The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on February 19, 2013 at 7:00 p.m. by Chairman Craig Anderson with members Chad Nelson, Ron Albers, Darrel Sogn, Monty Derousseau and County Commissioner Jim Schmidt in attendance at the Lincoln County Courthouse, Commission Room, 104 N Main, Canton, SD 57013.

Ron Larson was absent.

Monty Derousseau was appointed as the new Planning & Zoning Commissioner and replaces June Nusz in District 1.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Lundquist-Deputy Director.

ITEM 1. APPROVAL OF AGENDA – A motion was made by Nelson to approve the agenda for February 19, 2013 as written. The motion was seconded by Albers. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Nelson and seconded by Sogn to approve the minutes of January 22, 2013. The motion was unanimous.

ITEM 3. OLD BUSINESS – In regard to Conditional Use Permit 12-CUP-033 for a Class C Beef Operation tabled from the December agenda. A letter was received from the petitioners on January 28, 2013 requesting that the petition be tabled indefinitely because they are considering other options at this time.

Action: A motion was made by Schmidt to remove from the table. The motion was seconded by Albers. Motion was unanimous.

A letter was received from the petitioner asking that the petition be tabled indefinitely. After some discussion a motion was made by Nelson to honor the petitioners request but instead to Archive 12-CUP-033 and start over at a later date when the petitioner is ready to move forward with the project. The motion was seconded by Derousseau and was unanimous.

ITEM 4. PRELIMINARY PLAN REVIEW – Ponderosa Park Addition- 2013 – W1/2N1/2 *Ex lot H-1 and Tower Estates* in Section 6, Township 99, Range 50 in Lincoln County South Dakota. Site is located at a general description of the Southwest Corner of County Highway 110 and Interstate I-29 and consists of approximately 20 ac.

Report By: Director Aslesen
The Ponderosa Park Addition, a commercial district, is currently being reviewed by staff and county engineer for compliance with the requirements of the 2011 Revised Subdivision Ordinance of Lincoln County. Prior to the scheduled agenda, review reports/remarks will be generated for the Planning and Zoning Commission. The Planning Commission will review and discuss the presented plan and have an opportunity to grant or deny the Preliminary Plan.

Eric Willadsen, Engineer for the project, gave a brief overview. A preliminary plan was previously approved for the area now known as Ponderosa Park in 2007. Based on the 1995 Subdivision Ordinance the effective period was 3 years but was never acted on. Subdivision Ordinance requires a developer to resubmit a new plan for preliminary approval subject to any new subdivision regulations.

Jon Peters-Flood Plain Administrator and Kevin Goff-Clark Engineering both spoke briefly on the project.

Action: A motion was made by Albers to recommend approval of the Preliminary Plan for Ponderosa Park Addition-2013 to the County Commission. The motion was second by Schmidt. Motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT 13-CUP-004 For the purpose of constructing an oversize building (over 1500 sq. ft.) on residential property for personal storage. Proposed structure is approx. 2500 square feet.

Legal Description: Tract 11, Delapre Estates SW1/4 of Section 23, Township 100, Range 51 in Lincoln County South Dakota
Location: 27084 468th Ave, Tea, South Dakota 57064
Petitioner/Owner: Mike Pfeil

General Information
Present Zoning: “A-1” Agriculture
Existing Land Use: Residential
Parcel Size: 2.12 Acres

Report By: Director Aslesen
The 2009 Lincoln County Zoning Ordinance requires a Conditional Use Permit for accessory structures over 1500 square feet in a residential use area. Reference page 59, item 12.06 D-2.

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.
   Structures for the most part are in the 1200 to 1500 square foot category for this immediate area. Staff did observe the size of (2) structures across from the proposed site that are of greater size than the approved size of 1500 sq feet. They are both 2400 sq feet in size. The rear yard of the referenced parcel does abut the city of Tea. Petitioner has been tasked with being in compliance with the notification process and has been advised to work with the neighbors. Staff believes that 2.12 acres and the location of the existing house would give the petitioner room to provide for a buffer that would preserve the quality of life and the property values currently in the immediate vicinity, if there is opposition to the petitioned structure.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
The area is a developed rural subdivision with oversize lots with few buildable lots remaining. Remaining lots are subject to ponding and storm water run off. The building of the petitioned structure should not interfere with future development as the lots in the immediate vicinity have access to a frontage road and not to a city street.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.
The needed items are in place.

4. That the off-street parking and loading requirements are met.
Residential uses do not normally need the above requirements.

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.
The use has been defined as personal storage. No negative nuisance factors are anticipated.

Recommendation:
Staff recommended approval with the following stipulation(s):
1. No outside storage be allowed.
2. No activity be conducted in the building that would generate nuisance factors such as noise, smell or vibrations.

Action: A motion was made by Schmidt to approve 13-CUP-004 with the stipulation that no new outside storage be allowed. The motion was seconded by Nelson. Motion was unanimous.

ITEM 6. CONDITIONAL USE PERMIT 13-CUP-005 For the purpose of the transfer and retention of (5) single family building eligibilities in Tract 1 and 2 to Tract 1, in the East half (E1/2) of Section 10, Township 98, Range 50 in Lincoln County South Dakota

Legal Description: Tract 1 & 2 of Hurley’s Addition Section 10, Township 98, Range 50
Location: Extends from the corner of 281st St and 474th Ave north to the Railroad on 474th Ave.
Petitioner/Owner: Lynn & Marilyn Hurley

General Information
Present Zoning: “A-1” Agriculture
Existing Land Use: “A-1” Agriculture
Parcel Size: 204 Acres total

Report By: Director Aslesen
Please reference page 8 of the Zoning Ordinance, specifically, Article 3.04 item Z.

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.
   Receiving parcel is utilized for the production of Ag products. No change to the use, enjoyment and property values is anticipated. A grain handling business is anticipated to be located on the abutting property. No negative effect is anticipated to this Ag business.
2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   County has not received any requests for non-ag development. The predominate uses of Ag production and low density residential dwellings/farmsteads will be affected by the possibility of more acreage sites. The Lincoln County “Right to Farm Covenant” will be required to be complied with.
3. That utilities, access roads, drainage and/or other necessary facilities are provided.
   Potential residential sites will need access designations prior to final legal description approvals. The potential property owner(s) are responsible for utilities and other required facilities.
4. That the off-street parking and loading requirements are met.
   Single family residence requirements for off-street parking and loading is very minimal.
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.
   Normal single family habitation should not create nuisance factors.

Recommendation:
Staff recommends approval with stipulation(s): 1. Eligibilities must be located on parcels with a minimum size of (1) acre, 2. Sites must have legal description prior to transfer of ownership. 3. Site must have approved access from appropriate highway authority.

Action: A motion was made by Nelson and seconded by Sogn to approve 13-CUP-005 with stipulations listed. Motion was unanimous.

ITEM 7. CONDITIONAL USE PERMIT 13-CUP-006 For the purpose of a Class 1 Major Home Occupation to offer classes on making homemade wine and beer. Instructional classes only with no sales of wine or beer.
   Legal Description: Lot 2 Hoffman Addition in the Southwest quarter of the Southwest quarter (SW1/4SW1/4) of Section 31, Township 100, Range 50 in Lincoln County South Dakota.
   Location: 27290 470th Ave, Tea, South Dakota 57064
   Petitioner/Owner: Kenneth E Hoffman II

General Information
Present Zoning: “A-1” Agriculture
Existing Land Use: Residential
Parcel Size: 1.51 Acres

Report By: Director Aslesen
Please reference page 52, specifically Article 12.0302 Major Home Occupation.

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

3. That utilities, access roads, drainage and/or other necessary facilities are provided. 
   See major home occupation requirements.

4. That the off-street parking and loading requirements are met. 
   See major home occupation requirements.

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. 
   See major home occupation requirements.

Recommendation:
Staff recommends approval with compliance to the major home occupation requirements.

12.0302 Major Home Occupation. It is recognized that home occupations which exceed the requirements of Section 12.0301 may be appropriate in a low density residential setting or if associated with an agricultural use. For the purpose of this ordinance, such uses are classified as either a Class 1 or Class 2 major home occupation, and shall be evaluated giving consideration to the following criteria:

A. Class 1:

1. The occupation shall be conducted entirely within a dwelling and/or accessory building and clearly incidental to the use of the structure for residential purposes.
2. The occupation shall be operated by a member of the family residing in the dwelling.
3. Employees of the occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
4. In addition to the dwelling, up to 2000 square feet of accessory building space may be used for the occupation.
5. The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to the normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These off the property noise standards shall not apply to public and railroad rights-of-way.
6. The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
7. No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur except as outlined in this section.
8. A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory 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.
9. The occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
10. There shall be only limited and incidental sale of products conducted on the premise.
11. The number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.

Action: A motion was made by Derousseau to approve 13-CUP-006 with Major Home Occupation stipulations. The motion was seconded by Albers and was unanimous.

ITEM 8. CONDITIONAL USE PERMIT 13-CUP-007 For the purpose of purchase and sales of campers-RVs, travel trailers, 5th wheels, toy haulers-light repair and parts sales.

Legal Description: Lot 3, Blk 4, Hagedorn Industrial Park Addition in the Southeast Quarter (SE1/4) of Section 25, Township 100, Range 51
Location: 46963 Monty St, Tea, SD 57064
Petitioner/Owner: Bob Wilson/ Alex Klocker

General Information
Present Zoning: “C” Commercial
Existing Land Use: “C” Commercial
Parcel Size: 1 Acre
Report By: Director Aslesen
The applicant wishes to operate a recreational vehicle, travel trailer, camper, and toy hauler sales and repair facility. The applicant will have some parts and accessories available. Some display of listed items may be evident along with the display of related sports and recreational items.

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.
   No negative effect is anticipated by this petitioned use. Uses already permitted include warehousing, businesses providing services, contractor shops, and uses similar to the petitioned use. Use should have a positive effect on property values.
2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   No negative effect is anticipated. Use will utilize an existing structure.
3. That utilities, access roads, drainage and/or other necessary facilities are provided.
   Infrastructure is in place as well as utilities.
4. That the off-street parking and loading requirements are met.
   Applicant indicated that the plan is for the petitioned equipment to be stored and displayed inside the existing structure. Any outside display will have plenty of room for parking and off and on loading.
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 factors are anticipated.

Recommendation:
Staff recommends approval of the petitioned use. Suggest that displayed items be secured in a manner to prevent theft.

Action: A motion was made by Albers to approve 13-CUP-007. The motion was seconded by Schmidt and was unanimous.

ADDITIONAL ITEMS:
1. Election of Officers
   Anderson nominated Chad Nelson for Chairman and Schmidt moved that nominations cease. Motion was seconded by Anderson. Vote for Chad Nelson as Chairman was unanimous. Meeting was turned over to Nelson.
   Nominations for Vice-chair were opened by Nelson. Schmidt nominated Ron Albers for Vice-Chairman. Anderson moved that nominations cease. Motion was seconded by Derousseau. Vote for Ron Albers as Vice-Chair was unanimous.

Adjourn: A motion was made by Sogn and second by Anderson to adjourn. Motion was unanimous.

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