

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

ROLL CALL:

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

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

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

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

CONDITIONAL USE #18-05

Owner/Applicant: Mary Hendriks

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

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

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

History/Issue(s):

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

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

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

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

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

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

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

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

CONDITIONAL USE #18-06

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

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

Zoning Designation: “A” – Agricultural district

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

History/Issue(s):

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

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

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

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

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

- None

Discussion:

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

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

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

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

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

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

Conditional Use #18-07

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

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

Zoning Description: "A" Agricultural

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

History/Issue(s):

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

Discussion

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

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

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

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

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

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

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

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

Action Item:

We acknowledge this Conditional Use application is incomplete however;

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

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

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

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

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

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

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