

Codington County/City of Watertown  
Joint Planning Commission/Joint Board of Adjustment Minutes

April 23, 2018

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met for a special meeting on April 23, 2018 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Bob Fox, Mark Stein, Mark O'Neill, Blake Dahle, Brenda Hanten, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Cindy McNames, Bob McNames, John Wiles, Terry Huss, Bev Huss, Eric McNames, Jeff DeVille, and Becky Goens.

Chairman Fox brought the meeting of the Joint Board of Adjustment to order.

Motion by Hanten, second by O'Neill, to approve the Conditional Use Permit request by Bob and Cindy McNames as read by Staff. The McNames are requesting to operate a contractor shop and yard on property currently owned by Terry Huss and located in Huss Addition in SE1/4, Section 33-T117N-R53W. If approved, McNames will purchase said property. Muller reviewed Staff Report (attached). Conditions to be placed upon this Conditional Use Permit is approved would include:

- i. Effective date , transferability, and future permits required:
  - a. The permit shall become active upon recording of this "Letter of Assurance".
  - b. Contractor Shops as defined by the Codington County Zoning Ordinance are allowed upon the above described property upon notification of the (zoning) administrative official and subject to the conditions found herein.
  - c. The Conditional Use permit for a contractor shop is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
- ii. Site improvements (hard surfacing):
  - a. Driveways and required parking areas shall be paved (concrete or asphalt) on or before April 23, 2023.
- iii. General Requirements
  - a. Only vehicles associated with the business will be allowed to be parked outside.
  - b. Employee and customer parking shall be provided only on paved surfaces in accordance with Section ii of this letter of assurance.
  - c. No equipment, vehicles, or materials associated with the business will be stored outside.
  - d. Noxious weeds shall be controlled.
  - e. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one (1) locality in one (1) tank or series of tanks must be in elevated tanks; such tanks larger

than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the Board of Adjustment.

- f. No collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials is authorized by this permit.
- g. Any private wastewater system shall adhere to all rules and regulations of the South Dakota Department of Environment and Natural Resources.
- h. Prior to any future construction on the above described property, documentation shall be submitted to the Zoning Officer identifying that the structure shall be constructed in accordance with the most recently adopted (by South Dakota Codified Law) International Building Code.
- i. Sign area is limited to the maximum amount allowed by ordinance.

iv. Waivers of Right to Protest

- a. The applicant agrees to annexation to the City of Watertown and connection to the City of Watertown Sanitary Sewer system and hereby waives the right to protest the annexation and connection to the City of Watertown Sanitary Sewer system if and when such services are adjacent to Huss Addition in SE1/4 of Section 33-T117N-R53W, Codington County, South Dakota.
- b. If and when Municipal Sanitary Sewer and Water Services are adjacent to Huss Addition in SE1/4 of Section 33-T117N-R53W, Codington County, South Dakota. the applicant agrees to meet all requirements of the City of Watertown regarding pavement of parking and loading areas at the time of annexation.

v. Violations and Penalties.

- a. Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
  - (1) The first violation substantiated by the Zoning Officer of this conditional use permit may result in a notification letter stating the violation and a prescribed period of time to remove the violation. A second violation occurring within one calendar year of the previous violation may result in a review of the validity of the conditional use permit and potential revocation of said permit. A third violation within one calendar year of the initial violation may result in revocation of the conditional use permit and cessation of all mining operations within forty-five days (45) of notice of revocation.
  - (2) The applicant may make appeal from the decision of the Zoning Officer or other agent of the Joint Board to the Joint Board. The applicant shall file with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the

action appealed from was taken. Such appeal shall be taken within thirty (30) days. Appeals from the Joint Board shall be taken to Circuit Court.

(3) Failure to comply with the decision of the Zoning Officer or other agent of the Joint Board may be deemed a separate violation.

Outside storage was discussed. No board member wants to see any outside storage. There is none at this time and they would like to see it visually remain the same from the outside appearance. An opposition letter submitted by adjoining landowner, Gary Hoffman, was read by Muller. Number of employees will remain at three. John Wiles, attorney for Terry Huss, stated this property has been cleaned up and well-maintained by the owners. Public hearing closed. Amended motion by Hanten to require any future applicant/new landowner of this property to present an application to this board prior to any other usage. Second by Stein. Motion on amendment passed unanimously. Fox read the Findings of Fact. There were no objections or questions. Original motion, with the amendment, passed unanimously.

Muller advised this board that by-laws will be adopted in the future.

Muller indicated a gravel pit currently located within city limits is requesting to move into the county's jurisdiction.

A complaint has been brought to the Zoning Office about a building permit that was issued in 2016; however, the house is not complete and no one appears to be working on it at this time. The homeowner will be sent a letter indicating his permit has expired and he will need to apply for a new permit which would only be valid for six months. If the applicant needs more time, he will need to come before the Joint Board with his request.

Muller also advised the board of a complaint on a kennel permit. A USDA Permit is required for this operation and they will be contacted with regard to their most recent inspection information. Further action may be required dependent on the inspection with possible revocation of the permit.

Motion to adjourn by Hanten, second by Stein. Motion passed unanimously.

Respectfully Submitted,

Becky Goens, Secretary

**APRIL 2018 (SPECIAL MEETING)**  
**CODINGTON COUNTY/CITY OF WATERTOWN**  
**JOINT PLANNING COMMISSION/ JOINT BOARD OF ADJUSTMENT**  
**STAFF REPORT**

**MONDAY – APRIL 23, 2018 – 12:00 p.m.**

**CODINGTON COUNTY/CITY OF WATERTOWN JOINT BOARD OF ADJUSTMENT**

**ITEM #1 CONDITIONAL USE PERMIT**

**Applicant: Bob and Cindy McNames**

**Owner: Terry Huss**

**Property Description:** Huss Addition in SE1/4 of Section 33-T117N-R53W, Codington County, South Dakota. (Lake Township)

**Zoning Designation:** C – Commercial District

**Action Items: Conditional Use – Contractor Shop and Yard**

**Request:** Bob and Cindy McNames seek to purchase the above property for the purpose of operating a contractor shop

**History/Issue(s):**

**Specifics of Request:**

1. Bob and Cindy McNames seek to purchase the above property for the manufacture of trailers.
2. This property was rezoned to Commercial in 2014, and Terry Huss was issued a permit to operate a personal warehouse for storage of his equipment and that of other people.
3. The applicant runs a contracting business, with employees. The number varies by season.
4. The applicant does not intend to store equipment associated with the business outside.
5. Though not expected at this time, the applicant may wish to build an additional building in the future.
6. The applicant does not intend to pave any portion of the existing parking lot/driveway which consists of crushed rock at this time.
7. At the time of this report, staff has received a letter in opposition to this request requesting the matter be moved to a date that the neighbor can attend the meeting and that he specifically objects to the addition of any new buildings. (This can be reviewed on the county's website: [www.codington.org](http://www.codington.org).)

**Ordinance and Comprehensive Land Use Plan regarding this request:**

1. Contractor Shops and Yards are listed as a Conditional Use in the Commercial District.
2. Light manufacturing is defined by the ordinance as: "Those facilities to include structures and land areas where the indoor or outdoor storage of equipment and supplies used for various types of construction are stored. Examples of equipment and supplies include but are not limited to the following – road construction, building construction, gravel operations, and general contracting services."
3. The property is located over the shallow aquifer. No petroleum products may be stored on site in volumes exceeding 1,000 gallons unless secondary containment is provided. The applicant does not propose to store over 1,000 gallons of fuel or other potential contaminants.

4. Since no retail sales are occurring on the property, there are no specific parking requirements. The zoning officer recommends requiring a minimum of one parking space for each employee during the largest shift. There is adequate room to provide such parking.
5. This property meets the requirement to access a paved State (Federal) Highway.
6. Outdoor storage is not proposed with this request.
7. Due to the limited amount of traffic in and out of the lot with the use granted in 2014, the Board did not require the parking and driveway to be hard surfaced. The Board needs to determine whether it is necessary to pave the entrance and parking spaces for this permit.
8. The ordinance requires hard surfacing of parking lot and entrance areas, but allows a grace period of up to a year to use crushed materials.
  - a. Last year, in a similar instance, the joint board allowed an applicant up to 5 years to pave the entrance and his parking spaces

Staff Summary and Recommendation

Conditional Use Permit – **Contractor Shop**: Approval of the request would essentially allow the transfer of the previously issued conditional use permit for light manufacturing to the applicant. The application may be tabled, or denied on the basis that the applicant cannot meet the requirement to hard surface the lot. If approved staff recommends the following conditions be agreed to in the form of a letter of assurance to be recorded with the property:

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  - (6) Failure to comply with the decision of the Zoning Officer or other agent of the Joint Board may be deemed a separate violation.

**ISSUE #2 Open**

**ISSUE #3 Staff Report**

**ISSUE #4 Executive Session (if necessary)**