

Codington County Planning Commission/Board of Adjustment Minutes

January 21, 2020

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on January 21, 2020 at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were: Myron Johnson, Charles Rossow, Mel Ries, Brenda Hanten, Mark O'Neill, Rodney Klatt, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Jeff DeVille, Jason Whitted, Lorna Whitted, Randy Schuchard, Susi Schuchard, Eugene Schleusner, and Becky Goens.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 12:31 pm.

Motion by Hanten, second by Ries, to approve the December 16, 2019 meeting minutes. Motion passed unanimously.

Commissioners Brenda Hanten and Myron Johnson asked to speak during the open portion of the meeting regarding compensation of board members.

Motion by Hanten to approve the agenda, second by Rossow. Motion passed unanimously.

Motion by Klatt, second by Johnson, to recess as the Planning Commission and convene as Board of Adjustment. Motion passed unanimously.

Motion by Johnson to nominate Bob Fox as Chairman and Mark O'Neill as Vice Chairman and cast a unanimous ballot. Second by Klatt. Motion passed unanimously.

Motion by Hanten, second by Rossow, to approve the Conditional Use Permit request made by Jason Whitted to operate a welding shop on property owned by Gary Kliegel and described as All that part of Outlot A of the plat entitled outlot A in the Sw1/4 of Section 32-T118N-R52W lying S of property conveyed by a deed as recorded in the office of the Register of Deeds, Codington County, South Dakota, Book 113 of Deeds on Page 143, less all the S671' thereof excepting the @110' of N20' of the said S671' and less W199' of N120' of S941'. Muller reviewed Staff Report (attached). If approved, the applicant will be required to sign a Letter of Assurance agreeing to the following conditions:

- i. Effective date, transferability, and future permits required:
 - a. The permit shall become active upon the discontinuance of the Bar/Tavern operated on this property and the recording of this "Letter of Assurance".
 - b. The Conditional Use permit for a welding 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 may be required to be paved (concrete or asphalt) in conjunction with the construction of any future structures or change of use.

iii. General Requirements

- a. A minimum of ten (10) parking spaces shall be provided on the site.
- b. There will be no junk stored outside.
- c. Noxious weeds shall be controlled.
- d. In addition to septic tanks for human waste, any wastewater collection system other wastewater and fluids shall adhere to all rules and regulations of the South Dakota Department of Environment and Natural Resources.
- e. 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.
- f. Sign area is limited to the maximum amount allowed by ordinance.
- g. 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.
- h. Discharge of industrial processed water on site is prohibited without Board of Adjustment approval.

iv. Violations and Penalties.

- (1) Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - a. Any violation will result in the prescription of actions to correct the violation and may result in a review of the validity of the conditional use permit and potential revocation of said permit.
 - b. The applicant may make appeal from the decision of the Zoning Officer or other agent of the Board to the 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 Board shall be taken to Circuit Court.

Whitted has a total of six employees which does include himself and his wife. He does not wish to grow his business. Fox read the Findings of Fact. There were no questions or

objections. Motion passed unanimously.

Board member and Codington County Commissioner Myron Johnson began discussion regarding board member compensation for meeting attendance. The current rate is \$35.00 per meeting; however, responsibilities of board members has increased significantly over the years as well as time involved in attending and preparing for each meeting. Commissioners Johnson and Hanten will further discuss at a public Codington County Commissioner meeting whereas a new rate may be established.

Motion by Ries, second by Hanten, to adjourn the Board of Adjustment meeting and convene as the Planning Commission. Motion passed unanimously.

Muller advised the board the next topic for the Planning Commission to review and make potential updates to is the residential policy/regulations in the Agricultural District. This discussion is intended to lay out the plan for review and eventual adoption of updates.

The February meeting date has been changed to February 24 at 12:30 pm due to a conflict.

Motion to adjourn by Johnson, second by Ries. Motion passed unanimously. Meeting adjourned at 1:20 pm.

Respectfully Submitted,

Becky Goens, Secretary

**JANUARY 2020
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

ITEM #1 CONDITIONAL USE PERMIT

Applicant: Jason Whitted / Owner: Gordon Kliegel

Property Description: All that part of Outlot A of the plat entitled outlot 'A' in the SW1/4 of Section 32-T118N-R52W lying S of property conveyed by a deed as recorded in the office of the Register of Deeds, Codington County, South Dakota, Book 113 of Deeds on Page 143, less all the S671' thereof excepting the W110' of N20' of the said S671' and less W199' of N120' of S941'. (Rauville Township)

Action Items – Conditional Use – Welding and Machine Shop (3.05.02.2 & 3.12.03.02.3.)

Zoning Designation: Commercial; Zone A – Aquifer Protection District

Request: Operate a welding shop

History:

Specifics of Request:

1. The above property was rezoned in May of 2006.
 - a. At the time the property included the Bar/Tavern and a truck terminal.
 - b. Sometime between rezoning and today, Mr. Whitted became the tenant in the former truck terminal operating a Welding Business.
2. No new construction is proposed with this project.
3. The use of the Bar will be discontinued, however the building may remain for use as an office.
4. Mr. Whitted's business makes specialty products.
5. No hazardous materials are stored on site.
6. No petroleum products in excess of 100 gallons are stored on site.
7. No changes to parking or driveways are proposed from the existing site.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. "Welding... Shop" is listed as a Conditional Use in the Commercial District.
2. Land Use Plan Criteria (Comprehensive Plan):
 - a. The site is adjacent to a county highway
 - b. Access to the site is controlled by the Codington County Highway Superintendent. Only one access is proposed.
 - c. No trees or fences are proposed for screening. It is not anticipated the use will directly inhibit agricultural land use
 - d. Outdoor storage is currently screened by an existing treebelt from a neighboring residence. Applicant does not propose additional screening at this time.
 - e. Driveways and parking areas may be required to be hard surfaced
 - 1) Since no changes are proposed to the existing site, staff recommends (as in other past cases of "re-development") any need for pavement of required parking spaces and driveway to be deferred unless or until the use of the property changes, or a new structure is permitted.
3. Conditional Use Requirements (Ordinance)
 - a. Ingress/egress:
 - The site has access to 455th Avenue via a large approach in front of the existing bar and across property owned by the north property owner.

- b. Parking and internal traffic:
 - Materials used for parking and driveways are not proposed to change and have served the site under more traffic than is proposed at this time.
 - Staff recommends conditions relating to future pavement obligations.
 - Staff recommends 8 parking spaces be provided for the “shop” and 2 parking spaces for the “office”. Adequate space is provided for 10 parking spaces.
- c. Utilities and refuse:
 - The applicant has a septic tank, Clark Rural Water, Codington Clark Electric, and no natural gas.
 - Applicant described trash and refuse areas.
- d. Screening:
 - Currently the site is screened by existing trees (on the neighbor’s property) from neighboring residential properties.
 - The Board may require any outdoor storage to be fenced in or confined to a specific area.
- e. Lighting:
 - Existing rural yard lights will be used.
- f. Compatibility:
 - The use is listed and therefore compatible provided conditions prescribed by the Board are met.

Staff Summary and Recommendation

Conditional Use Permit – **Welding Shop**: The application may be approved, postponed, or denied. If approved staff recommends the following conditions be agreed to in the form of a letter of assurance to be recorded with the property:

- v. Effective date, transferability, and future permits required:
 - a. The permit shall become active upon the discontinuance of the Bar/Tavern operated on this property and the recording of this “Letter of Assurance”.
 - b. The Conditional Use permit for a welding shop is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
- vi. Site improvements (hard surfacing):
 - a. Driveways and required parking areas may be required to be paved (concrete or asphalt) in conjunction with the construction of any future structures or change of use.
- vii. General Requirements
 - a. A minimum of ten (10) parking spaces shall be provided on the site.
 - b. There will be no junk stored outside.
 - c. Noxious weeds shall be controlled.
 - d. In addition to septic tanks for human waste, any wastewater collection system other wastewater and fluids shall adhere to all rules and regulations of the South Dakota Department of Environment and Natural Resources.
 - e. 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.
 - f. Sign area is limited to the maximum amount allowed by ordinance.
 - g. 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.
- h. Discharge of industrial processed water on site is prohibited without Board of Adjustment approval.

viii. Violations and Penalties.

- (2) Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - c. Any violation will result in the prescription of actions to correct the violation and may result in a review of the validity of the conditional use permit and potential revocation of said permit.
 - d. The applicant may make appeal from the decision of the Zoning Officer or other agent of the Board to the 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 Board shall be taken to Circuit Court.

CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 DISCUSSION: ORDINANCE UPDATE PROCESS

The next topic for the Planning Commission to review and make potential updates to is the residential policy/regulations in the Agricultural District. This discussion is intended to lay out the plan for review and eventual adoption of updates.

ISSUE #2 OPEN/ADMINISTRATIVE REPORT

ISSUE #3 EXECUTIVE SESSION