

Lincoln County Planning and Zoning
August 18, 2008 Minutes
6:00 p.m. at the Lincoln County Courthouse

The Lincoln County Planning and Zoning Commission met at 6:00 pm on Monday, August 18, 2008 for a workshop on the Zoning Ordinance and the regular meeting convened at 7:00 pm at the Lincoln County Courthouse, Commissioners Room, 104 N Main Street, Canton, SD 57004.

Meeting was brought to order by Chairwomen June Nusz with members Weeldreyer, Sogn, Andersen, Hoffman and Molstad reporting for duty. Portz was absent.

Item: **Agenda:** A motion was made by Andersen and 2nd by Weeldreyer to approve the agenda. Motion was unanimous.

- a) **Minutes:** Approval of July 23, 2008 minutes. A motion was made by Hoffman and 2nd by Weeldreyer to approve the July 23, 2008 minutes as read. Motion was unanimous.
- b) **Zoning Initiatives/Hearings:** None
- c) **Rezoning Petitions:** None
- d) **Rezoning Hearings:** None

e) **Conditional Use Permit Applications:**

- 1) **08-CUP-039** Petitioner is Trace Switzenberg for the purpose of relocating a garage from an address of 27756 469th Ave. approximately 5 miles to a legal description Lot 1 of Heier's Addition in the SW1/4 SE1/4 Section 4, Township 98, Range 51. "A" Ag Public Use District. General address of 46650 Hwy 44, Lennox, SD 57039. Petition was tabled at July 21, 2008 meeting. A motion by Molstad and 2nd by Andersen to remove from the table for consideration. Motion was unanimous. A motion by Weeldreyer and 2nd by Andersen to approve the request with stipulations:
 - a) General clean-up of property by October 1st, 2008
 - b) Operable cars must be licensed
 - c) Cars not operable must be removedWeeldreyer, Andersen, Sogn, Molstad voting for approval. Hoffman voting in opposition.
- 2) **08-CUP-042** Petitioner is Michael Poppens for the purpose of operating a Class C Concentrated Animal Feeding Operation (CAFO). A legal description for the CAFO facility is the SW1/4 of Section 22, Township 99, Range 51 Lincoln County SD with a general address of the intersection of 467th Avenue and 277th Street, Lennox, SD 57039. "A" Ag Public Use District. **Date/Time set for 7:30 pm, August 18, 2008.** A verbal request was received at the Planning and Zoning office by petitioner on August 4, 2008 to defer the request until September 15 meeting to give him more time to provide needed documentation. A motion by Anderson and 2nd by Weeldreyer to honor the request for deferral. A motion by Andersen and 2nd by Hoffman to set Date/Time for September 15, 2008 at 7:30 pm. Petitioner appeared before the board at 7:40 pm and requested that the petition be deferred 3 months (November meeting) rather than one month as requested on August 4, 2008. A motion by Molstad and 2nd by Hoffman to honor Mr. Poppens request to defer petition for a period of 3 months. Motion was unanimous.

- 3) **08-CUP-045** Petitioner is Scott Hansen for the purpose of operating a dog kennel; main purpose is for breeding hunting dogs (Labs and German Shorthair) at a legal description of W1/2SW1/4SE1/4 of Section 17, Township 99, Range 50, Lincoln County SD. "A" Ag Public Use District. A general address of 47152 276th Street, Harrisburg, SD 57032. A motion was made by Hoffman and 2nd by Andersen to approve the request with stipulations:
 - a) An acceptable nutrient management plan must be provided
 - b) All state requirements for this use must be met and documentation provided to Lincoln County
 - c) Any negative impact on abutting property owners may be treated as a nuisance pending investigation by the authority from Lincoln County Nuisance Ordinance

- 4) **08-CUP-046** Petitioner is Doyle Stern for the purpose of transferring a building eligibility from N1/2N1/2SW1/4SW1/4 *EX Rollinger TR1* Section 27, Township 100, Range 50 to S1/2N1/2SW1/4SW1/4 in Section 27, Township 100, Range 50. "A" Ag Public Use District. General address of 27182 473rd Avenue, Sioux Falls, SD 57108. A motion was made by Molstad and 2nd by Weeldreyer to approve the request to transfer a building eligibility to be used with either of the listed parcels or any combination of the same. The motion was unanimous.

- 5) **08-CUP-047** Petitioner is Ed Carpenter for the purpose of moving a structure (garage) to his residence located at a legal description of Tract 1 of Carpenter's Addition in the SW1/4 of the SW1/4 of Section 9, Township 98, Range 49 with a general address of 47806 281st St., Canton, SD 57013. A motion was made by Hoffman and 2nd by Sogn to approve the request. Motion was unanimous.

f) **Conditional Use Petition Revocation/Review:** None

g) **Conditional Use Petition Hearing:** None

h) **Site Plan Review:** None

i) **Variance:**

1. **08-VAR-003:** Petitioner is Natalya Sutuga for the purpose of locating a storage structure/building closer to the lot line than what ordinance provides for at a legal description of Lot 21 of the Bluff's at Spring Creek S1/2SE1/4 Section 22, Township 100, Range 49 Lincoln County, SD. Petitioner is also appealing an administrative decision made by the Director of Planning and Zoning requiring the petitioner to move the structure or tear it down. "R" Rural Residential District. A general address of 27095 Deer Hollow Court, Harrisburg, SD 57032. A motion was made by Weeldreyer and 2nd by Hoffman to deny the appeal concerning the administrative decision made by the Director of Planning and Zoning to remove the structure or tear it down. Motion was unanimous. The board moved to Board of Adjustment to consider the petition for a variance requesting a four (4) foot setback rather than the 20 foot setback required by Ordinance. Petitioner is in the process of building the structure prior to obtaining a building permit. A motion was made by Molstad and 2nd by Hoffman to deny the variance request. Petitioner is ordered to remove the structure from its location and obtain a building permit with required site plan and setbacks prior to construction of a new building. Building must be moved or torn down within 30 days. In addition the scrap wood pile on the property needs to be cleaned up. The motion was unanimous. A motion was made by Weeldreyer and 2nd by Andersen to move from Board of Adjustment. Motion was unanimous.

j) Preliminary Plans:

1. Ponderosa Park Addition Lots 1B-1C Tower Estates Addition, in the W1/2N1/2 of Section 6, Township 99, Range 50, Lincoln County, SD + or- 20 acres. A motion by Weeldreyer and 2nd by Hoffman to approve the preliminary plan contingent on DOT approval for access. An amended motion by Weeldreyer and 2nd by Hoffman to approve the Preliminary Plan Contingent with DOT approval for access, as well as a site plan review and a drainage study on each lot as sold. Motion was unanimous.

k) Plats: A motion was made by Andersen and 2nd by Sogn to approve plats 1 thru 5. Motion was unanimous.

1. Tract 1 of Promised Land Addition in the S1/2 of the SW1/4 of Section 24, Township 99, Range 50.
2. Tract B Sanford Wetland Easement, Tract 3 of Spielman's Addition in the E1/2NE1/4 and part of SE1/4 of Section 5, Township 99, Range 50, Lincoln County, SD
3. Tract D Whispering Woods South Wetland Easement part of TR3 of Spielman's Addition of the E1/2 of NE1/4 of Section 5, Township 99, Range 50 of Lincoln County, SD.
4. Tract C 85th St., Crossing Wetland Easement part of Tr 3 Spielman's Addition in the E1/2 of NE1/4 of Section 5, Township 99, Range 50, Lincoln County
5. Lot 1 of Block 2 of Morton's Addition in the Southeast Quarter of Section 19, Township 100 North, Range 50 West.

Additional Items: 1) Zoning Ordinance Workshop 6:00 pm – Minutes are recorded separately.

Respectfully submitted by:

Laurie Powell

Deputy

Lincoln County Planning & Zoning