

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
October 5, 2009
SPECIAL MEETING

9:00 AM Commissioner's Meeting Room
Lincoln County Courthouse

A special meeting of Lincoln County Planning and Zoning Commission was brought to order at 9:00 AM by Chairwomen June Nusz with members Darrel Sogn, Dick Portz, Chad Nelson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Courthouse, Commissioners Room, 104 N Main Street, Canton, SD 57013. Chuck Molstad and Craig Andersen presented letters of conflict.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director and Jon Peters-GIS.

APPROVAL OF AGENDA – A motion was made by Nelson and seconded by Portz to approve the agenda for October 5, 2009. The motion was unanimous.

ITEM 1. TEMPORARY USE PERMIT #09-001 The purpose is to conduct an auction of agricultural, construction equipment, ATV's, motorcycles, pickups and cars. Prep time to begin October 12, 2009, Sale Date set for October 24, 2009 and ending date is October 31, 2009

Legal Description: Dittberner Addition Tracts 1 & 2 Section 21, Township 99, Range 48 Lincoln County, South Dakota

Location: 27634 484th Ave, Canton, SD 57013

Petitioner/Owner: Craig Olson

General Information

Present Zoning: Agriculture

Existing Land Use: Agriculture

Parcel Size: 50.13 Acres

Report By: Paul Aslesen

Staff Analysis:

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 petitioned use is clearly not in agreement with the spirit and intent of the current land use. The preparation for the petitioned use has already demonstrated the potential for a negative effect or caused a negative effect on the use and enjoyment of other property in the immediate vicinity. The preparation phase for the petitioned use has also provided insights that are indicators that the temporary use would have negative effects upon property values in the immediate vicinity. Specifically, this is an area that is by far one of the most beautiful, nicest, and most conducive to quality of life standards that can be found in Lincoln County. Objections to the petitioned use have been received from some of the adjacent land owners in response to the written notice provided by the Lincoln County Planning and Zoning Department. Copies provided.

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

The petition indicates that this is for a use to be conducted over a very short period of time. The effect may be quite minimal. Adjacent property owners have expressed their concern that allowing the time frames of this use may generate additional petitions for temporary use or for rezoning the property to provide for commercial uses which would have negative effects upon the current and future development and possible improvement of the area.

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

Please read the temporary use plan provided by the petitioner. Plan is listed as a requirement by Section 12.10 item C2 on page 69.

The wear and tear factor caused by heavy use of the township road providing access to the petitioned use in the prep phase has been voiced as a concern by adjacent landowners. Staff has investigated this concern. Portions of the road seem to be having problems sustaining the heavy use caused by the petitioner's prep phase.

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

Please reference the Temporary Use Plan.

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.

Please reference the petitioner's Temporary Use Plan.

Recommendation:

Staff recommends that this Temporary Use not be allowed in the petitioned area for the following reasons:

There are too many possible detrimental effects to surrounding property owners. The use is not compatible with this area which is being used and has a residential atmosphere. The noise factor, the traffic factor and the safety issues generated by this use impact the health, safety and welfare of adjacent land owners and the community. The petitioned site's addition of the loading dock, the interior work within the new ag storage building and the building of a new entrance way to the site are cause for wonder as to the petitioner's intent. The permanent additions indicate that this use will be petitioned again. The listed associated improvements and or additions call out to the residents, to the landowners immediately adjacent to the proposed use and the community as a whole to be mindful as to what the recurring of this use may have on their social and economic welfare. In summary, Staff believes that the intent of the Lincoln County Planning and Zoning Ordinance is to not allow temporary uses of this scope and nature at totally non-compatible sites such as the petitioned site. Petitioner is encouraged to relocate his petitioned use to areas that are compatible with adjoining properties and other property in the zoning district in which such use is to be located.

A large crowd was in attendance for the special meeting. There were speakers both in favor and in opposition to the Temporary Use Permit. Speakers comments are on file with the Planning and Zoning office.

Following questions and discussion by the board a motion to deny the request was made by Portz and seconded by Sogn. The motion was unanimous.

A motion to adjourn at 11:05 was made by Melcher and seconded by Nelson. Motion was unanimous.

ADDITIONAL ITEMS: None

Respectfully submitted by:
Laurie Powell
Deputy Director
Lincoln County Planning & Zoning

Note of Record: Folder is on file in Temp Use drawer