

MINUTES
Lincoln County Planning and Zoning
July 21, 2008
6:00 p.m. at the Lincoln County Courthouse

The Lincoln County Planning and Zoning Commission met at 6:00 pm on Monday, July 21, 2008 for a workshop 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, Hoffman and Portz reporting for duty.

Item: **Agenda:** A motion was made by Hoffman and 2nd by Portz to accept the agenda with revision:
The removal of 3 plats items from the agenda. Motion was unanimous.

a) **Minutes:** Approval of June 16, 2008 minutes and June 23, 2008 minutes (special meeting). A motion was made by Portz and 2nd by Weeldreyer to accept the minutes of the June 16, 2008 meeting, as written. Motion was unanimous. A motion was made by Portz and 2nd by Weeldreyer to accept the minutes of the June 23, 2008 special meeting as written. Motion was unanimous.

b) **Zoning Initiatives/Hearings:** None

c) **Rezoning Petitions:** None

d) **Rezoning Hearings:**

1) **08-REZ-007** Petitioner is Eric Willadsen for William Sanchez for the purpose of rezoning 6 Acres, more or less from "A" Ag Public Use District to "R" Rural Residential at a legal description of Lot C, Tschetter's Subdivision of Part of Tracts One (1) & Two (2) in the NE1/4 of Section 25, Township 100, Range 50. General address of County Hwy 106 (West of 476th Avenue) Harrisburg, SD 57032. Date/Time set for July 21, 2008 at **7:30 pm**. A motion by Weeldreyer and 2nd by Portz to approve with stipulation:

a. Property is within Harrisburg growth area, approval by Lincoln County is contingent upon Harrisburg's approval.

Motion was unanimous.

2) **08-REZ-008** Petitioner is Charles Robertson for the purpose of rezoning 3 acres + or - from "A" Ag Public Use District to "C" Commercial at a legal description of NW1/4 of Section 35, Township 100, Range 50 located directly behind (east) of BHI, Inc. at 27240 SD Hwy 115, Harrisburg, SD 57032. Date/Time set for July 21, 2008 at **8:00 pm**. A motion by Portz and 2nd by Sogn to approve the rezoning. Motion was unanimous.

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 of 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. Caroline Switzenberg appeared for petitioner, after discussion motion was made by Portz and 2nd by Sogn to table the application until petitioner is able to appear for himself. Motion was unanimous.

2) **08-CUP-041** Petitioner is Bruce Schoewe for Winfred Iron and Metal for the purpose of operating a maintenance and truck repair shop for servicing of company equipment at a legal description of Lot 8 Verhey Addition in the S1/2 of Gov't Lots 1 & 2 of SW1/4 Section 31, Township 100, Range 50. "C" Commercial District. General address of 27285

Verhey Place, Suite 3, Tea, SD 57064. A motion was made by Portz and 2nd by Sogn to approve the petition with stipulations:

- a. No unlicensed vehicles (current plates) are to be stored outside the building
- b. Vehicles/trailers awaiting repair or servicing must be limited to five (5) and must be company owned vehicles being used by the company.
- c. No salvage operations will take place on the portion of the site leased by the petitioners.
- d. No salvage vehicles or vehicles/equipment awaiting a crushing operation will be received or stored at the site.
- e. Review in 6 months

Motion was unanimous.

- 3) **08-CUP-043** Petitioner is Tom Eiesland for the purpose of transferring a building eligibility from the S1/2 of Gov't Lots 1 & 2 to the NW1/4 in the N1/2 of the SW1/4 of Section 31, Township 99, Range 49. "A" Ag Public Use District. General address of 476th Avenue (North of 279th Street), Canton, SD 57013. A motion was made by Weeldreyer and 2nd by Hoffman to approve the petition with stipulations as listed in the ordinance.

A. Suitability as a building site based on following factors:

1. Agricultural productivity of the soil
2. Soil restrictions or limitations.
3. Orientation of the building site(s) with respect to road circulation, access to public right-of-way

B. Minimum lot size of one acre, subject to larger lot size requirements when warranted by soil conditions

Motion was unanimous.

- 4) **08-CUP-044** Petitioner is Jeff Joosten for John Deere Landscapes for the purpose of operating as a wholesale distributor of irrigation, landscape, and fertilizer products at a legal description of Lot 4-Blk 1 of Smith's 3rd Addition in the SE1/4, Section 31, Township 100, Range 50. "I" Industrial District. General address of 27278 Kenworth Place, Harrisburg, SD 57032. A motion by Portz and 2nd by Weeldreyer to approve with stipulations.

- a) All pilferable items not on display for customers are located behind commercial grade fence.
- b) Signage must be in accordance with county regulations

Motion was unanimous.

f) **Conditional Use Petition Revocation/Review:**

- 1) **07-CUP-051 Petitioner** is Troy Larson requesting review for Lewis & Clark Rural Water System, Inc. to develop and operate a reservoir and booster station for pipeline and water system at a legal description of NE1/4 of Section 21, Township 100, Range 51. "A" Ag Public Use District. Petitioner requests the Planning and Zoning Commission consider extension of the expiration date of its Conditional Use Permit for the Reservoir Site until December 31, 2015. General address of intersection of 270th Street and 467th Avenue, Tea, SD 57064. Brendan Reilly of Davenport, Evans, Hurwitz & Smith LLP presented on behalf of Lewis & Clark Rural Water System, Inc. A motion by Weeldreyer and 2nd by Portz to approve the request for an extension of the expiration of this Conditional Use Permit to December 2015 with stipulation:

- a) Petitioner must notify, by letter, abutting land owners of this extension.

Motion was unanimous.

- g) **Conditional Use Petition Hearing:** None
- h) **Site Plan Review:** None
- i) **Sub-Division Variance:** Petitioner is Mike Schmidt for the purpose of requesting a variance from an 18” culvert to a 12” culvert for his driveway at a legal description of Lot 10 Block 1 Homestead Acres 3rd Addition in the NE1/4 of Section 33, Township 100, Range 51 “R” Rural Residential District. General address of 27236 Canary Court, Tea, SD 57064. Do to work constraints petitioner was represented by Russell Wentz (co-worker). A motion was made by Hoffman and 2nd by Weeldreyer to approve the request. Motion was unanimous.
- j) **Preliminary Plans:** None
- k) **Plats:** A motion was made by Hoffman and 2nd by Portz to approve plats 1 through 5. Motion passed unanimously.
 - 1) Tract 1 of Barber’s Addition in the NE1/4 of the SE1/4 of Section 7, Township 100, Range 49 Lincoln County, SD
 - 2) Davies Tracts 1A & 1B in the NW1/4 of the SW1/4 of Section 11, Township 98, Range 51 Lincoln County, SD
 - 3) Johnson GPA TR 1 an addition in Govt. Lot 1 and the SW1/4 of the NE1/4 of Section 12, Township 97, Range 49 Lincoln County, SD
 - 4) Maassen’s Addition in the NE1/4 of Section 20, Township 97, Range 48 Lincoln County, SD
 - 5) Tract 1A of Hayes Addition in the NW1/4 of Section 19, Township 100, Range 49

- Additional Items:**
- 1) Zoning Ordinance Workshop 6:00 pm (Separate minutes)
 - 2) Public Hearing for “Developer’s TIF”- Siouxland Energy and Livestock Cooperative pertaining to road infrastructure for SELC. The legal description to be included in the Tax Increment District is Tracts 1 and 2 of SELC Addition in the SW1/4 of Section 24, Township 96, Range 48, Lincoln County SD and Hulshof’s Addition in the E1/2 of Section 24, Township 96, Range 48. Date/Time is July 21, 2008 at **9:00 pm**. Tom Frieberg presented on behalf of SELC for the establishment of a Tax Increment district. A motion by Weeldreyer and 2nd by Hoffman to approve the creation of a “Developer’s TIF” for Siouxland Energy and Livestock Cooperative. Motion was unanimous.

A motion to adjourn was made by Hoffman and 2nd by Portz. Motion was unanimous.

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