,600 sq/ft and has a sidewall height of 16'4".
 - b) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
 - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
 - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10' to the lot line.
 - c) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
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:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

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

- None.

Discussion and questions of the Planning Commission members to the applicant: Commissioner Aaron Johnson asked about gutters on the structure to help and facilitate proper drainage of the oversized structure. Steven replied with a yes to gutters.

Action Item: Conditional Use – Oversized Unattached 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 Aaron Johnson. M/C All were ayes.

VARIANCE-19-08

Owner/Applicant: Russ and Beckie Mettler

Property Description: Lot 30 Block D East Spawn Subdivision Lots 3-4-5, Section 10, Chester Township

Zoning Designation: “LP 2” – Brant Lake

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

History/Issue(s):

1. The applicant is requesting to build a 2-story single family home with an attached garage on their lot located behind the road off of Brant Lake.
 - a. Property has a single wide mobile home that will be removed prior to construction.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-2 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 3' variance from the Southwest side yard property line proposing the structure to sit 6' off the side yard lot line.
 - b. The proposed structure meets all other setbacks of the lot.
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 3,600 sq. /ft. and the width only being 45'. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
 - a. Minimum lot size requirement for LP-2 district is 9,600 sq. /ft.
 - b. Minimum lot width requirement for LP-2 district is 75 feet.
4. Adjoining neighbors and Brant Lake Improvement Association have been contacted and have signed off in approval of the proposed project. I spoke with the president of the Association, Terry Mehlbrech, on September 25 and he was in support of the proposed plan by the applicants.
5. Staff recommendation – Variance – **Minimum Side Yard Setbacks**
 The Planning Commission has the option to postpone, 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:

- 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.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-2 district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The granting of the variance will not be contrary to the public interest.

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

- None

Action Item: Variance – Side yard setbacks

Motion by Dale Thompson 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 Alan Schaefer. M/C All were ayes.

PLATS:

A Plat of Lot 13, Block 3 Woodland's 56th Addition in Government Lot 7 in Section 22-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for potential future 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 Doug Jerlow. M/C All were ayes.

PUBLIC COMMENT:

None.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Gene Anderson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:19 AM.

REGULAR**PLANNING****November 13, 2019****08:00 AM**

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:04 AM in the County Commission Board Room.

Absent today was the Chairman and Vice-chairman. Official Mandi Anderson asked for a present member to volunteer to serve as acting chair today. Aaron Johnson volunteered to step in for temporary Chairman for today's meeting.

ROLL CALL:

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

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 11th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:**CONDITIONAL USE #19-14**

Owner/Applicant: Kyle & Francine Arneson Contractor – Keppen Construction

Property Description: Lot 20 Nordstrom's Addition in Section 36-106-52, Lakeview Township

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

Request: The applicant would like to build an attached oversized garage/shop with greater dimensions.

History/Issue(s):

1. The applicant is requesting to build a single family shed/house structure with an attached garage/shop.
 - a) Proposed overall square footage of the attached accessory building will contain 3,480 sq/ft.

- b) This will be used for their own personal use, non-business.
- 2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
- 3. They meet all setbacks on this lot.
 - a) They are adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
 - b) Shall not be nearer than 9 feet to any side lot line.
 - c) Minimum rear yard setback of 25' from the OHWM and also 4' above the OHWM.
 - d) The proposed structure meets the overall height requirement of no taller than 30'.
- 4. Staff recommendation – Conditional Use **Oversized Attached Garage**

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:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

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

- None.

Action Item: Conditional Use – Oversized Attached 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 Alan Schaefer. M/C All were ayes.

VARIANCE-19-09

Owner/Applicant: Joel & Allyson Bork Contractor – Keppen Construction

Property Description: Lot 22 Schnell & Nold Subdivision & East 25' of Lot 26 Lenola Heights Resubdivision in the SE ¼ of Section 36, Lakeview Township

Zoning Designation: "LP 1" – Lake Madison

Request: The applicant is requesting a Variance from required lakeside averaging setback

History/Issue(s):

1. The applicants are interested in building a new home on their shore property of Lake Madison.
2. Lake County Ordinance states where adjoining lots are developed with a setback greater than 25' from the OHWM, the required setback shall be the average of the setback of the adjoining lots. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting 40.5' variance. The averaging of the adjoining lots is 81.5'. They are requesting to be 41' from the OHWM
 - a. They would meet the other lakeside setbacks of 25' back and 4' above OHWM.
4. Conditions particular to their property and the adjacent properties were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
5. Adjoining neighbors have been contacted and have signed off in approval of the proposed project.
6. Staff recommendation – Variance – **Averaging Setback**

The Planning Commission has the option to postpone, 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:

- 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.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.

- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property and the adjoining properties were not the result of the actions of the applicant.
- The granting of the variance will not be contrary to the public interest

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

- None

Action Item: Variance – Averaging setback

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 Doug Jerlow. M/C All were ayes.

CONDITIONAL USE #19-15

Owner/Applicant: Lubben Properties LLC Contractor – Eric Johnson with C. Lemme Companies

Property Description: Lot 1 & 2 Nordstrom's Addition, Section 25, Lakeview Township

Zoning Designation: "LP 3" –Lake Park-District 3 (Lake Madison)

Request: The applicant would like to build oversized commercial storage buildings with greater dimensions than the Ordinance regulates.

History/Issue(s):

1. They are requesting to build 3 commercial storage buildings on lots 1 & 2.
 - a. #1 - will contain 13,608 sq/ft with a 16' sidewall (54' x 252' x 16')
 - b. #2 – will contain 4,680 sq/ft with a 16' sidewall (30' x 156' x 16')
 - c. #3 – will contain 5,600 sq/ft with a 16' sidewall (40' x 140' x 16')
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build oversized commercial storage facilities with taller than 14' sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the "LP 3" District.
3. The lot is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 20' from the road right-of-way or road easement, 10' rear setback and shall not be nearer than 2' to any side lot line. The maximum height of the structure may not exceed 30' tall. The structure meets all setbacks and overall height regulation.
4. This structure being located on a corner lot must maintain a vision clearance and cannot obstruct view with structures taller than 3'. He does not obstruct the Clear View Triangle.

5. These lots are adjacent to Lake Park District – 1 and may require appropriate screening. There is an existing tree belt for screening purposes on the rear of the property.
6. Staff recommendation – Conditional Use – **Oversized Commercial Storage Facilities**

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:

- Oversized private and commercial storage facilities are allowable as a conditional use in the “LP 3” District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- There are other oversized private and commercial buildings in the area so it would be generally compatible with adjacent properties and other property in the 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.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use will not adversely affect the public interest.

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

NONE

Discussion and questions of the Planning Commission members to Eric Johnson the Lubben Properties, LLC Representative:

-Planning Commission member Doug Jerlow asked about the drainage in this area and if any neighbors had been contacted about this proposed project. Eric Johnson responded that the lots will need more fill and the water will be directed in the natural course to flow to the North under the road and into the wetlands in the state park and empty into Lake Madison. Official Mandi Anderson responded. The Ordinance does not require the applicant nor the county to

notify via mail any adjoining properties. The notice was published in the newspaper and the Agenda was displayed in the Courthouse as well as online in accordance with Lake County Zoning Ordinance.

Planning Commission members did not find any screening necessary from the adjoining LP-1 lots.

Action Item: Conditional Use – Oversized Commercial Storage Facilities

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 Dale Thompson. M/C All were ayes.

PLATS:

A Plat of Lots 26A, 27A, 28A, 29A, 30A, 31A, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 of Nordstrom's Addition in the SW ¼ of SW ¼ of Section 25 & in Government Lot 1 & the NW ¼ of the NW ¼ of Section 36 all in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for potential future 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 Craig Johannsen M/C All were ayes.

A Plat of Block 1 Bloker Addition in Government Lot 5 in the SE ¼ of Section 33-107-51 in Rutland Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thomson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Tract 2 of Van Zanten Addition in SE ¼ of the SE ¼ of Section 36-105-52 in Franklin Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing land into a lot for existing CAFO barns. 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.

PUBLIC COMMENT:

None.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Aaron Johnson adjourned the Planning Commission meeting at the hour of 8:40 AM.