

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
January 18, 2011

6:00 pm Workshop on Subdivision Ordinance
7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

At 6:00 pm a workshop was held on review and revisions to the Lincoln County 2008 Subdivision Ordinance. Following extensive discussion and revision, a motion was made by Andersen to accept the revisions and schedule a public hearing date for February 22, 2011 at 6:00 pm. The motion was seconded by Nelson. Motion was unanimous.

ROLL CALL The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on January 18, 2011 at 7:00 pm by Chairwomen June Nusz with members Ron Larson, Darrel Sogn, Craig Andersen, Chad Nelson and County Commissioner Dave Gillespie 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, Mike Nadolski-Assistant State's Attorney, Jon Peters-GIS, Toby Brown-SECOG

ITEM 1. APPROVAL OF AGENDA – A motion was made by Nelson to approve the agenda of January 18, 2011 with the addition of Item 5-Plats. The motion was seconded by Andersen. Motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Andersen and seconded by Larson to approve the minutes of December 20, 2010. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-037 For the purpose of construction and operation of a twin screen drive-in movie theater. Future additions may include mini-golf and a maze. Petition was deferred from November 15, 2010 to the January 18, 2011 meeting to give the applicant ample time to address the issues presented by members of the Planning and Zoning Board/community at the November 2010 meeting.

Legal Description: A portion of W730' of N1090' *Ex N26.5 Rds of W 18 Rds & Ex Lot H-2* NW1/4
Section 33, Township 100, Range 51, Lincoln County, South Dakota
Location: SE quadrant of SD Hwy 17 and 272nd St
Petitioner/Owner: Richard Peters

General Information

Present Zoning: Commercial/Agriculture
Existing Land Use: Agriculture
Parcel Size: Approximately 7 Acres

A letter was received from Richard Peters asking that the hearing be deferred until February since he was out of town on business and unable to attend the meeting. A motion to defer the petition until February 22, 2011 was made by Nelson and was seconded by Gillespie. The motion was unanimous.

Refer to November 15, 2011 minutes for full staff analysis and review.

ITEM 4. 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. Petition was deferred from December 20, 2010 meeting until the January 18, 2011 meeting due to lack of proper notification.

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: A motion was made by Larson to approve CUP-038 with staff recommended stipulations. The motion was seconded by Sogn. Motion was unanimous.

ITEM 5 Plat:

- A. Tract 1 of Larson's Addition in the S1/2 of the SW1/4 of Section 36, Township 99, Range 50, Lincoln County South Dakota

A motion was made by Andersen and seconded by Gillespie to approve the plat. The motion was unanimous.

ADDITIONAL ITEMS:

1. Workshop on 2008 Revised Subdivision Ordinance at 6:00 pm
2. **Election of officers for 2011 Planning and Zoning Board**

Andersen moved that June Nusz serve again as Chair. After discussion Andersen withdrew his motion. A motion was made by Larson that Craig Andersen be appointed Chair with a second by Gillespie. Gillespie, Larson, Sogn, Nelson voting yes, Andersen voting Nay.

A motion was made by Andersen to appoint Chad Nelson as Vice-Chair. The motion was seconded by Larson. The motion was unanimous.

Lincoln County Planning & Zoning Commission Chair for 2011 is Craig Andersen and Vice-Chair is Chad Nelson.

Adjourn:

A motion was made by Nelson to adjourn the meeting; the motion was seconded by Larson. Motion was unanimous.

Respectfully submitted by:

Laurie Lundquist

Deputy Director

Lincoln County Planning & Zoning