

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:

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

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve March 11th minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

8:10am

CONDITIONAL USE #20-04

Owner/Applicant: Gaylen & Shirley Backus Gaylen's Homegrown Popcorn

Property Description: A portion of "Lot 1 Ethanol Plant Addition in NW ¼ of Section 21-106-51" to be subdivided and known as "Lot 1A Ethanol Plant Addition in the NW ¼ of Section 21-106-51" Wentworth Township

Zoning Designation: "A" –Agricultural District & "CP" Corridor Preservation Overlay District

Request: The applicant would like to build an agricultural product processing facility for Gaylen's Popcorn

History/Issue(s):

1. Applicant is requesting to build a facility on their property and move their expanding popcorn business to this new location.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build an AG product processing facility in the Agricultural District.
3. When located within the Corridor Preservation Overlay District Lake County Ordinance regulates that all structures shall be set back 225' from the section line or 150' from the road r-o-w line whichever setback distance is greater. This structure is located on a corner lot and shall observe 2 front yards. The structure meets the vision clearance (clear view triangle) on a corner lot. The structure meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Agricultural Product Processing Facility**
Staff Recommends approval of the Conditional Use request.
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

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

- Agricultural Product Processing Facilities are allowable as a conditional use in the "A" 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 facilities in the district 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 will not adversely affect the public interest.

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

- NONE

Action Item: Conditional Use – Agricultural Product Processing Facility

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

8:20am

CONDITIONAL USE #20-03

*Signed Waiver of Right to Personal Appearance

Owner/Applicant: Chester & Lisa Vanderwerf

Property Description: Lot 4 Evans Addition in Government Lot 4, SE ¼ of Section 30-106-51, Wentworth Township

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

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

History/Issue(s):

1. The applicant is requesting to build a garage on his back lot behind Wentworth Park Drive.
 - a) Proposed overall dimensions of 40’ x 72’ will contain 2,880 sq/ft and has a sidewall height of 12’.
 - b) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12’ and greater than 1,200 sq/ft in the “LP 1” District.
3. He meets all setbacks on this lot.
 - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
 - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10’ to the lot line.
 - c) The proposed structure meets the overall height requirement of no taller than 30’.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
 The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

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

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

Action Item: Conditional Use – Oversized Unattached Garage

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

8:30am

CONDITIONAL USE #20-05

*Doug Jerlow recused himself from this application due to personal controversy of covenants.

*Signed Waiver of Right to Personal Appearance

Owner/Applicant: Brian & Laurie Johnson

Property Description: Lots 4 & 5 Christiansen Sunrise Acres 1st Addition, SE ¼ of Section 26, Lakeview Township

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

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

History/Issue(s):

1. The applicant is requesting to build an unattached garage on his property next to his house on Lot 5.
 - c) Proposed overall dimensions of 40’x 80’ will contain 3,200 sq/ft and has a sidewall height of 16’6”.
 - d) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12’ and greater than 1,200 sq/ft in the “LP 1” District.
3. He meets all setbacks on this lot.
 - d) 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.
 - e) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10’ to the lot line.
 - f) The proposed structure meets the overall height requirement of no taller than 30’.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

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

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

Action Item: Conditional Use – Oversized Unattached Garage

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

8:40am

VARIANCE-20-04

*Signed Waiver of Right to Personal Appearance

Owner/Applicant: David & Lori Brende

Property Description: 1966 Homette Mobile Home on leased land, 3431 Basler Drive, Baslers Resort trailer court only, Chester Township

Zoning Designation: "LP 2" – Brant Lake

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

History/Issue(s):

1. The applicant is requesting to move a 1995 (28x56) refurbished double wide Type A Mobile Trailer Home onto leased land on Basler's Trailer Court.
 - a. This mobile home is considered a Type A Manufactured Home because of its square footage being over 1,200 sq/ft.
2. Lake County Ordinance requires that a Type A Manufactured Home shall not exceed fifteen (15) years from the date of manufacture; therefore, is required to go through the variance process if they cannot meet the age requirement.
 - a. The variance requested would exceed the age allowed by 10 years.
 - b. They meet the current Lake County regulations for setback requirements for single family homes.
3. They have provided photographs of the exterior and interior.
 - a. Centennial Homes in Sioux Falls is where this mobile home is at currently and their plan is to have all the renovating completed before it is moved to the leased land.
 - b. Newer siding and roofing materials, completely remodeling the interior with new flooring, paint, kitchen and bathroom updates and new appliances.
 - c. The plumbing and electrical are all up to code and meet the HUD code requirements in SD.
 - d. The home will have a permanent perimeter skirting enclosure and will be anchored to the ground.
4. Adjoining neighbors and landowner have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
5. Staff recommendation – Variance – **Maximum Age Requirement**
Staff Recommends approval of the Variance request.
The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

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

- Type A manufactured homes may receive a variance from the maximum age requirement if they meet the requirements stated in Section 1207. #6.
- Single family Manufactured homes are compatible with adjacent properties and other properties in LP-2; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors and landowner do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- They will also be required to follow Lake County Ordinance Section 1207 Manufactured Home and Modular Home Regulations
- There are special conditions or circumstances that exist which are peculiar to the land, *structure*, or building involved, and which are applicable to other land, structures, or buildings in the same district.

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

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

Action Item: Variance – Maximum Age Requirement

Motion by Alan Schaefer to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Aaron Johnson. Alan, Aaron, Don and Doug all ayes. Dale was opposed and felt that the request was too far beyond the 15-year requirement.

8:50am

CONDITIONAL USE #20-06

Owner/Applicant: Darryl "Bud" & Kelly Postma - Postma's Puppies Jesse & Kari Bruns – Landowners

Property Description: Lot 9 Bruns 2nd Addition in NE ¼ of Section 9, Herman Township

Zoning Designation: "A" –Agricultural District & "Aquifer Protection Overlay District"

Request: An animal husbandry business and personal dog kennel.

Bud Postma was present for the meeting and after discussion and concerns heard by the public Bud decided to withdraw his application and request. He will follow the Lake County Zoning Ordinance permitted uses.

Concerns included: Odor, noise, safety, site, property value, number of dogs allowed and road traffic.

Members of the public that were present including Brian Wilkens, Wade Bialas, Jeff Meadows, Sara and Dan Wardner, Clay and Tracy Reagle.

9:10am

CONDITIONAL USE #20-07

Owner/Applicant: Albert Lee & Karen Yager & Donna Yager "The Gravel Pit"

Property Description: Tract 2A B. Price Addition in the W ½, Section 15 to be platted and known as "Tract 2B B. Price Addition in the W ½ of Section 15-106-52", Lakeview Township

Zoning Designation: "A" – Agricultural district

Request: The applicant is requesting to expand their gravel mining operation site.

History/Issue(s):

1. They are requesting to expand the current boundaries of their permit for the gravel mining operation. Specifically, to mine more of existing Tract 2A to be platted as Tract 2B.
 - a) A minimum of 1,000' from the mineral exploration and extraction; rock crushers property line to the nearest residence; excluding the residence of the operator will be upheld.
2. The property is adjacent to Lake County Highway 29 on 457th Ave.
3. The property is east of three existing gravel pit operations.
4. As long as the applicant stays within the legal loads limits that the County has set, the County will not require a road haul agreement unless the Lake County Highway Superintendent finds it necessary. The Highway Sup is satisfied with the entrance and exit to the property and has no safety concerns.
5. Lake County Ordinance requires a land owner to go through the Conditional Use process to start or expand a sand, gravel or quarry operation in the "A" district and comply, at a minimum, with Section 1224.
6. The site has obtained the Department of Environment and Natural Resource approval as well as the SD State Historic Society and Game, Fish & Parks.
7. Staff recommends approval of the Conditional Use – **Expansion of sand, gravel, or quarry operation**
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

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

- Sand, gravel, or quarry operations are allowable as a conditional use in the A – Agricultural District under certain conditions.
- The applicant has provided a site plan; a letter from SD DENR indicating the applicant has been granted a mine license; a letter from the SD State Historical Society indicating the proposed use will have no effect on known cultural resources; and a letter from the Department of Game, Fish and Parks indicating the proposed use will have no significant impact on fish and wildlife resources.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance. Specifically, the applicant shall comply with the minimum requirements of Section 1224 and the following conditions as outlined in the applicant's site plan, including but not limited to:
 - Applicant shall maintain all required permits from the South Dakota Department of Environment and Natural Resources (DENR) and comply with all local, state, and federal laws;
 - The mining area shall not exceed the boundaries of Tract 2B identified in applicant's site plan;
 - The mining area shall be a minimum of 1,000 feet from the nearest residence;
 - Equipment that is not being used shall not be left on the property;
 - Dust control efforts shall be utilized to ensure minimal fugitive dust;
 - Noise shall comply with MSHA regulations and shall not exceed the 90-decibel noise level and 8-hour time-weighted average at the property line;
 - MSHA shall be contacted prior to commencing operation;
 - Operations shall occur during business hours normally associated with the construction industry, typically from mid-April to November between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday;
 - Applicant shall maintain existing fencing;
- A reclamation bond shall be provided to the State as required by law for the gravel pit reclamation on final restoration

- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - 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
- There are other existing sand, gravel, or quarry operations in the area so it would be generally compatible with adjacent properties and other property in the district.

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

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

Discussion:

Public members present include Pam & Sam Stewart, Donna Bergen, Attorney Mitch Peterson representing Janet Weber, Janet Weber and Travis Davidson.

Public members concerned about the current road conditions, reclamation and time frame. Attorney Peterson listed concerns on road conditions, proper fencing, the residence to the north not being occupied by the operation owner himself but renting it, multiple entrances, spoil piles, removal of top soil is considered mining according to the state, equipment in the yard, trench to drain the area into the county ditch and hours of operation. Mainly concerned about enforcement.

Janet Weber’s main concern is that this new Conditional Use permit will still uphold the 1,000 feet setback requirement from the horse pasture and not her residence itself.

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

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

PLATS:

A Plat of Lots 1A & 1B Ethanol Plant Addition in NW ¼ of Section 21-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “A” District. They are resubdividing an existing lot into 2 conforming lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lot 47 & 48 of Nordstrom’s Addition in SW ¼ of the SW ¼ of Section 25-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Resubdividing existing lot to add in land and create two new conforming lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thompson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Tract 2B of B. Price Addition in the W ½ of Section 15-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “A” District. They are resubdividing tract of land to add land in. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lot 1 of Riedel’s Addition in the SW ½ of Section 15-108-54 in Wayne Township was presented to the Planning Commission. This plat is located in the “A” District. They are subdividing the existing farmstead away from the existing farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

A Plat of Tract 1 of Reiners Addition in government lot 3 Section 30-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. They are resubdividing existing lots into one large conforming lot for future

single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

A Plat of Lot 1 of Stemper's 2nd Addition in the W ½ of the NW ¼ of Section 16-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing a lot to create a new 5-acre lot for potential future development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

PUBLIC COMMENT:

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:44 AM.