

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

**ROLL CALL:**

Aaron Johnson, Dan Hansen, Roger Albertson, Adam Leighton and Jody Ackerman and Official Mandi Anderson were all present. Alan Schaefer was absent but excused.

**AGENDA/ADDITIONS:**

Revised to remove the CU permit and add executive session for legal, 1-25-2(3).

Motion by Aaron Johnson to approve the revised agenda. Second by Jody Ackerman. M/C All were ayes.

**REORGANIZATION:**

Official Mandi Anderson asked for nominations for Chairman.

Roger Albertson nominated Aaron Johnson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Roger Albertson, second by Dan Hansen, for nominations to cease and a unanimous ballot be cast for Aaron Johnson as 2023 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Mandi Anderson turned the meeting over to Chairman.

Chair Aaron Johnson asked for nominations for Vice Chairman.

Jody Ackerman nominated herself. Motion by Jody Ackerman, second by Dan Hansen for nominations to cease and a unanimous ballot be cast for Jody Ackerman as 2023 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2023 Meeting dates and times set for the second Wednesday of each month at 8am unless the lack of agenda items. The 2023 Planning Meeting Calendar was provided.

Roger Albertson and Jody Ackerman were reappointed planning commission members serving as alternates (1st & 2nd Alternate) on the BOA.

At the January 3<sup>rd</sup> Lake County Commissioner's meeting Adam Leighton was appointed to our Planning board. He is a County Commissioner serving on our Planning Commissioner Board.

County Commissioners appointed Aaron Johnson to fill Don Bickett's term.

There is still currently one vacancy for the Planning Commission.

Subcommittee Members: Jody Ackerman & Adam Leighton, First District member, Shelli Gust & Mandi Anderson. Also possibly Aaron Johnson if allowed to have three members present.

**MINUTES:**

Motion by Roger Albertson to approve December 14th minutes sent to them by mail. Second by Dan Hansen. M/C All were ayes.

**PUBLIC COMMENT:**

Landowner Carol Klein, read by Planning Commissioner Aaron Johnson, via text message. Against the Summit pipeline project and any equipment related to the pipeline on the Ethanol site.

Landowner Betty Strom urges the commissioners to look at placing a moratorium on pipeline use and to take the time to create setbacks and separation distances from homes, schools, community and water ways.

Landowner Charlie Johnson states it is the responsibility of the boards to review the comprehensive plan for the safety purposes of lake county community.

Landowner Linda Rippentrop has CO2 concerns and recommends the board members to do their own pipeline research. Concerns about the path of the pipeline and also through the lakes community.

Chair, Commissioner Aaron Johnson responded to the public comments in agreeance to the safety concerns and requested a moratorium be created and added to the February Planning Agenda. Adam Leighton recuses himself from any and all discussion regarding the pipeline. Jody at this time cannot agree with a moratorium in place until she gathers more information. No motions and/or actions can be made to a public comment, Aaron's recommendation fails.

**EXECUTIVE SESSION:** Legal 1-25-2(3). (board functions and legal advice for board actions)

8:30am – Motion by Adam Leighton, Second by Jody Ackerman to enter into executive session. M/C All were ayes.

8:45am – Dan Hansen excused himself for the remainder of the meeting due to a fire department call.

9:18am – Motion by Adam Leighton, Second by Jody Ackerman to come out of executive session. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE #23-01**

**Owner/Applicant:** Jamie & Rita Feldhaus

**Property Description:** North 1130' East 927' of the NE ¼ of Section 25-108-54, Wayne Township

**Parcel Number:** 16000-10854-25115

**Zoning Designation:** "A" Agricultural District

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

**History/Issue(s):**

1. The applicant is requesting to rebuild a personal storage shed on his existing farmstead to replace the 48'x 64' shed that was destroyed in the May 2022 storm. He is requesting to replace it with a much larger shed, a 50'x 150'.
  - a. The old 48'x64' shed met the required setbacks of the district. All structures located on this property meet the required setbacks of the district.
2. The depth of the front yard shall not be less than 75' from the road right-of-way and in no case shall an accessory building be located or extended into the front yard. If they cannot meet the setbacks, they shall go through the Variance process.
3. Applicant is requesting a 30-35' setback from the township road right-of-way. Requesting a 40-45' variance. The old shed sat approximately 130' from the edge of the road right-of-way.
  - a. Structure would meet all other required (sides, rear, height) setbacks.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained in approval as well as a phone call from one neighbor.
5. Wayne Township was notified and signed off in approval.
6. Motion by Adam Leighton 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 Roger Albertson. All were ayes.

The planning commission recommends the following preliminary findings:

- The proposed application is the minimum variance that will make possible the reasonable use of the land, building or structure.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. Low traffic density AG gravel township road, location of existing feedlots and wetlands, allow adequate access to the structural entrance on the south side.
- 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 and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- That the non-conforming USE of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

No proponents or opponents present.

Motion by Adam Leighton to adjure the Planning Commission Meeting. Second by Jody Ackerman. Chair Aaron Johnosn adjourned the Planning Commission meeting at the hour of 9:56 AM.

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

**ROLL CALL:**

Alan Schaefer, Dan Hansen, Aaron Johnson, Roger Albertson, Jody Ackerman, Adam Leighton and Official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES:**

Motion by Dan Hanse to approve January 11th minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

Disclosure of Conflicts of Interest; Relationship(s) to Applicant; or Ex Parte Communication:

- Commissioners Adam Leighton, Jody Ackerman, Aaron Johnson & Alan Schaefer all recuse themselves from application #23-01 for conflict of interest reasons.

**CONDITIONAL USE #23-02**

**Owner/Applicant:** Smith's Cove LLC

Eric Johnson & Nicole Bruce - Contacts

**Property Description:** Lot 1 Block 2 of Smith's Cove Addition in the NE ¼ of Section 6-105-51, Chester Township

**Parcel Number:** 01000-10551-06115

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

**Request:** The applicant would like to build oversized commercial storage facilities with greater dimensions.

**History/Issue(s):**

1. Applicant is requesting to build multiple oversized commercial storage buildings. Proposed containing both 14,400 sq/ft (seven - 40' x 360' x 14') facilities and 12,000 sq/ft (two - 40' x 300' x 16') facilities.
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. 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. Property was rezoned from AG to Lake Park District-3 in 2022 (Ordinance Amendment #22-79).
5. Motion by Dan Hansen to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. All were ayes.

The planning commission recommends 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.

Proponent: none

Opponent: Bill & Rene Brunner- setback and fencing questions

### **CONDITIONAL USE #23-03**

**Owner/Applicant:** Smith's Cove LLC

Eric Johnson & Nicole Bruce - Contacts

**Property Description:** Lot 24 Block 6 of Smith's Cove Addition in the NE ¼ of Section 6-105-51, Chester Township

**Parcel Number:** 01000-10551-06115

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

**Request:** The applicant would like to build oversized commercial storage facilities with greater dimensions.

#### **History/Issue(s):**

1. Applicant is requesting to build multiple oversized commercial storage buildings. Proposed containing both 5,400 sq/ft (two - 20' x 270' x 10') facilities and 5,200 sq/ft (one - 20' x 260' x 10') facilities. As well as 3,400 sq/ft (six - 20' x 170' x 10') facilities and 1,800 sq/ft (two – 20' x 90' x 10').
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. 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. Property was rezoned from AG to Lake Park District-3 in 2022 (Ordinance Amendment #22-79).
5. Motion by Adam Leighton to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. All were ayes.

The planning commission recommends 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.

Proponent: none

Opponent: Bill & Rene Brunner- setback and fencing questions

Commission appointed Commissioner Dan Hansen to sit as the temporary Chair member for CU application #23-01.

### **CONDITIONAL USE #23-01**

**Owner/Applicant:** Dakota Ethanol (landowner) & SCS Carbon Removal LLC along with Jon Lietzke- representative for TurnKey

**Property Description:** W ½ of the NE ¼ Excluding the Rly & Plat of Lot H-1 & Water Tower Addition in Section 21-106-51, Wentworth Township

**Parcel Number:** 02000-10651-21120

**Zoning Designation:** "A" –Agricultural District

**Request:** The applicant is requesting to build utility and service structures specifically to capture CO2 emissions from the Ethanol Plant.

**History/Issue(s):**

1. The applicant is interested in adding equipment to the Ethanol Plant site to capture CO2 emissions. This request includes installing above ground equipment and structures related to the capture of the ethanol plant fermentation process CO2 emissions.
  - a. Site to include CO2 capture and compression equipment, a compressor building, pump building and modular control building.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an above ground utility structure.
3. The proposed structure meets the minimum requirements of the "A" district as far as setbacks and overall height.
4. Motion by Dan Hansen to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. All were ayes.

The planning commission recommends the following findings:

- Conditioned upon approval of the PUC application.
- Equipment and other related structures for utility services 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;
  - Screening and Buffering;
  - 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.

Proponent: none

Opponent: Wendy & Rick Schulz, Daryl Rippentrop, Rita Brown, Linda Rippentrop, Betty Strom, Lori Basler, Tim Basler, Charlie Johnson, Aaron Johnson & Michael Shum. Comments regarding the safety concern for the general public and water/power consumption, waste disposal. Postpone or deny approval until the permit with the PUC has been approved with the state and with landowners. Comprehensive Land Use Plan and Emergency Plan.

Jon Lietzke responded to comments about only the above ground equipment. That the structures and equipment would only be installed if and when approved by the state.

**PUBLIC COMMENT:**

Charlie Johnson comments about updating our current ordinance in regards to the pipeline.

Betty Strom comments about CU #23-01 approval process.

**PLATS:**

**A Plat of Lots 2A & 3A, Rath's Addition** in the SE ¼ of Section 11-105-52 of Franklin Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing 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 Adam Leighton. M/C All were ayes.

**A Plat of Tract 3 of Fischer's Place Addition** in the SE ¼ of the NE ¼ the SW ¼ of the SE ¼ and government lots 1, 2 & 3 all in Section 24-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-2" District. Consolidating all LP-2 area into one large lot for legal description purposes, no land use change. Plat meets Lake County Regulations but the use of

the land does not and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat and recognize the non-conforming use of the land to the County Commission. Second by Adam Leighton. M/C All were ayes.

**A Plat Lots 4A, 5A, 6A, 7A, 20A, 21A, 22A & 23A in Block 6 of Smith's Cove Addition** in the NE ¼ of Section 6-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing some existing residential lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Adam Leighton to recommend the approval of this plat to the County Commission. Second by Roger Albertson. M/C All were ayes.

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Aaron Johnson adjourned the Planning Commission meeting at the hour of 10:07 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:**

Alan Schaefer, Aaron Johnson, Roger Albertson, Adam Leighton and Official Mandi Anderson along with Carrie Schiernbeck were all present. Dan Hansen was absent and Jody Ackerman was absent but excused.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES:**

Aaron Johnson requested to change the wording under Opponents CU #23-01 from "Hold off on" to "Postpone or deny". Wording will be adjusted.

Motion by Adam Leighton to approve February 8th minutes sent to them by mail. Second by Roger Albertson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

Aaron Johnson asked about three old topics: 7<sup>th</sup> member vacancy on the board, SCS pipeline discussion added to next months agenda and the First District commission comments on the zoning ordinances being revised soon.

**NEW BUSINESS:**

Disclosure of Conflicts of Interest; Relationship(s) to Applicant; or Ex Parte Communication:  
NONE

**Conditional Use #23-04**

**Owner/Applicant:** Gracevale Hutterian Brethren – Paul Hofer Jr.

Along with Dakota Environmental

**Property Description:** Tract 1 of Thompson Addition in Section 2-105-54, Clarno Township

**Parcel Number:** 13000-10554-02130

**Zoning Description:** "A" Agricultural

**Request:** Requesting a conditional use permit to replace destroyed CAFO barns and increase bird (turkey) inventory to a Class B.

**History/Issue(s):**

1. The applicant is asking to replace and increase his turkey barn compacity to allow for an extra 29,000 birds. The proposed finishing barns would raise the potential site inventory to 50,000 birds, the CU application is made for a total of 60,000 birds in order to match the already approved Class B CAFO permit existing with DANR. Total bird count of 60,000 head.
  - a. Applicant would like to build the new barns on a newly purchased piece of property adjacent to their existing where no CAFO has existed before.
  - b. Lake County Ordinance considers a Class B CAFO containing 60,000 head of turkeys to be equal to 1,080 animal units. Class B CAFO ranges from 1,000 – 1,999 animal units.
2. There are several reasons in which the applicant is required to come forward today and ask for this CU. The Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district:
  - a. When a new CAFO is proposed where one does not exist (new legal description and purchased land);
  - b. An expansion is proposed beyond what a current permit allows;
  - c. A cumulative expansion by 300 animal units of an existing CAFO that does not have a permit (29,000 head x 0.018 AU = 522 total AU increase.
3. The existing CAFO is in conformance with Lake County Zoning Ordinance for a Class B.
  - a. The barn is located at least 150' off the township road r-o-w and a site plan has been provided;
  - b. There are no concerns regarding the existing barns or ponds to be a potential pollution hazard. The structures meet all required minimum setback and separation distances. This barn is not located in a shallow aquifer but looks to be

- determined that it falls near the edge of the Zone B shallow aquifer. Not located within the 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. Kingbrook Rural water has been notified for their current water supplier.
4. This operation is located off of a County Highway Road and the road authority has been notified. Nels' email is provided within the packet.
5. Motion by Roger Albertson to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Adam Leighton. All were ayes.
- 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 Badus 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 continue compliance with all of the requirements and conditions herein and 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.
- Proponent: none
- Opponent: none

#### **PLATS:**

**A Plat of Lot 2A McCarthy's Second Addition** in the NE ¼ and **Tract A1 of Christiansen's Harbor First Addition** in the NE ¼ of Section 26-106-52 of Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing two existing lots to add additional land to Tract A1. 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 Adam Leighton. M/C All were ayes.

**A Plat of Lot 7 of Hillside Campground Addition** in the Government Lot 3 in Section 6-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single family residential use, no longer using this new lot area for campground purposes. Plat meets Lake County Regulations and the taxes have been paid in full. Motion by Adam Leighton to recommend the approval of this plat to the County Commission. Second by Roger Albertson. M/C All were ayes.

#### **PUBLIC COMMENT:**

NONE

Motion by Adam Leighton to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Aaron Johnson adjourned the Planning Commission meeting at the hour of 8:40 AM.

**REGULAR**  
**April 12, 2023**

**PLANNING**  
**08:00 AM**

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

**ROLL CALL:**

Alan Schaefer, Aaron Johnson, Roger Albertson, Adam Leighton, Roger Albertson, Dan Hanson and Jodi Ackerman, official Carrie Schiernbeck were all present along with Commission Assistant Shelli Gust.

**AGENDA/ADDITIONS:**

None.

Motion by Alan Schaefer, to approve the agenda. Second by Jodi Ackerman. M/C All were ayes.

**MINUTES:**

Jodi Ackerman asked why there needed to be a change in the wording under Opponents CU #23-01 from "Hold off on" to "Postpone or deny". Chairman Johnson clarified why he wished to have the wording changed. The March 8, 2023 meeting minutes have been changed to meet this request.

Motion by Adam Leighton to approve March 8 minutes sent to them by mail. Second by Roger Albertson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

Jody Ackerman asked about the vacancy on the board, currently this spot is not filled.

**NEW BUSINESS:**

Disclosure of Conflicts of Interest; Relationship(s) to Applicant; or Ex Parte Communication:  
NONE

**PLATS:**

**A Plat of Tract 2A Colton Park Siding South** in Wentworth Township in section 02-106-51 was presented to the Planning Commission. This plat is in the Lake Park 1 district. Subdividing for future single family residential use. Meets County Regulations and the taxes have been paid in full. Motion by Jodi Ackerman to approve the plat with the understanding that if in the future there is a variance requested that the variance may be denied due to the unique nature that the plat is formed may be creating its own hardship. Second by Alan Schafer. M/C All Ayes.

**PUBLIC COMMENT:**

Aaron Johnson requested to speak during public comments and informed the Planning Commission that on April 18, 2023 at 6:00 pm there will be a zoom meeting hosted by Attorney Paul Blackburn, the meeting will be informational for the SCS Pipeline. He will email the link to the Planning Commission as well as adding items for the Joint Planning/Commission Meeting being held on April 26, 2023.

Motion by Jodi Ackerman to adjourn the Planning Commission Meeting. Second by Dan Hanson. Chairman Johnson adjourned the Planning Commission Meeting at 8:40 a.m. Our next meeting will be April 26, 2023 at 8:00 am with the Lake County Commission. The next Planning Commission Meeting will be held May 10, 2023.

**LAKE COUNTY PLANNING COMMISSION AND COUNTY COMMISSION MINUTES**  
**JOINT MEETING**  
**April 26, 2023**

The Lake County Planning Commission and the Board of Lake County Commissioners held a joint meeting on April 26, 2023, at 9 a.m. in the commission room at the Lake County Courthouse.

**PLANNING COMMISSION CALL TO ORDER AND ROLL CALL:**

Chair Johnson called the meeting to order. Zoning Officer Carrie Schiernbeck called roll call: Planning Commissioners Jody Ackerman, Roger Albertson, Daniel Hansen, Aaron Johnson, and Alan Schaefer all present.

**COUNTY COMMISSION CALL TO ORDER AND ROLL CALL:**

Chair Wollmann called the meeting to order. Deputy Auditor Erin Schneider called roll call: Commissioners Corey Johnke, Adam Leighton, Deb Reinicke, Dennis Slaughter, and Kelli Wollmann all present. CAO/HRS Shelli Gust and First District Representatives Todd Kays and Luke Muller were also present.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**COMMUNITY COMMENTS:**

Betty Strom, Rita Brown, Linda Nichols, Charlie Johnson, and Chase Jensen, representing themselves, each spoke as an opponent of the Summit Carbon Solutions pipeline. Trevor Jones, representing Summit Carbon Solutions, spoke as a proponent of the Summit Carbon Solutions pipeline. Betty Strom, Linda Nichols, and Trevor Jones each provided the boards with a handout.

**AGENDA APPROVED:**

Motion by Reinicke, second by Leighton, to approve the joint planning commission and county commission agenda of April 26, 2023. Motion carried.

**WORK SESSION / DISCUSSION ON PROPOSED CHANGES TO ZONING ORDINANCE #06-44, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR LAKE COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF:**

Todd Kays with First District gave a brief history of the work that has been done with our zoning ordinance over the past 14 years. In 2009, a comprehensive revision of the zoning ordinance was completed. Those ordinance revisions were referred to a public vote and were defeated in a special election. Approximately 5 years ago, staff and First District began to review a general template of the ordinance. Approximately 1 ½ years ago, staff, First District, former County Commissioner Aaron Johnson, and former Planning Commissioner Dale Thompson began to review the ordinance again and began making comprehensive revisions. Kays advised the boards they have the option to pass sections of the ordinance piecemeal or to pass the entire ordinance at once, and the general pros and cons of each option.

Kays advised that he would be giving a general overview of the sections in the ordinance, and then he would take questions about those individual sections. The boards reviewed the following articles: Article I: Short Title and Application; Article II: Definitions; Article III: Establishment of Districts; Article IV: Nonconforming Uses or Lots of Record; Article V: Appeals, Variance, and Conditional Uses; Article VI: Zoning Official; Article VII: Permits, Schedule of

Fees, Charges, and Expenses, Article VIII: Enforcement; Article IX: Amendments; and Article X: Legal Status Provisions.

Article I: There were no questions.

Article II: There were several questions and discussion about many definitions listed, including but not limited to the following: definition of adjacent property, applicant, cemetery, contingency plans, hazardous materials, leaks and spills, nonstandard uses, aggrieved person, Class V Injection Well, dwelling unit, lot types, REM, runoff control basin, solar energy, special permitted uses, structure, tower, and well.

Article III: There was a question and discussion about whether additional overlay districts, such as a mining overlay district might be appropriate. First District explained how that would work, but did not recommend it as it has the potential to create spot zoning issues, instead recommending that a special permitted use might be a better method to use. There was a discussion about whether the Chair must be the person that signs the official zoning map. First District advised that it is required by state law.

Article IV: There was a question about the discontinuance of a nonconforming use and the time period allowed for discontinuance. First District advised that those requirements are also in state law. First District discussed continuation of nonstandard uses.

Article V: There was discussion about the issues surrounding variances and conditional uses being heard before the Planning Commission and the Board of Adjustment. State law does not require that they be heard before both boards, and Lake County is only one of a handful of counties that are still doing this. First District advised that the County Commission could serve as the Board of Adjustment or a separate Planning Board could serve as the Board of Adjustment. Pros and cons of both options were discussed. There was a question and discussion about the notice requirements for variances and whether additional forms of notice (social media or signs) should be considered.

Article VI: There was a discussion about special permitted uses. No special permitted uses have been identified, but the framework is there. The Planning Commission could take that framework and work later on to identify those uses.

Article VII: There were no questions.

Article VIII: There were no questions.

Article IX: First District explained the four ways that amendments to the zoning district boundaries or regulations can be accomplished as well as whether or not those actions can be referred or appealed.

Article X: There were no questions.

First District assigned the two boards to review pages 59-187 and plan to meet again in the next few weeks. No specific date was set. First District will send CAO Gust their availability and a meeting will then be scheduled with the two boards.

### **ADDITIONAL TOPICS FOR DISCUSSION PROPOSED BY PLANNING COMMISSIONERS OR COUNTY COMMISSIONERS**

#### **CARBON DIOXIDE PIPELINE ORDINANCE AND REGULATIONS (PLANNING COMMISSIONER AARON JOHNSON)**

Planning Commissioner Johnson requested that the County Commission direct the Planning Commission to draft an ordinance regulating carbon dioxide pipelines. Johnson had a 2-slide PowerPoint showing information about a CO<sub>2</sub> pipeline rupture in MS and NE Attorney Paul Blackburn's summary opinion on interstate pipeline preemption. Johnson also provided 3 handouts: a memo from Landowners for Eminent Domain Reform, an example of a last offer to purchase easement, and a letter from DeSmet Insurance. Johnson outlined the reasons why he

feels an ordinance is needed. Johnson advised that Attorney Blackburn has offered to help write an ordinance. Chair Wollmann asked First District to comment on the request. First District advised that up to this point, the County has never regulated anything underground through zoning. emphasized that caution should be taken before passing any ordinance and advised that it is when, not if, you will be sued. First District advised that the county talk to their insurance company to determine what coverage level will be provided and to visit with their attorney about their level of exposure. Chair Wollmann asked for State's Attorney Wendy Kloeppner's opinion. SA Kloeppner advised she agreed with everything that First District said. Commissioner Johnke advised he needed to leave the meeting due to a prior commitment, and that he would be recusing himself from any vote on a proposed pipeline ordinance. Recusal noted for the record. Commissioner Johnke left the meeting at 12:05 p.m. Planning Commissioner Johnson responded to First District's comments. Johnson advised that the costs of a lawsuit could be paid for through a coop with other counties. First District advised they needed to leave the meeting due to a prior commitment. Commissioner Reinicke asked that First District include a draft of a solar energy ordinance for the next meeting. First District left at 12:15 p.m. Planning Commissioner Johnson expressed interest in bringing sample ordinances to the next planning meeting and encouraged Commissioners to make a decision at this meeting to move forward. Commissioners Reinicke, Wollmann, Leighton, and Slaughter expressed that they wanted more time before making any decisions and requested that SA Kloeppner contact our insurance company. Commissioners directed CAO Gust to include this on the agenda for the next joint planning commission / county commission meeting.

**ADJOURNMENT:**

Motion by Reinicke, second by Leighton, to adjourn at 12:21 p.m. Motion carried. The next regular meeting of the Planning Commission will be on Wednesday, May 10, 2023 at 9:00 a.m. The next regular meeting of the County Commission will be on Tuesday, May 2<sup>nd</sup>, 2023 at 9:00 a.m.

/s/Erin Schneider  
Lake County Deputy Auditor

/s/Kelli Wollmann  
Chair, Lake County Commission

Published once at the total approximate cost of \$

**REGULAR**

**PLANNING**

**May 10, 2023**

**08:00 AM**

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

**ROLL CALL:**

Commissioner Adam Leighton, Roger Albertson, Jody Ackerman, Chairman Aaron Johnson, Dan Hanson, Alan Schaefer, Official Carrie Schiernbeck also present Commission Assistant Shelli Gust.

**AGENDA/ADDITIONS:**

Chairman Johnson asked to add discussion about the proposed pipeline to our agenda. Motion by Roger Albertson 2<sup>nd</sup> by Alan Schaefer to add to the discussion item for the May 10, 2023 meeting. All in favor: Jody Ackerman, Roger Albertson, Dan Hanson, Alan Schaefer. Opposed Adam Leighton. Motion Carried. Discussion of pipeline added to May 10, 2023 agenda.

**MINUTES:** Jody Ackerman noted the misspelling of her name in the previous minutes, correct should be Jody not Jodi. Change in spelling noted and corrected in April 12, 2023 minutes. Motion by Jody Ackerman to approve April 12, 2023 planning commission meeting minutes sent to them by mail. Second by Adam Leighton. Motion Carried

**OLD/UNFINISHED BUSINESS:** None noted

**NEW BUSINESS:** Disclosure of conflicts of interest; Relationship(s) to Applicant(s) or Ex Parte Communication: None

**Conditional Use #23-05**

**Owner Applicant:** Randy & Jerilyn Rozeboom

**Property Description:** Lot 4 A Block 6 Smith's Cove Addition, Chester Township

**Parcel Number:** 01000-10551-06115

**Zoning Description:** Lake Park 1

**Request:** The Applicant would like to build and unattached accessory building with greater dimensions then the ordinance allows.

**History/Issue(s):**

1. The applicant is requesting to build a new oversized unattached accessory building.
  - a) Proposed garage/accessory dimensions requested are 40'x 80'x 12' (3,200 sq/ft)
  - b) Several other oversized accessory buildings have been permitted in the area.
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 easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w easement.
  - b) Shall not be nearer than 9 feet to any side yard lot line.
  - c) Shall not be nearer than 25' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – Oversized Unattached Accessory Building
- 5 . Motion by Roger Albertson, second by Alan Schaefer to recommend the approval of Conditional Use # 23-05 to the Board of Adjustment and adopt the findings in the outlines of the staff report. Motion Carried

- 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;
  - Screening and Buffering;
  - 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.
- Opponents: None
- Proponents: None

#### **PLATS:**

**A plat of Lot 1 of Dorhout's Additon:** In the NE ¼ section of 23-106-53 of Herman Township. This proposed "Replat" is in Lake County's Ag district. The applicants are asking to vacate the existing trat 1 of Dirks Addition and replat to add additional acres to the new Dorhout Addition. This new Plat will be 14.1 +/- acres for their new home build. The plat would be permissible to approve. All taxes have been paid in full and meets county guideline and ordinances.

Motion by Alan Schaefer, second by Dan Hanson to approve the Plat to present to the County Commission. Motion Carried

**Discussion:**

Chairman Aaron Johnson asked to discuss the proposed pipeline asking for planning commission boards questions, concerns, or comments. Several items were discussed including the proposed ordinances in Minnehaha, Lincoln, and Brown Counties. Land Owner rights, Easements, Insurance, and legal liability. The planning commission would like to have the county attorney and Insurance present at the Joint meeting on May 30, 2023. Other topics discussed were setbacks of existing pipelines, building eligibilities. Commission Assistant Shelli Gust gave input about how taxes, assessments are completed and about CPI and growth effects.

PUBLIC COMMENT: No one wished to address the Planning Commission at this time.

Motion to adjourn meeting at 9:18 am, second by Adam Leighton Motion Carried.

Next Meeting May 30, 2023 Joint Planning & Commission Meeting.

**LAKE COUNTY PLANNING COMMISSION AND COUNTY COMMISSION MINUTES**  
**JOINT MEETING**  
**May 30, 2023**

The Lake County Planning Commission and the Board of Lake County Commissioners held a joint meeting on May 30, 2023, at 9 a.m. in the commission room at the Lake County Courthouse.

**PLANNING COMMISSION CALL TO ORDER AND ROLL CALL:**

A quorum of the Planning Commission was not present at 9:00 a.m. Members present included Aaron Johnson and Adam Leighton. Planning Commissioner Johnson was invited to participate in an ex-officio capacity until a quorum was present.

**COUNTY COMMISSION CALL TO ORDER AND ROLL CALL:**

Chair Wollmann called the meeting to order at 9:14 a.m. Auditor Paula Barrick called roll call: Commissioners Corey Johnke, Adam Leighton, Deb Reinicke, Dennis Slaughter, and Kelli Wollmann all present. CAO/HRS Shelli Gust, SA Wendy Kloeppner, and First District Representatives Todd Kays and Luke Muller were also present.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**AGENDA APPROVED:**

Motion by Reinicke, second by Leighton, to approve the joint planning commission and county commission agenda of May 30, 2023 with the removal of Carbon Dioxide Pipeline Ordinance and Regulations as the Commission does not want to move forward with an ordinance with the unknowns of too many issues. Motion carried.

First District advised Planning Commissioner Johnson that if a quorum of the Planning Commission was present that the Planning Commission could take action to place the removed item back on the agenda.

**WORK SESSION / DISCUSSION ON PROPOSED CHANGES TO ZONING ORDINANCE #06-44, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR LAKE COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF:**

Todd Kays with First District picked up the work session beginning on page 59-187.

Kays advised that he would be giving a general overview of the sections in the ordinance, and then he would take questions about those individual sections. The boards reviewed the following articles: Article XI: Zoning Districts; Article XII: General Requirements; and Article XIII: Concentrated Animal Feeding Operations. The following is not an exhaustive list of every item discussed but provides a summary of those topics which received specific attention.

**Article XI: Zoning Districts**

The board reviewed Section 1101. "A" Agricultural District. There were questions and discussion about the following topics: whether campgrounds were listed as a specific use, whether commercial storage units could be allowed in the Ag District, what exceptions fall under height regulations; and whether the covenant/waiver section should apply to all farms vs. CAFOs.

The board reviewed Section 1102. "CI" Commercial/Industrial District. There were questions and discussion about the following topics: temporary seasonal fireworks stands, area regulations, and the zoning impact if an asphalt road were to be turned to a gravel road.

The board reviewed Section 1103." LP-1" Lake Park District 1. There were questions and discussion about the following topics: the additional uses that were added, the larger

dimensions allowed for unattached structures, the location of fence regulations in the ordinance, accessory structures with living quarters, the request to add more clarity to how shouses are defined, and the schedule of regulations.

The board reviewed Section 1104. "LP-2" Lake Park District 2. There were questions and discussion about the following topics: LP-2 being a closed district and the new language for leased single family development.

The board reviewed Section 1105. "LP-3" Lake Park District 3. There were no specific questions.

The board reviewed former Section 1106. Fences in LP1, LP2, LP3 which have been moved to a separate section under general regulations.

The board reviewed Section 1107. "TD" Town District. There was discussion about the new uses which have been added to this section.

The board reviewed Section 1109. "PD" Planned Development District. There were questions and discussion about whether this section had been utilized in the past and whether the current regulations were working, whether the county enforces covenants, and how those planned developments are typically structured by the developer.

The board reviewed Sections 1108. Natural Resources District, 1110. Aquifer Protection Overlay District, 1111. Corridor Preservation Overlay District, and 1112. Flood Damage Prevention Overlay District. There were no specific questions. First District advised that FEMA flood maps are being updated and the flood damage prevention overlay district section will need to be amended after that process has been completed.

A short break was taken.

#### **PLANNING COMMISSION CALL TO ORDER AND ROLL CALL:**

Additional Planning Commissioners joined the meeting via Zoom. Chair Johnson called the meeting to order. Zoning Officer Carrie Schiernbeck called roll call: Planning Commissioners Aaron Johnson and Adam Leighton were personally present. Planning Commissioners Roger Albertson, Daniel Hansen, and Alan Schaefer were present via Zoom. Planning Commissioner Jodi Ackerman was present intermittently via Zoom.

#### **AGENDA APPROVED:**

Chair Johnson requested that Planning Commissioners to reconsider the agenda and place Carbon Dioxide Pipeline Ordinance and Regulations back on the agenda. Motion by Hansen, second by Alberson to approve the agenda with Carbon Dioxide Pipeline Ordinance and Regulations added. Ayes: Johnson, Albertson, Hansen, Schaefer. Nay: Leighton. Absent: Ackerman. Motion carried.

#### **WORK SESSION / DISCUSSION RESUMED:**

Article XII: General Requirements

The boards reviewed this article. Kays advised the boards that many of the changes in this article were form over substance.

There were questions and discussion about the following topics: screening, vision clearance on corner lots, manufactured and modular homes, shelterbelts, extended home occupations, shouses, wind energy and decommissioning, wireless communication towers, the right to farm notice, adult uses, private wind energy systems, target ranges, sand gravel operations, setbacks, accessory uses, campgrounds, pipeline structures, agribusiness, fences, manufactured home park standards, and solar energy.

Article XIII: Concentrated Animal Feeding Operations

Kays advised the boards that there were substantive changes made to this article. There were questions and discussion about the following topics: changes to the way animal units are

defined to include headcounts, the number of animal units required for each class of CAFO, manure management plans, graduated minimum setbacks for different classes, and how nonconforming CAFOS can rebuild after a catastrophic incident.

Kays advised the boards again that they have the option to pass sections of the ordinance piecemeal or to pass the entire ordinance at once, and the general pros and cons of each option. Kays advised that he will take all of the feedback and make some changes to the draft. A new draft will be provided to CAO Gust. First District believes one additional meeting should be held to discuss the new draft before any action is taken. First District will send CAO Gust their availability and a meeting will then be scheduled with the two boards.

#### **ADDITIONAL TOPICS FOR DISCUSSION PROPOSED BY PLANNING COMMISSIONERS OR COUNTY COMMISSIONERS**

#### **OPTIONS / ACTION ITEMS FOR STRUCTURE AND MEMBERSHIP OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, COUNTY COMMISSION; SDCL 11-2, 11-2-2, 11-2-3, 11-2-49, 11-2-50 (COUNTY COMMISSIONER KELLI WOLLMANN)**

CAO Gust advised that Commissioner Wollmann had requested that First District outline the different ways that counties structure their boards. Kays advised that there are essentially 3 ways that it could be structure. The first option is that the County Commission wears all 3 hats – the Planning Commission, the Board of Adjustment, and the County Commission. Kays advised that approximately 5 of the counties in the First District that use this structure. The second option is that the Planning Commission could also sit as the Board of Adjustment, and that membership is different from the County Commission. There are approximately 5 counties in the First District that use this structure. The third option is that the Planning Commission has separate membership and reviews only plats, the comprehensive plan, and the ordinance, while the County Commission sits as the Board of Adjustment handles all variances and conditional uses. Kays advised that Lake County is an anomaly, currently having variances and conditional uses run through the Planning Commission to receive a nonbinding recommendation before they move forward to the Board of Adjustment. There was discussion about how the first option would remove procedural issues and make the process easier for the applicants. CAO Gust asked the boards to come back to the next meeting with their preference, as this would impact the way the administrative section of the ordinance is drafted.

#### **CARBON DIOXIDE PIPELINE ORDINANCE AND REGULATIONS (PLANNING COMMISSIONER AARON JOHNSON)**

Planning Commissioner Johnson provided two sample ordinances from Brown County and Moody County to the boards for consideration. Johnson also advised that Minnehaha County and Lincoln County were looking at ordinances. Johnson advised that protections could be put in place through an ordinance. Slaughter commented that there is a difference of opinion between the county's legal advice and pipeline opponents' legal advice. Johnson asked the board to get a second opinion from different legal counsel and stated they had a second opinion in the paper written by an attorney engaged through SDPAA. Johnson stated that opinion states that counties have the legal authority to determine location. Reinicke stated that she was on the fence but not interested in moving forward right now. Wollmann stated that counties are not in the business of regulating pipelines, that the federal government regulates pipelines, that this board does not have the knowledge to regulate pipelines, that they were elected by the people to do a job, that they had been advised by legal counsel, and that it is beyond the board's control. Hansen stated that the county needs to look at public protections, and that it would be a disservice to the public not to do so. Johnson stated that the federal government determines how a pipeline is built but it does not have any authority as to where a pipeline is built, and reiterated that the attorney hired by SDPAA says that counties may determine location.

Wollmann stated that the board needs to be objective, and that Johnson has lost all objectivity with regard to carbon dioxide pipeline issues. Wollmann stated she would like to see a motion that would put this subject to bed. Johnson addressed the minutes from the last meeting and asked SA Kloeppner whether she had contacted the county's insurance company about coverage. SA Kloeppner affirmed she had done so. Johnson wanted the information to be made public. SA Kloeppner declined. Reinicke questioned whether certain types of welders are just as dangerous as the pipeline. Wollmann reiterated that the federal government is equipped to make these decisions. Johnson stated that the most protection is needed for the county. Reinicke stated that they want to protect all of the county, but that this board does not want an ordinance and isn't ready to make a decision as the PUC hasn't even granted a permit yet. Johnson stated that if the permits are granted, it's too late. Johnke stated that not having an ordinance doesn't mean that the board doesn't care about the safety of Lake County residents. Slaughter referenced a public comment that was made to the board by Johnson at a previous meeting that the board was being Pontious Pilate, and that he didn't want to be called that. Wollmann stated that feelings and emotions shouldn't be a part of this discussion. Slaughter advised he was taking the legal advice of counsel and holding off on an ordinance. Reinicke stated she agreed with Slaughter. Johnke reiterated he would be recusing himself from a vote on this matter. Motion Reinicke, second Slaughter to postpone any action on a carbon dioxide pipeline ordinance and regulations. Ayes: Leighton, Reinicke, Slaughter, Wollmann. Recused: Johnke. Motion carried.

Ackerman asked how that impacts any further discussion by the Planning Commission. SA Kloeppner advised that with the directive from the Commission that any action on a carbon dioxide pipeline ordinance and regulations are postponed, the Planning Commission is precluded from sua sponte taking the matter up on its own, and it should not be added to Planning Commission agendas or discussed. SA Kloeppner advised that public comments may continue during the community comments portion of the meeting. Ackerman asked how that impacts applicants. CAO Gust advised that applicants may still apply for anything that is regulated by our zoning ordinance. But it was noted that there would be no agenda items relating to applications for permits/variances, etc., stemming from a pipeline that would come before the Planning Commission.

#### **COMMUNITY COMMENTS:**

Linda Rippentrop, Rita Brown, Betty Strom, and Lori Basler, representing themselves, each spoke as an opponent of the Summit Carbon Solutions pipeline. Charlie Scholl, representing himself, passed on making a public comment. Trevor Jones, representing Summit Carbon Solutions, passed on making a public comment.

#### **ADJOURNMENT:**

Motion by Leighton, second by Ackerman, to adjourn at 12:54 p.m. Motion carried. Motion by Reinicke, second by Slaughter, to adjourn at 12:55 p.m. Motion carried. The next regular meeting of the Planning Commission will be on Wednesday, June 14, 2023 at 8:00 a.m. The next regular meeting of the County Commission will be on Tuesday, June 6, 2023 at 9:00 a.m.

/s/Paula Barrick  
Lake County Auditor

/s/Kelli Wollmann  
Chair, Lake County Commission

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## **REGULAR**

### **PLANNING**

**June 14, 2023**

**08:00 AM**

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

#### **ROLL CALL:**

Aaron Johnson, Dan Hansen, Roger Albertson, Adam Leighton and Alan Schaefer and Official Carrie Schiernbeck were all present. Jody Ackerman was absent but excused. Also present were Shelli Gust Commission Assistant and Kelli Wollman.

#### **AGENDA/ADDITIONS:**

**Variance # 23-02** for Kyle Thill was removed from the agenda, the parcel was surveyed and the new blueprint meets all the required setbacks. Motion by Adam Leighton to adopt the agenda with the revised changes 2<sup>nd</sup> by Roger Albertson M/C All were ayes.

#### **MINUTES:**

Motion by Alan Schaefer to approve the May 10, 2023 minutes sent to them by mail. Second by Dan Hansen. M/C All were ayes.

#### **OLD/UNFINISHED BUSINESS:**

None.

#### **NEW BUSINESS:**

##### **CONDITIONAL USE # 23-06**

**Owner/Applicant:** Robert & Emma Haight

**Property Description:** Lot 5 Wicklow Hills Addition in Wentworth Township, Lake County

**Parcel Number:** 02010-10651-05010

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

**Request:** The applicant is requesting a Conditional Use permit for an Oversized Unattached Accessory Building

##### **History/Issue(s):**

1. The applicant is requesting to build a oversized unattached garage shed on their existing property and will replace the garage that is currently on site. They are requesting to build a larger accessory building with the dimensions being 40' x 36' with a total of 1,440 sq/ft
  - a. The old garage met the required setbacks of the district. All structures located on this property meet the required setbacks of the district.
  - b. Several other oversized accessory buildings have been permitted in the Lake Park 1 District.
2. Lake County Ordinance requires that a land owner go through the Conditional Use permit process to build a shed/garage/accessory building with a sidewall higher than 12' and greater than 1,200 sq/ft.
3. They meet all the required setbacks on this lot
  - a. They are adjacent to private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road right of way easement.
  - b. Shall not be nearer than 9 feet to any side yard.
  - c. Shall not be nearer than 25' of the rear yard (lake side)
  - d. The proposed structure meets the overall height requirement of 30'

- 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;
  - Screening and Buffering;
  - 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.
  - Opponents: None
  - Proponents: None
4. Staff Recommendation – Conditional Use permit # 23-06 oversize unattached accessory building. Motion by Alan Schaefer, 2<sup>nd</sup> by Daniel Hanson to recommend approval of Conditional Use Permit # 23-06 to the Lake County Board of Adjustment. M/C All were ayes.

**PLATS:**

**Lots 36R & 377 of Block 8 of Lakes Community Addition:** In the SE ¼ Section of 32-106-51 in Wentworth Township. This plat will be vacating the original plat and subdividing to become two new parcels for future single family home use. All taxes and fees have been paid in full and meets all county guidelines and ordinances. Motion by Roger Albertson 2<sup>nd</sup> by Alan Schaefer to approve the plat and present to the County Commission. M/C all were ayes.

**Lot 2S of Christiansen & Martin:** In the NW ¼ Section of 26-106-52 in Lakeview Township. This plat is giving the Martin's additional acres to grant them the pond access. All taxes and fees have been paid in full and meets the county guidelines and ordinances. Motion by Adam Leighton 2<sup>nd</sup> by Daniel Hanson to approve and present the plat to the County Commission. M/C all were ayes.

**Plat 1 of Bialas Addition:** In the SE ¼ Section of 16-107-53 in Farmington Township. This plat is to give them the additional acres to be at the 20 acres minimum for the Ag District. All taxes and fees have been paid in full and

meets the county guidelines and regulations. Motion by Dan Hanson 2<sup>nd</sup> by Adam Leighton to approve the plat and present to the County Commission. M/C all were ayes.

**Lot 1 of K2 Farms Addition:** In the NW ¼ Section of 25-105-52 in Franklin Township. This plat is giving them the additional acres to have all farm operations under the same parcel of property. This plat does fall under the existing farmstead and 5-acre rule set by our ordinance. All taxes and fees have been paid in full and meets the county guidelines and ordinances. Motion by Adam Leighton, 2<sup>nd</sup> by Roget Albertson to approve the plat and present to the County Commission. M/C all were ayes.

**Discussion Items:** Chairman Johnson wished to discuss meeting procedures and inquired if items are taken off the agenda what is the best way to remedy that and put them back on the agenda for discussion and correct it. Chairman Johnson was advised to seek out his own legal advice for himself. Chairman Johnson asked what if an application comes through the planning/zoning office how does that work for the agenda? Adam Leighton spoke and said if they meet the deadlines, requirements that are in place they would be put on the planning commission agenda. Questions about if certain applications were to come in and if the planning commission would be able to hold a meeting and discuss it as it has been instructed to not discuss it. The discussion then went on to the proper steps to take.

**Public Comments:** No one wishing to address the planning commission at this time.  
Motion by Adam Leighton to adjourn the Planning Commission Meeting at 8:32 A.m. 2<sup>nd</sup> by Alan Schaefer. Motion Carried.



**REGULAR**

**PLANNING**

**July 12, 2023**

**08:00 AM**

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

**ROLL CALL:**

Aaron Johnson, Dan Hansen, Roger Albertson, Adam Leighton, Alan Schaefer, and Jody Ackerman also present was Official Carrie Schiernbeck, Shelli Gust, Kelli Wollman, Mike & Brian Siemonsma, Carter Schwader, Charlie Jonson, Jolene Johnson, Larry Kotten and Charlie Scholl.

**AGENDA/ADDITIONS:** None noted

**MINUTES:**

Motion by Alan Schaefer to approve the June 14, 2023 minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**Variance #23-03**

**Owner/Applicant:** Carter Schwader

45271 SD Hwy 34

Madison SD, 57042

**Property Description:** Lot 2 Mccracken's 2<sup>nd</sup> Add NE ¼ 11-106-53

**Zoning Description:** "A" Agricultural District

**Parcel ID # 10001-10653-02010**

**Request:** The applicant is seeking a Variance from the minimum Side yard and Front yard setbacks.

**History/Issue(s):**

1. He is requesting to build a new 36' x 56' (2,016 sq/ft) personal storage shed on his property.
2. Lake County Ordinance requires that all structures in the Ag have a minimum side yard setback of 30' feet on each side if applicable. Structures must also have a minimum Front Yard of 75' feet from the Road Right-of-way and in no case shall an accessory building be located or extended into the front yard.
3. Lake County Ordinance requires that a land owner go through the Variance Process if they cannot meet the setbacks. They are requesting to be 20' feet from the Side Yard Setback and 30' feet to the Road Right-of-way.
4. Applicant is requesting a Front Yard Setback of 30' feet and a Side Yard Setback of 20' feet.
5. Adjoining neighbors and township have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.

6. Herman Township was notified and signed off on the approval.

7. Staff recommendation – Variance – **Minimum Side Yard & Front Yard Setback**

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

8. On July 12, 2023 the Planning Commission recommended approval of the conditional use to the BOA based on the following findings:

- The Variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The adjoining landowners and township do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- There are other homes in the area that are on similar sized lots, so it would be compatible with other properties in this District.
- The proposed application is the minimum variance that will make possible the reasonable use land, building, or structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the “Ag” District.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.
- The reasons set forth justify the variance.

Discussion item was the possibility of moving the proposed shed to the North Side of his property, Mr. Schwader indicated he would prefer not to move it North due to some existing mature trees and landscaping.

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

- None.
- Opponents: None
- Proponents: None

**Action Item- Variance # 23-03 – Front and Side Yard Setbacks**

Motion by Dan Hanson to recommend Variance # 23-03 to the County Board of Adjustment and adopt the facts and findings as outlined in the staff report. Second by Roger Albertson. M/C all were ayes.

**Variance #23-04**

**Owner/Applicant:** Mike & Emily Siemonsma

24397 464 Ave

Colton, SD 57018

**Property Description:** SE ¼ EX RLY & HWY # 196

**Zoning Description:** “A” Agricultural District

**Parcel ID # 01000-10551-34410**

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

**History/Issue(s):**

- 1.He is requesting to build a new 60'x 120' (7,200 sq/ft) personal storage shed on his property.
- 2.Lake County Ordinance requires that all structures in the Ag have a minimum Front Yard Setback of 75' feet from the Road Right-of-way and in no case shall an accessory building be located or extended into the front yard.

3.Lake County Ordinance requires that a land owner go through the Variance Process if they cannot meet the setbacks.

4.Applicant is requesting a Front Yard Setback of 15' feet, the front yard setback would be on the township road or 244<sup>th</sup> Street.

5.Adjoining neighbors and township have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.

6.Chester Township Members have been notified and given their approval.

7.Mr. Siemonsma was granted a similar variance request in 2001 and the new building would be in alignment of that previous request.

8.Staff recommendation – Variance – **Minimum Front Yard Setback**

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

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

- The Variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The adjoining landowners and township do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land

**PLATS:**

**Lots 36R & 377 of Block 8 of Lakes Community Addition:** In the SE ¼ Section of 32-106-51 in Wentworth Township. This plat will be vacating the original plat and subdividing to become two new parcels for future single family home use. All taxes and fees have been paid in full and meets all county guidelines and ordinances. Motion by Roger Albertson 2<sup>nd</sup> by Alan Schaefer to approve the plat and present to the County Commission. M/C all were ayes.

**Lot 25 of Christiansen & Martin:** In the NW ¼ Section of 26-106-52 in Lakeview Township. This plat is giving the Martin's additional acres to grant them the pond access. All taxes and fees have been paid in full and meets the county guidelines and ordinances.

Motion by Adam Leighton 2<sup>nd</sup> by Daniel Hanson to approve and present the plat to the County Commission. M/C all were ayes.

**Plat 1 of Bialas Addition:** In the SE ¼ Section of 16-107-53 in Farmington Township. This plat is to give them the additional acres to be at the 20 acres minimum for the Ag District. All taxes and fees have been paid in full and meets the county guidelines and regulations. Motion by Dan Hanson 2<sup>nd</sup> by Adam Leighton to approve the plat and present to the County Commission. M/C all were ayes.

**Lot 1 of K2 Farms Addition:** In the NW ¼ Section of 25-105-52 in Franklin Township. This plat is giving them the additional acres to have all farm operations under the same parcel of property. This plat does fall under the existing farmstead and 5-acre rule set by our ordinance. All taxes and fees have been paid in full and meets the county guidelines and ordinances. Motion by Adam Leighton, 2<sup>nd</sup> by Roget Albertson to approve the plat and present to the County Commission. M/C all were ayes.

## Special Planning Meeting

Thursday July 20, 2023

8:00 am

A special meeting of the Lake County Planning Commission was called to order at the hour of 8:00 AM in the County Commission Board Room.

### **Roll Call:**

Aaron Johnson, Dan Hansen, Roger Albertson, Adam Leighton (zoom) Alan Schaefer and Jody Ackerman, also present was Carrie Schiernbeck, Shelli Gust, Kelli Wollman, Dick Ericsson, Linda Heilman, and Wayne Besseman.

**Agenda/Additions:** None

### **Old/Unfinished Business:**

#### **Plat of Tract 1 & 2 of Christiansen Trust Addition**

### **New Business:**

**Plat of Tract 1 & 2 of Christiansen Trust Addition:** The planning commission opted to postpone the plat of Lot 1 & 2 of Christiansen Trust Addition during their regular July meeting held on July 12, 2023. It was asked by the parties involved in the plat that a special meeting be held for the plat to be approved.

- Dick Ericsson, Paul E Christiansen Trust Attorney, presented an overview of the history of the plat. He presented the plat to the planning commission and answered any questions about access easements and the two parcels involved. Dick also mentioned that the plat as presented is just subdividing the two parcels of pasture and crop land and this is not a development plat. After reviewing the plat and addressing the previous issues that were mentioned in the July meeting the planning boards concerns over access to parcels had been addressed and made clearer. Motion by Dan Hanson to approve the plat and recommend to the County Commission Plat of Lot 1 & 2 of Christiansen Trust Addition, in Section 26, Township 106N, Range 52W of the 5th P.M., Lake County, SD, as it meets county regulations and taxes have been paid in full. Second by Alan Schaefer. Motion Carried, all were ayes.

Having no other business motion by Dan Hansen, second by Alan Schafer to Adjourn the meeting at 8:13 AM

The regular meeting of the Lake County Planning Commission was called to order at the hour of 8:00 am in the Lake County Commission Board Room.

**Roll Call:** Commissioner Adam Leighton, Alan Schaefer, Chairman Aaron Johnson, Dan Hanson, and Jody Ackerman all present. Absent but excused was Roger Albertson. Also present were CAO Shelli Gust, Commissioner Kelli Wollman, Charlie Scholl, Charlie Johnson, Larry Kotten. Those on the agenda in attendance were Ryan Hegg, Jameson Berreth, Roy Lindsay representing the City of Madison, Pat & Sandra Beckman, and Kory Rawstern.

**AGENDA/ADDITIONS:** Noted to make the change from mistake of conditional use to variance on Beckman's application/staff report. Also new agenda was emailed out removing Kevin Benson request for a variance for a side yard and the Hearing for Ordinance # 23-82 was also added. Corrected agendas were emailed out to all members and Adam Leighton. Chairman Aaron Johnson asked if the hearing could take place at the end of the planning meeting but do to the legal notice being advertised for the hearing at 8:00 AM we must follow the notice for time and place of hearing.

-Motion by Adam Leighton to approve the agenda. Second by Alan Schaefer. M/C All were ayes.

**Minutes:** One correction was noted on Variance application # 23-04 to change the motion from Aaron Johnson to Adam Leighton in the July 12 meeting notes. Correction was made to previous notes. On July 20 special meeting notes correct the misspelling of Alan on last page.

-Motion by Adam to approve the previous meeting minutes with changes made. Second by Dan Hanson M/C All were Ayes.

**Old/Unfinished Business:** None

**New Business:**

**Public Hearing and Recommendation Ordinance # 23-82:** An Ordinance Entitled, and ordinance to Amend Article V Appeals, Variance, and Conditional Uses; and Article I Duties of County Zoning Officer, Board of Adjustment, and Courts on Matters of Appeal, Adopted by Ordinance # 06-44, as Amended, of the Zoning Ordinance of Lake County.

The proposed ordinance was given to the board in previous meeting packets as well as having copies emailed and at today's meeting. There have been discussions had by both County Commission and Planning Board regarding the proposed ordinance. Chairman Johnson asked for any proponents or opponents via zoom, none noted and our zoom meeting did not have any participants. He then asked for in the room. Larry Kotten had signed in to give comment to the board for discussion. He spoke in favor of keeping the Planning Board and not proceeding with the dissolution, as he feels no good could come from it. He suggested the possibility of a 3-person board if it is due to budget restraints. He also stated that this board does cover all areas in which Lake County falls for zoning, as current members are either living in the Lake area, Ag area etc. He hopes that the planning board will be able to keep being the recommendation and extra eyes for future of Lake County. Jody Ackerman added that each board member gives different points of views due to where the members are located logistically and each member brings a little diversity to the planning board. She also likes the idea of having those checks & balance safeguards that the planning board makes informed and correct recommendations and denials.

Charlie Johnson spoke to encourage the planning board stay in tact and keep the operations just as they are now if not for the extra set of eyes but for the property owners of Lake County as well. He questioned why nothing has been noted up until the last few months of the proposed ordinance if it has been discussed previously, he has not seen documentation of those discussions. He feels that being dishonest is not a reason to justify the planning board. He feels the planning board is the less intimidating board to present to and receive the recommendations. He hopes that the County Commission will keep the planning board as a safeguard and protect property owners in Lake County. No one else via zoom or in the meeting room wished to address the board, upon that Chairman Johnson brought the discussion back to the planning board and asked for a motion to approve or deny the proposed ordinance. Jody Ackerman man the motion for denial to the planning board and Dan Hanson second her motion.

**Action item: - Motion to Approve or Deny Ordinance # 23-82 to the County Commission:**

A roll call vote was then done. Jody Ackerman – Deny, Dan Hanson -Deny, Aaron Johnson- Deny, Alan Schafer – Deny Adam Leighton -Approve. Roll call vote was 4-1 to recommend the denial of Ordinance # 23-82 to the Lake County Commission.

**CONDITIONAL USE #23-06**

**Owner/Applicant:** Patrick & Jill Pasek

**Property Description:** Lot 1 Ex Tract 1 & All lot 2 Gilberts Resub Lot 26, Section 31 of Lakeview Township

**Parcel Number:** 02760-02600-02010

**Zoning Designation:** “LP 1” –Lake Park-District 1

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

**History/Issue(s):**

1. The applicant is requesting to build a new oversize accessory building.
  - a. The proposed garage will be 30' x 70' x 10' and approximately 2,500 sq/ft.
2. Lake County Ordinance requires that a land owner go through a Conditional Use Permit process to build a garage or accessory building with a taller sidewall height than 12' and square footage that is greater than 1,200 feet in the Lake Park District.
3. He does meet all the required side yard, lake side and road side setbacks on this lot.
  - a. He is adjacent to a county road (238<sup>th</sup> St) and will be able to maintain the front Yard of 30'
  - b. Shall not be nearer than 9' to any side yard lot line
  - c. Shall not be nearer to the 25' Rear Yard (lake Side)
  - d. The overall height of the structure meets the height requirement of being no taller than 30'
4. He has requested a Conditional Use Permit due to the overall square footage being higher than what the county ordinance allows.
5. Although not necessary he did seek out the approval of adjoining property owners and they raised no objections to his proposal.
6. Motion by Dan Hanson to recommend the approval of the request to the Board of Adjustment and adopt the facts and findings outlined in the provided staff report. Second by Adam Leighton. M/C All were Ayes.

The planning commission recommends the following preliminary findings:

  - Oversize garages either attached or unattached are allowable as a Conditional Use in the Lake Park District under certain conditions.
  - There are several other oversize garages around the lake, this one would be comparable to those already existing in this area
  - The proposed garage does meet all the required setbacks for this district as noted above in history.
  - Granting of the permit would be in harmony with the purpose and intent of the zoning ordinance.
  - The granting of Conditional Use # 23-06 would not adversely affect the adjoining property owners.
  - Granting of the Conditional Use does not grant the applicant any special privilege denied to others in the Lake Park District.

Proponents via Zoom or in Person: None

Opponents via Zoom or in Person: None

Discussion was held on how he would be accessing the new garage.

Carrie noted that discussion was held with Nels from the Highway Department of him granting another approach and Nels would not be granting that request as he does have an existing access/driveway on the other parcel he owns and is currently accessing his property this route currently. Other discussion was is how often we are seeing these oversized buildings in the area and if they are harmonious with the areas, which they are.

**Conditional Use # 23-07:**

**Owner/Applicant:** Wayne & Dawn Bessman & The City of Madison SD

**Property Description:** Parcel # 1 – SE ¼ SW ¼ # 4480 Parcel # 2- Lot 2 Bessmans Sub Div Lot 4 Sec 31-107-54

**Parcel Number:** Parcel # 1 150001075431320 Parcel # 2 151001075402010

**Zoning Designation:** “A” –Ag District – Concord Township

**Request:** The applicants are requesting a Conditional Use Permit for a future Restricted Use Site (RUS)

**History/Issue(S):**

1. The applicant(s) are requesting a Conditional Use Permit to build a new Restricted Use Site (RUS)
  - a. The current RUS site of 60 acres located at 23241 446<sup>th</sup> Ave Winfred SD is nearing its capacity due to the flooding and derecho events that have taken place in Lake County over the past several years.
  - b. They have secured property that meets the county guidelines as well as the South Dakota Department of Ag and Natural Resources to pursue the permitting process.
  - c. The new proposed site is in Section 31 of Concord Township and is in our Ag District for zoning.
  - d. The new site will be approximately 73 acres and will offer the RUS extended future use.
2. Lake County requires that a land owner secure a Conditional Use Permit in order to operate and create a new Restricted Use Site (RUS).
3. The applicant will meet all the required setbacks for the planned site from both the County Zoning and the State of South Dakota Department of Ag and Natural Resources (DANR).
4. The proposed site cells for operation will continue to be developed as they have in the current site which is 3–5-acre sized cells, capped and reclaimed before a new cell is opened.
5. There is a portion of the new proposed site that is in the 100 year flood plain, the applicant and county are working with FEMA to ensure we are compliant and following guidelines for the floodplain.
6. They have submitted a site plan as required by Section 1225 of the Zoning Ordinance that indicates the following information:
  - Preset topography, Soil Types, Depth to Groundwater
  - Location of existing water drainage, existing buildings, existing shelterbelts.
  - Identification of roads leading to the site.
  - Proposed Changes at the new site such as new shelterbelts, new buildings, changes in topography, new fence lines.
  - Proposed Monitoring Wells, etc.
  - A Minimum of One Thousand (1000) feet from the Restricted Use Site property line to the nearest residence.
7. Adjoining landowners have been notified via certified mail correspondence per the DANR 2.12 and a legal notice of hearing was published in the Madison Daily Leader on July 27, 2023.
8. Motion by Dan Hanson to recommend the request of the Conditional Use Permit to the Board of Adjustment and adopt the facts and findings outlined in the provided staff report. Second by Alan Schaefer M/C All were Ayes.

The Planning commission recommends the following findings:

  - The applicant has submitted environmental impact statements as required by SDANR.
  - The structure when built will meet the required minimum setbacks of the lot.
  - If approved, the conditional Use Permit can be specifically conditioned upon initial and continued compliance with all 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;
    - Screening and Buffering;
    - 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.

Proponents Via Zoom or in person: None

Opponents Via Zoom or in person: None

Discussion was held in regards to the new proposed site Ryan Hegg, Jameson Berreth and Mayor Roy Lindsay joined the board to answer questions some of the questions asked were what hours this site will be operational, when is the proposed site planning on being operational and any buildings/structures that will be built. The city does plan to move the building at the current site to the new site for storing the equipment. They also indicated that they still will maintain the new site to the same guidelines set by DANR and county zoning regulations. Jody Ackerman and Aaron each asked about what materials they will accept. The city does accept most materials related to construction, household rubble, they also take metal and tires but those items are set off to the side and are picked up later and sent to recycle facilities. There was some discussion about the trucks and travel on the road and the city will work with Nels in the spring to ensure they would monitor the road and if they needed to adjust hours in the spring, they would be willing to modify and make those changes.

At 9:00 AM board member Jody Ackerman had to excuse herself from the meeting due to a scheduling conflict, she will be returning once she is able too.

**Variance # 23-06:**

**Owner/Applicant:** Pat Beckman (PJAMS Partnership)

**Property Description:** Lot 28 Tract 1 Colton Park Siding South Add

**Zoning Designation:** "LP 2" – Lake Park 2 District

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

**History/Issue(s):**

1. The applicant(s) are requesting to build a 20' x 60' (1,200 sq/ft) unattached accessory building with future living quarters on 2<sup>nd</sup> floor and is requesting a side yard setback.
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 setback of 3' for the side yard setbacks.
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 2,100 sq. /ft, 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 could result in unnecessary and undue hardship.
  - a. Minimum lot size requirement for LP-1 is 9,600 sq/ft  
Minimum lot width requirement for Lp-1 is 75' feet.
4. Adjoining neighbors and township have been contacted and they raise no objections to the proposed project, their signatures were obtained.
5. Motion by Adam Leighton to recommend approval of the Variance request to the Board of Adjustment and adopt the facts and findings listed in the provided staff report. Second by Alan Schaefer. M/C All were Ayes.

The planning commission recommends the following findings:

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

- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbors and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

The planning board was joined by Mr. Beckman and he answered questions they had for his request. The board asked if the township was aware of his request and Carrie indicated they are aware of his request. The proposed accessory building will be along a private road and he is able to meet that setback. The board asked if there were any other accessory buildings with living quarters within his area or is this the first one. It is not the first one to be built in his area, these garage/living quarters are becoming more and more common out to the Lakes area due to several lots being non-conforming. The board asked if the new proposed changes in the zoning ordinance for the Lake Park area would make a difference in seeing less or more variance requests.

### **Plats:**

**\*\*All Plats presented have met the required guidelines for plats in Lake County and all fees, taxes have been paid in full to the office.**

**Plat of Tract 1 of Minnaert Addition:** In section 22 of Franklin Township. Subdividing and adding additional acres to existing farmstead for the purpose of future sale. Motion by Adam Leighton Second by Dan Hanson to recommend approval of the plat to the county commission. M/C All were Ayes.

**Plat of Tracts 1 and 2 of Scully Addition:** In section 8 of Wentworth Township. Subdividing existing parcels for future sale/development. Motion by Alan Schaefer Second by Adam Leighton to recommend approval to the county commission. M/C All were Ayes.

**Plat of Tract 1 of Powell Addition:** In Section 8 of Rutland Township. Subdividing the existing farmstead from the adjacent farmland. The parcels have been sold on a previously held auction. Motion by Adam Leighton Second by Dan Hanson to recommend approval to the county commission. M/C All were Ayes.

**Janke's Addition:** In Section 5 of Herman Township. Subdividing parcel from existing farmland for future farmstead. Motion by Dan Hanson Second by Alan Schafer to recommend approval to the county commission. M/C All were Ayes.

**Wilt's Addition:** In Section 12 of Orland Township. Subdividing the existing farmstead from the adjacent land for the purpose of future sale. Motion by Adam Leighton Second by Dan Hanson to recommend approval to the county commission. M/C All were Ayes.

Jody Ackerman returned to the meeting at 9:35 am

The board held an informal discussion with Kory Rawstern to get feedback for his conceptual idea of multifamily dwelling (condo) that are currently being built on Lake Kampeska in Watertown. The exterior of the building would look like a pole style shed with each unit having the ability to have living quarters or just a restroom and storage building. He wanted to get some feedback from the county in order to give him a understanding of what the county would allow or not allow if he proceeds with the proposal. He does own several lots and under the current county

ordinance he would simply need to apply for a Conditional Use Permit and meet the requirements. He will bring forward some blueprints, site plans and options for the zoning office to review and bring back to the board for their approval. I have included the information that was presented to the planning board in your packet as well.

Motion by Adam Leighton to adjourn the Planning Meeting at 9:50 am, Second by Alan Schaefer. M/C All were Ayes. Next meeting will be September 13, 2023 at 8:00 am.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 8:08 am in the Lake County Commission Board Room.

**Roll Call:** Commissioner Adam Leighton, Chairman Aaron Johnson, Dan Hansen, and Jody Ackerman all present. Absent but excused was Roger Albertson and Alan Schaefer. Also present were Wendy Kloeppner Lake County States Attorney and Charlie Johnson.

**AGENDA/ADDITIONS:** Remove Martens Storage Addition from the September 13, 2023 agenda due to second half of taxes not paid in full to the county. Motion by Adam Leighton, second by Jody Ackerman. Motion Carried all were ayes.

**Minutes:** No corrections needed for August 9, 2023 meeting minutes. Motion by Jody Ackerman to approve the August meeting minutes with no corrections. Second by Dan Hansen. Motion Carried all were ayes.

**Old/Unfinished Business:** None

**New Business:**

**Conditional Use # 23-08**

**Owner/Applicant:** TAPA Spokane LLC - Tom Andersen Contractor: Northern Sky Builders, Inc – Will Heltzel

**Property Description:** Lots 7-8-9 J Heinemeyer's 5<sup>th</sup> Add & Road ROW All In Gov't Lots 4-5 of Section 36-106-52, Lakeview Township

**Parcel Number:** 06044-00500-09015

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

**Request:** The applicant would like to build an oversized private storage facility with greater dimensions.

**History/Issue(s):**

1. Applicant is requesting to build a 56' x 50' x 16' oversized private storage building.
  - a. Proposed building has approximately 2,800 sq/ft with a sidewall height of 16'.
2. The applicant is requesting to change the location of his previously issued Conditional use permit (# 22-19) and move the building from Lots 10 & 11 of the J. Heinemeyer's Addition to Lots 8 & 9 of J. Heinemeyer's Addition. He began the construction process and realized that lots 10 & 11 were not suitable to be built upon and would need additional measures to stabilize the ground to make it suitable for building upon.
3. The applicant has presented a plan to minimize erosion and water issues for all the property he owns which included drain tile being installed, gutter systems once buildings are completed and leaving lot 10 & 11 as a grassy natural area for runoff water absorption.
4. 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/or greater than 4,000 sq/ft in the district if it is not detrimental to other uses and is in the general character with the "LP 3" District.
5. 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.
6. Motion by Jody Ackerman to recommend approval to the Board of Adjustment and adopt the facts/findings outlined in the staff report. Second by Adam Leighton. Motion Carried, all were ayes.

The planning commission recommends the following facts/findings to the Board of Adjustment

- 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 the requirements and conditions herein and up on 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;
  - Screening and Buffering;
  - Signs
  - Required yards and other open space
  - 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.

#### **Conditional Use # 23-09**

**Owner/Applicant:** Matt & Tara Tobin

**Property Description:** Lot 2 Hilde’s Addition in the SE ¼ of Section 22 in Lakeview Township

**Parcel Number:** 069501065202010

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

**Request:** The applicant would like to build an unattached accessory building with greater dimensions and living quarters.

#### **History/Issue(s):**

1. The applicant is requesting to build a oversize accessory building with living quarters.
  - c) Proposed attached garage/accessory approximately 1,300 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with 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.
  - e) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w easement.
  - f) Shall not be nearer than 9 feet to any side yard lot line.
  - g) Shall not be nearer than 25’ to the rear yard.
  - h) The proposed structure meets the overall height requirement of no taller than 30’.
4. Lakeview Township and Best Point Association have given their approval for the project.
5. Motion by Dan Hansen to recommend the approval to the Board of Adjustment and adopt the facts and findings outlined in the provided staff report. Second by Adam Leighton. Motion Carried all were ayes.

The planning commission recommends the following facts/findings to the Board of Adjustment

- 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/accessory buildings around the lake so it would be generally compatible with adjacent properties and other property in the district.
- The structure meets the required minimum setbacks of the lot.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all 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;
  - Screening and Buffering;
  - 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.

**Plats:**

The following plat was removed from the September 13, 2023 planning commission agenda due to taxes not paid in full to the county. Carrie Schiernbeck gave the board the option to add it back to the agenda after reaching out to Shelli Gust for direction and she stated the board could set the plat for approval contingent if the taxes are paid in full before the September 21, 2023 Commission meeting. Jody Ackerman made the motion to present the plat to the county commission only once the taxes have been paid in full, as this was precedence and the procedure that was always done for plats in the county. The planning board agreed that this was the best way to handle the situation was to let the county commission review and/or approve the plat.

**Martens Storage Addition:** In the SE Section 26 of Lakeview Township zoned as Ag in the Lake Park District. The applicant is seeking to subdivide and plat the minimum amount of square footage allowed in order to have the new parcel rezoned into the Lake Park 3 District allowing them to build one commercial storage facility on the lot. The plat does meet the minimum guidelines for the Lake Park 3 District.

**Discussion** The planning board discussed when the new ordinance # 23-82 takes effect and they were told it is effective September 28, 2023. This meeting would be the last meeting that the current members of the planning board would attend. Adam Leighton thanked them for being on the planning board.

**Public Comment:** Charlie Johnson provided a letter to each of the planning commission board members in regards to their service to the community as the planning board.

Motion by Jody Ackerman to adjourn the last planning commission meeting at 8:42 am. Second by Dan Hansen. Motion Carried all were ayes

**UNAPPROVED MINUTES**

## LAKE COUNTY COMMISSION MINUTES

October 3, 2023

The Board of Lake County Commissioners met in regular session on October 3, 2023, at 9 a.m. in the commission meeting room at the Lake County Courthouse. Chair Kelli Wollmann called the meeting to order. Auditor Paula Barrick called roll call: Commissioner Corey Johnke, Commissioner Adam Leighton, Commissioner Deb Reinicke, Commissioner Dennis Slaughter, and Commissioner Kelli Wollmann all present. Also present was CAO/HRS Shelli Gust. The Pledge of Allegiance was recited.

### AGENDA APPROVED:

CAO Gust told the board, Mark Junker with Banner Engineering would like to move his appointment to 9:15. Motion by Reinicke, second by Johnke, to approve the October 3, 2023, agenda with the change. Motion carried.

### COMMUNITY COMMENTS:

Chair Wollmann read the community comment guidelines. Aedan Klawonn, Lake County 4-H Queen, addressed the county commission and gave her history with the 4-H program and spoke on how it has impacted her life. Charlie Johnson, representing himself, addressed the county commission on his opposition to Summit Carbon Solutions pipeline.

### MINUTES APPROVED:

Motion by Leighton, second by Johnke, to approve the September 21, 2023, minutes. Motion carried.

### PAYROLL APPROVED:

Motion by Reinicke, second by Slaughter, to approve payroll of September 18-October 1, 2023. Motion carried. Commission: \$5,649.25; Auditor: \$7,800.37; Treasurer: \$5,567.19; States Attorney: \$11,543.23; Govt Bldgs: \$5,809.76; Equalization: \$7,816.00; Register Deeds: \$4,106.46; VSO: \$469.78; Sheriff: \$20,707.46; Jail: \$16,361.38; Coroner: \$700.00; Welfare: \$79.80; CHN: \$1,216.00; WIC: \$304.00; Extension: \$1,493.88; Zoning: \$2,014.60; Rd & Br: \$12,266.99; 911: \$10,986.77; EMA: \$2,018.40; 24/7: \$290.33. Grand Total \$117,201.65.

### ACCOUNTS PAYABLE APPROVED:

Motion by Slaughter, second by Leighton, to approve accounts payable. Motion carried.

**9/22/23 AP General:** Lake Co Treasurer, Withholdings, \$20,322.06, **Jail:** Lake Co Treasurer, Withholdings, \$128.26, EMA: Lake Co Treasurer, Withholdings, \$450.16, **911:** Breit & Boomsma, Garnish, \$149.31, Lake Co Treasurer, Withholdings, \$2,645.86, Messerli & Kramer, Garnish, \$149.31, **Rd & Br:** Lake Co Treasurer, Withholdings, \$2,604.03. **Grand Total: \$26,448.99**

**9/28/2023 AP: General:** Aflac, Ded, \$2,057.73, Delta Dental, Ded, \$769.57, Optilegra, Prem, \$507.12, SD Retirement, Collections, \$20,714.34, SD Supp Retirement, Collections, \$3,523.09, Unum, Prem, \$242.26, Wellmark, Prem, \$21,839.60, **Commissioner:** Column Software, Notice, \$1,038.95, Midco, Util, \$20.96, **Elections:** Column Software, Notice, \$94.28, **Auditor:** GFC Leasing, Lease, \$155.29, Midco, Util, \$24.21, **Treasurer:** Midco, Util, \$6.00, **St Atty:** Midco, Util, \$26.96, **Bldg:** City Of Madison, Util, \$147.87, Midco, Util, \$6.74, Northwestern Energy, Util, \$10.00, **DOE:** Midco, Util, \$30.96, **ROD:** Midco, Util, \$13.48, **VSO:** Midco, Util, \$6.74, **Sheriff:** Midco, Util, \$62.60, **Jail:** At&T, Util, \$382.20, Midco, Util, \$50.59, Northwestern Energy, Util, \$97.08, **24/7:** Delta Dental, Ded, \$8.08, Optilegra, Prem, \$1.68, SD Retirement, Deductions, \$54.28, SD Supp Retirement, Deductions, \$8.91, **Coroner:** Sanford Health Service, Autopsy, \$2,409.00, **EMA:** Aflac, Ded, \$131.08, City Of Madison, Util, \$162.01, Delta Dental, Ded, \$47.50, Midco, Util, \$6.74, Northwestern Energy, Util, \$10.00, Optilegra, Prem, \$8.80, SD Retirement, Collections, \$484.40, SD Supp Retirement, Collections, \$25.00, Sioux Valley Energy, Util, \$509.76, Unum, Prem, \$5.60, Wellmark, Prem, \$851.20, **911:** Aflac, Ded, \$547.65, At&T, Util, \$40.04, Delta Dental, Ded, \$142.50, Interlakes Wireless, Serv, \$55.00, Lumen, Util, \$14.26, Midco, Util, \$9.48, Optilegra, Prem, \$70.61, SD Retirement, Collections, \$2,847.50, SD Supp Retirement, Collections, \$105.00, Sioux Valley Energy, Util, \$101.79, Unum, Prem, \$33.60, Wellmark, Prem, \$6,717.43, **Rd & Br:** Aflac, Ded, \$255.54, City Of Madison, Util, \$411.64, Column Software, Notice, \$7.46, Delta Dental, Ded, \$142.50, Midco, Util, \$130.78, Northwestern Energy, Util, \$10.00, Optilegra, Prem, \$86.93, SD Retirement, Collections, \$3,209.54, SD Supp Retirement, Collections, \$200.00, Sioux Valley Energy, Util, \$166.50, Unum, Prem, \$33.60, Wellmark, Prem, \$5,062.68, **Poor:** Midco, Util, \$6.74, **Extension:** City Of Madison, Util, \$791.83, GFC Leasing, Lease, \$175.18, Midco, Util, \$117.78, Northwestern

Energy, Util, \$10.00, **Weed:** Midco, Util, \$4.74, **Zoning:** Column Software, Notice, \$159.39, Midco, Util, \$6.74. **Grand Total: \$78,227.09**

**10/3/2023 AP: Commissioner:** Quadient, Lease, \$3.24, **Elections:** McLeods, Talley Sheets, \$12.05, Quadient, Lease, \$186.78, **Judicial:** Dawson, Jacob D, CAA, \$1,476.60, De Castro, Manuel J Jr, CAA, \$4,897.70, Miller, Cody, CAA, \$1,225.15, Oftedal, Abby, CAA, \$493.22, Stanford, Lori, CAA, \$2,006.25, **Auditor:** Quadient, Lease, \$117.96, **Treasurer:** A & B Business, Maint, \$117.80, Quadient, Lease, \$363.72, **St Atty:** Century Business, Maint, \$134.66, Quadient, Lease, \$9.83, **Bldg:** Classic Corner, Fuel, \$33.60, Cole's, Fuel, \$288.60, Grainger, Air Compressor Pump, \$1,466.38, Hillyard, Supplies, \$648.26, Kibble Equip, Parts, \$91.62, Ace Hardware, Supplies, \$217.85, **DOE:** Cole's, Fuel, \$226.59, Quadient, Lease, \$137.63, **ROD:** Century Business, Maint, \$51.43, Fods, Brenda, Mileage, \$81.60, Quadient, Lease, \$49.15, **VSO:** Quadient, Lease, \$1.47, **IT:** Tyler Technologies, Software Conversion, \$4,792.50, **Sheriff:** Cole's, Fuel, \$2,295.31, Madison Reg Health, BI Tests, \$909.00, Quadient, Lease, \$58.98, Redwood Toxicology Lab, BI Tests, \$223.00, Stemper's, Serv, \$599.15, Vantek Comm, Radio/Kit, \$5,513.35, **Jail:** A & B Business, Maint, \$46.88, Grainger, Valve, \$595.96, Madison Reg Health, Prisoner Care, \$1,899.18, Minnehaha Co Juv Det Cntr, Housing, \$1,946.49, We Care Dental, Prisoner Care, \$394.00, **Coroner:** Hofman, Micah, Reg, \$25.00, Talich, Aaron, Reg, \$25.00, **EMA:** Cole's, Fuel, \$197.16, Keefer, Kody, Travel Exp, \$295.89, Quadient, Lease, \$1.18, The Lodge At Deadwood, Lodging, \$400.00, **911:** Denholm, April, Travel Exp, \$814.65, Houser, Megan, Travel Exp, \$118.53, Quadient, Lease, \$0.79, **Rd & Br:** Cole's, Fuel, \$5,926.44, Flint Hills, Asphalt, \$118,425.85, Ace Hardware, Windows, \$139.95, Midamerican Energy, Util, \$12.78, National Pen Co, Pens, \$110.94, Quadient, Lease, \$1.09, SD DOT, Engineering Serv, \$625.29, Stemper's, Serv, \$840.00, **Poor:** Quadient, Lease, \$1.77, **CHN:** Agnew, Nicole, Travel Exp, \$65.79, Quadient, Lease, \$19.66, SD Ofc Of Child & Family, Allotment, \$2,957.40, **MI:** Community Counseling, Serv, \$2,727.00, Oftedal, Abby, Serv, \$428.00, **Extension:** American Income Life Ins, Prem, \$35.00, Quadient, Lease, \$0.30, **Weed:** Ditch Weed, Fall Spraying, \$28,462.00, **Zoning:** Quadient, Lease, \$29.49. **Grand Total: \$196,299.89**

**PERSONNEL: None**

#### **UTILITY OCCUPANCY APPLICATION/PERMIT:**

CAO Gust presented utility occupancy application 2023-30 of Underground Connections, John Peters, 310 Maint St, Harrisburg, SD 57032. Work to be completed-tie into sanitary and water utilities along south Highland Ave into the new city administration building. Highway Superintendent Nels Nelson has reviewed and recommended approval of the application. Motion by Slaughter, second by Reinicke, to approve Utility Occupancy Application 2023-30 of Underground Connections and authorize the chair to sign. Motion carried.

#### **ACKNOWLEDGE MINNEHAHA COUNTY/JOINT POWERS AGREEMENT:**

CAO Gust told the board that a letter has been received from the Minnehaha County Commissioners terminating the Joint Powers Agreement for Juvenile Detention services between Lake County and Minnehaha County. The agreement will terminate December 31, 2023. Minnehaha County will continue to house juveniles but will charge by daily bed rate. Motion by Reinicke, second by Slaughter, to acknowledge the letter from Minnehaha County as written notice of termination of the Joint Powers Agreement for Juvenile Detention Services effective December 31, 2023. Motion carried.

#### **ACKNOWLEDGE FEMA LETTER/FLOOD HAZARD DETERMINATION APPEALS:**

CAO Gust informed the board a letter has been received from FEMA advising of the 90-day appeal period for those that want to appeal the proposed flood hazard information. Motion by Leighton, second by Slaughter, to acknowledge the letter from FEMA advising of the 90-day appeal period for flood hazard determinations. Motion carried.

#### **BANNER ASSOCIATES/2023 BRIDGE INSPECTIONS:**

Matt Buenger and Mark Junker, Banner Associates Engineers, were present to discuss the results of the 2023 bridge inspections. They provided maps of the bridges classified as poor, fair, and good. 51 bridges were inspected with: 5 qualifying as poor condition, 31 qualifying as fair condition, and 15 qualifying as good condition. Their recommendations included: priority replacements, preservation projects, embankment stabilizations, and preventative maintenance.

#### **PLANNING COMMISSION:**

Motion by Reinicke, second by Johnke, to recess as a county commission and convene as a planning board. Motion carried.

**APPROVE PLANNING COMMISSION AGENDA:**

Motion by Leighton, second by Johnke, to approve the Planning Commission agenda. Motion carried.

**ACKNOWLEDGE PUBLIC COMMENTS:**

There were no public comments.

**PLANNING COMMISSION ORGANIZATION:**

Chair Wollmann called for nominations for chair of the Planning commission. Motion by Leighton, second by Johnke, to nominate Kelli Wollmann chair. Motion carried. Motion by Reinicke, second by Slaughter, for nominations to cease and a unanimous ballot be cast for Commissioner Wollmann as Chair of the Lake County Planning Commission. Motion carried. Wollmann called for nominations for Vice-Chair. Motion by Reinicke, second by Leighton, to nominate Dennis Slaughter Vice-Chair. Motion carried. Motion by Leighton, second by Reinicke, for nominations to cease and a unanimous ballot be cast for Commissioner Slaughter as Vice-Chair of the Lake County Planning Commission. Motion carried. Motion by Reinicke, second by Johnke, to appoint the Zoning Officer as an ex-officio member of the Planning Commission. Motion carried.

**JOINT PLANNING AND COUNTY COMMISSION:**

Motion by Reinicke, second by Leighton, to adjourn as a Planning Commission and convene jointly as a Planning Commission and County Commission. Motion carried.

**JOINT PLANNING AND COUNTY COMMISSION AGENDA APPROVAL:**

Motion by Johnke, second by Leighton, to approve the Joint Planning Commission/County Commission agenda. Motion carried. There were no public comments.

**PLANNING COMMISSION MINUTES APPROVED:**

Motion by Reinicke, second by Slaughter, to approve the minutes of the Planning Commission from their meeting on September 13, 2023. Motion carried.

**DISCLOSURE OF CONFLICTS OF INTEREST, RELATIONSHIP(S) TO APPLICANT; OR EX PARTE:**  
None

Carrie Schiernbeck, Zoning Officer, presented the following plat.

**Plat of Tract 1A of Lidel's Addition** in the SW1/4 of Section 26, Township 106N, Range 51W of the 5<sup>th</sup> P.M., Lake County, SD. Motion by Reinicke, second by Slaughter, to recommend approval of the Plat of Tract 1A of Lidel's Addition to the County Commission. Motion carried. Motion by Leighton, second by Reinicke, to acknowledge receipt of the Planning Commission's recommendation. Motion carried. Motion by Reinicke, second by Slaughter, to approve the Plat of Tract 1A of Lidel's Addition in the SW1/4 of Section 26, Township 106N, Range 51W of the 5<sup>th</sup> P.M., Lake County, SD, as it meets county regulations and taxes have been paid in full. Motion carried.

**RECONVENE AS COUNTY COMMISSION:**

Motion by Reinicke, second by Leighton, to recess as a Joint Planning Commission and County Commission and convene as a County Commission. Motion carried.

A short break was held before the next appointment.

**BOARD OF ADJUSTMENT:**

Motion by Reinicke, second by Leighton, to recess as a County Commission and convene as a Board of Adjustment. Motion carried.

**BOARD OF ADJUSTMENT AGENDA APPROVAL:**

Motion by Johnke, second by Slaughter, to approve the Board of Adjustment agenda. Motion carried.

**DISCLOSURE OF CONFLICTS OF INTEREST, RELATIONSHIP(S) TO APPLICANT; OR EX PARTE:**

Commissioner Reinicke and Commissioner Wollmann stated they had received an email from Gordon Wirth regarding CU #23-08.

**#23-10 Conditional Use application of Larry & Melita Hauge and Eric Johnson**, representing C-Lemme Homes – Lot 6 Block 4 Smith's Cove Addition (01050-00400-06010). The applicants signed the waiver of personal appearance. The Hauge's would like to build an unattached cold storage accessory building with greater dimensions. Chair Wollmann called for any opponents or proponents in the audience or on Zoom. Motion by Reinicke, second by Leighton, to grant conditional use permit #23-10 and adopt the facts and the recommended findings of staff listed in this report. Motion carried.

**#23-08 Conditional Use application of Tom Andersen, TAPA Spokane, LLC** – Lots 7-8-9 J. Heinemeyer's 5<sup>th</sup> Addition & Road ROW all in Gov't lots 4-5 of Section 36-106-52 (06044-005000-09015). Tom Andersen appeared via Zoom. Schiernbeck gave a brief history on this conditional use permit as this was postponed at the last meeting. There were no proponents in the audience or on Zoom. Gordon Wirth read a statement in his opposition. Motion by Reinicke, second by Slaughter to grant conditional use permit #23-08 and adopt the facts and the recommended findings of staff listed in the report. Motion carried.

The decision of the Board of Adjustment in the above matters will be filed today in the Planning & Zoning Office, which serves as the county office of the Board of Adjustment for filing purposes. The decisions will also be filed with the Auditor's Office.

**COUNTY COMMISSION REGULAR SESSION:**

Motion by Reinicke, second by Slaughter, to adjourn as a Board of Adjustment and convene as a County Commission. Motion carried.

**FIRST RESPONDERS TRAINING:**

CAO Gust told the board the Madison Fire Department would like to host a countywide vehicle extraction (Jaws of Life) training event at the county gravel pit. Highway Superintendent Nels Nelson has no issue with the usage of the gravel pit for this event. Motion by Leighton, second by Slaughter, to approve the first responder training event to be held at the county gravel pit on 10/9/23. Motion carried.

**EDA GRANT:**

CAO Gust informed the board that LAIC has received the grant to reconstruct Industry Ave/455<sup>th</sup> Ave project.

**ELECTRONIC RECYCLING PROGRAM:**

Discussion was held on whether to continue the annual electronic recycling program since the event has gone up in price and usage has gone down. Motion by Reinicke, second by Leighton to cancel the electronic recycling drop off in 2024 and readdress in 2025. Motion carried.

**MEETINGS ATTENDED:**

Commissioner Johnke attended Manitou ribbon cutting. Commissioner Slaughter attended LAIC. Commissioner Wollmann attended career day at the high school, DOT meeting, and Manitou ribbon cutting. Commissioner Reinicke attended career day at the high school and DOT meeting.

**ADJOURN:**

Motion by Reinicke, second by Johnke, at 10:46 a.m. to adjourn. Motion carried. The next meeting will be 9:00 a.m. on Tuesday, October 17, 2023.

/s/Paula Barrick  
PAULA BARRICK  
Lake County Auditor

/s/Kelli Wollmann  
KELLI WOLLMANN  
Chair, Lake County Commission

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