

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, Gene Anderson and Official Mandi Anderson were all attending. Doug Jerlow was excused from the meeting.

AGENDA/ADDITIONS:

None.

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

REORGANIZATION:

Official Mandi Anderson asked for nominations for Chairman.

Craig Johannsen nominated Don Bickett. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Craig Johannsen, second by Alan Schaefer, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2020 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Official Mandi Anderson asked for nominations for Vice Chairman.

Craig Johannsen nominated Gene Anderson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Craig Johannsen, second by Dale Thompson, for nominations to cease and a unanimous ballot be cast for Gene Anderson as 2020 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2020 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 and due to Veterans Day in November landing on that Wednesday we shall meet Tuesday, November 10th instead. The 2020 Planning Meeting Calendar was provided in their packets.

At the January 7nd Lake County Commissioner's meeting Don Bickett & Craig Johannsen were reappointed to serve another 3-year term.

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

Mandi Anderson turned the meeting over to Chairman Don Bickett.

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve December 11th minutes sent to them by mail. Second by Gene Anderson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

VARIANCE-20-01

Owner/Applicant: Larry & Linda Ward Chuck Wiseman – Complete Contracting

Property Description: Lot 5 Blk 5 & Lot 5 Blk 3 Wentworth Park in the NE ¼ of Section 30-106-51, Wentworth Township

Zoning Designation: "LP-1" Lake Park District 1, Lake Madison

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 new lake home adjacent to Lake Madison. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
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.
3. They are requesting a 4 ½' variance from both side yard property lines.
 - a. They meet all other required setbacks. They are currently in the processes of purchasing the old Road r-o-w.

4. 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 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.
5. Adjoining neighbors and Wentworth Park Association have been contacted. The Wentworth Park Association and the neighbors to the South raise no objections to the proposed project, their signatures were obtained. The neighbor to the North was set a certified letter containing the explanation sheet, site plan, blueprints, application and signature sheet.
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 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 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.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.

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.

Discussion and questions of the Planning Commission members to the applicant:

Planning Commission member Aaron Johnson asked about gutters and slope for drainage on the new structure and property. Applicants responded that the land will slope to the lakeside and the lot will be filled with about a 1&1/2 of dirt to help come into compliance with the requirements of the OHWM.

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

Opponent Testimony: Reed Forster, adjoining neighbor to the north, spoke about his concerns of the proposed project. Drainage concerns that if all the lots around him are built up that he will be the lowest point between the lake and the slough to the east of him that he owns and will cause more water issues for him. Also, the appearance of a 2-story home will make him feel boxed in as well as having 2 large trees on his property that will now be very close to the new structure.

Response from Applicants:

Chuck Wiseman & Larry Ward responded to the concerns. Possibly the road should be built up to prevent the slough water from running across it and onto his property or adding retaining walls. It is a low area and they are asking to meet the requirements for their elevation of the new home.

Action Item: Variance – Side yard setback

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

Conditional Use #20-01

Owner/Applicant: Orland Ridge, LLC (Brian & Jeff Bosma) Ty Echenbaum – A1 Development Solutions

Property Description A portion of the NE ¼ of NW ¼ Excluding E 34 Rods & N 14 Rods & Excluding the Hwy, Section 24-105-54. To be platted and known as "Lot 1 of Orland Ridge Addition in the NE ¼ of NW ¼ of Section 24, Clarno Township

Zoning Description: "A" Agricultural District, Flood Damage Prevention & Aquifer Protection Overlay Districts

Request: Requesting an essential private utility wellhead site.

History/Issue(s):

1. They are requesting to construct a private wellhead for their water source to supply the Orland Ridge Dairy. This proposed operation site is approximately 2 miles from the Dairy.

2. Lake County Ordinance requires a landowner to go thru the conditional use process when located in the Aquifer Protection Overlay District in the "A" District.
3. Being located within the Zone A Aquifer Critical Impact Zone allows the applicant to request a private utility as long as the activity is not prohibited in the Zone A or underlying district and that they can meet the Performance Standards that are outlined for the Aquifer Protection Overlay Zones.
 - a. Activity will conform to all standards of SD DENR and permits shall be obtained from their department.
 - b. There shall be no solid or liquid waste of any kind from septic tanks, drain fields, lagoons, storage ponds, feedlots or hazardous materials.
 - c. If the well should become abandoned, it should be plugged in conformance with the SD Well Constructing Standards, Chapter 74:02:04:67-70.
 - d. When securing a use permit, the owner/applicant must agree to make future improvements which may become necessary to prevent contamination of shallow aquifers.
4. Staff recommendation – Conditional Use – Private Utility Wellhead Site
 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:

- Private wellheads are allowable in the "A", Aquifer Protection and Flood Prevention Districts under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing private wellheads so it would be generally compatible with adjacent properties and other property in the district.
- The private wellhead is not out of the ordinary being located in the Districts.
- 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:

Commission asked the applicant how deep the well was going to be, how many wells and will it be monitored by the state? Ty responded that there will be 2 wells on site approximately 70 feet in depth, a primary and a secondary in case the pump fails on the primary. TimeWell out of Minnesota has been testing the water quality and well placement. They will have to treat the water for cattle consumption and will use the rural water for human consumption. They are working with SD DENR for the water rights and they will follow and maintain the requirements of the state.

Action Item: Conditional Use – Private Utility Wellhead Site

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 Alan Schaefer. M/C All were ayes

PLATS:

A Plat of Lots 1 & 2 of Sky Edge Addition in SW ¼ of Section 34-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing an existing lot into 2 conforming 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 Gene Anderson. M/C All were ayes.

A Plat of Lot 1 of Orland Ridge Addition in NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24-105-54 in Clarno Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing a lot for private utility wellhead site. Lot does not meet the Lake County Regulations for a residential or commercial lot, however can be utilized for utility use only. 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 Lots A & B in Tract 1 of Fischer Place Addition in NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and Government Lots 1, 2, 3 & 4 all in Section 24-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" & "LP-1" District. They are resubdividing Tract 1 into two 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 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 8:51 AM.