

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION

December 20, 2010

6:00 pm Public Hearing

7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

At 6:00 pm a public hearing was held on review and revisions to the Lincoln County Comprehensive plan. There were no members of the public in attendance. Following a final review Chairperson June Nusz asked for a motion to accept the review and directed the Planning and Zoning staff to provide the accepted draft to the Lincoln County Commissioners. A motion was made by Andersen to accept the revisions and refer the document to the Lincoln County Commission for approval. The motion was seconded by Melcher. Motion was unanimous.

A motion to adjourn the public hearing was made by Nelson and seconded by Sogn. The motion was unanimous.

ROLL CALL The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on December 20, 2010 at 7:00 pm by Chairwomen June Nusz with members Ron Larson, Darrel Sogn, Craig Andersen, Chad Nelson and County Commissioner Jason Melcher in attendance at the Lincoln County Courthouse, Commissioner's Meeting Room, 104 N Main, Canton, SD 57013.

Dick Portz was absent.

Staff members present were Paul Aslesen-Director Planning and Zoning, Greg Thompson-Compliance Officer, Toby Brown-SECOG

ITEM 1. APPROVAL OF AGENDA – A motion was made by Andersen and seconded by Nelson to approve the agenda for December 20, 2010 with the deletion of Item 4-C (Mills plat) from original agenda and the addition of plats for Weeg's and Burger's Additions. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Nelson to approve the minutes of November 15, 2010. The motion was seconded by Melcher. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT #10-CUP-038 For the purpose of operating a Class 2 Major Home occupancy business. Petitioner is building a log home to become a dealer for Kuhns Brothers log homes.

Legal Description: SE ¼ of Section 18, Township 99, Range 51, Lincoln County, South Dakota

Location: 450' north and 200' west of the intersection of 276th street and 465th avenue

Petitioner/Owner: Dewayne and Dort Keiper

General Information

Present Zoning: Agriculture

Existing Land Use: Agriculture

Parcel Size: 160 Acres

Report By: Paul Aslesen

Staff Analysis:

Applicant wishes to use a uniquely designed and to be built log home residence as an example of a log home for a company known as Kuhns Brothers log homes. Primary use of the structure would be the applicant's home and 2ndly as a class 2 major home occupation as per 12.0302 (B) Major Home Occupations. See page 53 of the Lincoln County Zoning Ordinance.

1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The parcel of ag zoned property for this site is in compliance with the size and nature of use defined by ordinance for a class 2 Home Occupation. Thus, the impact of this use will have very little effect on the permitted uses or the property values in the immediate vicinity.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The applicant is the owner of most of the vacant property surrounding the proposed site. No negative impact or effect is anticipated upon the remaining vacant property in the area as agriculture is the prominent use.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

The site is serviced by an existing approach. Applicant will provide utilities and any other necessary facilities. It is the applicant's responsibility to request utilities and provide compliance with septic directives.

4. That the off-street parking and loading requirements are met.

These activities are not anticipated.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

No nuisance generated items are expected or anticipated. There may be a slight increase in traffic but the scale activity will be in compliance with ordinance requirements.

Recommendation:

Staff recommends approval with adherence to the requirements listed below:

Class 2:

1. The occupation shall be conducted in a dwelling or agricultural building accessory to the dwelling which comprise the headquarters for the agricultural use, and such agricultural use is conducted on one or more parcels of land with a total area of at least one-half of a quarter section or equivalent area which must be contiguous to or in close proximity to the headquarters.
2. The occupation shall be clearly secondary to the principal use of the land for agricultural purposes.
3. The owner or occupant of the dwelling shall be engaged in the occupation.
4. The occupation shall have no more than five (5) employees, including residents of the property.

5. The occupation shall be conducted within a completely enclosed building typical of farm buildings. Such building shall be located behind the dwelling, or shall be located at least 200 feet from the nearest road right-of-way.
6. All materials, supplies and products associated with the occupation shall be stored within a building or if open storage of materials or equipment is required it shall be concealed with appropriate screening or landscaping.
7. A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or agricultural building. Additionally, one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation. No off premise signs shall be used.
8. The use shall cease operating when the property is no longer in conformance with Section 12.03.02 (B) (1).

Action: The motion was made by Andersen to defer until the January 18, 2011 regular meeting due to lack of proper notification. The motion was seconded by Nelson. Motion was unanimous.

ITEM 4. PLATS

- A. A plat of J. Schutte conservation Easement Tract 1 in the SW1/4 of the SE1/4 and Government Lots 3 and 4 of Section 5; and in Government Lots 3 and 4 of Section 5; and in Government Lot 1 of Section 8, all in Township 98, Range 48, Lincoln County, South Dakota

Action: A motion was made by Andersen and seconded by Sogn to approve plat A with Page 1 Corrections. The motion was unanimous.

- B. Lots A, B & C in Tract 1 of Aspen Creek 2nd Addition in the S1/2 of the NE1/4 of Section 8, Township 99, Range 49, Lincoln County, South Dakota
- C. Beck's Addition in the NW1/4 of Section 26, Township 99, Range 50, Lincoln County, South Dakota
- D. Tract 1C, Tract 1D and Tract 1E of Burgers Addition in the Northwest Quarter of Section 34, Township 100, Range 49, Lincoln County, South Dakota
- E. Tract 1 of Weeg's Addition in the N1/2 SW1/4 of Section 12, Township 100, Range 51, Lincoln County, South Dakota

Action: A motion was made by Larson to approve plats B, C, D and E. The motion was seconded by Nelson. The motion was unanimous

The motion to adjourn the meeting was made by Andersen and seconded by Melcher. Motion was unanimous.

ADDITIONAL ITEMS:

1. Workshop to be held January 18, 2011 on Subdivision Ordinance.

Respectfully submitted by:

Laurie Lundquist

Deputy Director

Lincoln County Planning & Zoning