

Codington County Planning Commission/Board of Adjustment Minutes

September 20, 2021

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on September 20, 2021 via teleconference and at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were: Myron Johnson, Brenda Hanten, Mel Ries, Mark O'Neill, Bob Fox, Alex Kahnke, Rodney Klatt, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Richard Ohm, Zach Fischer, Rick Borkhuis, Shawn Mohr, Mark Kienast, Gary Wadsworth, Scott Martens, and Becky Goens.

Chairman Fox brought the Board of Adjustment and Planning Commission meeting to order at 8:55 pm.

Motion by Hanten second by Kahnke, to approve the August 23, 2021 meeting minutes. Motion passed unanimously.

Motion by Kahnke, second by Ries, to approve the agenda. Motion passed unanimously.

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

Motion by Klatt, second by Hanten, to approve the Conditional Use Permit by John Engels for an Existing Farmstead Exemption on property owned by Alberta Engels. Property is described as a portion of N1/2 of Sw1/4, Section 19-T116N-R53W, to be known upon platting as Jack Engels Addition in N1/2 of SW1/4, Section 19-T116N-R53W. The home will be split from the farmland and site review qualifies for this Exemption. If approved, the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Hanten, second by Ries, to approve the Conditional Use Permit by Zach Fischer for an Existing Farmstead Exemption on property owned by Michael Fischer. Property is described as SW1/4 of SW1/4 of SW1/4, Section 12-T116N-R51W to be known upon platting as Fischer Addition in SW1/4, Section 12-T116N-R51W. Zach Fischer would like to construct a new home in the parcel containing this Farmstead Exemption. Site review qualifies for this Exemption. Muller reviewed Staff Report (attached). Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Klatt, second by Ries, to recommend approval to the Board of County Commissioners the plat of Fischer Addition located in the SW1/4 of Section 12-T116N-R51W, Codington County, SD. Motion passed unanimously.

Motion by Klatt, second by Ries, to recommend approval to the Board of County Commissioners the plat of Jabe Kahnke Addition located in the N1/2 of Section 3-T116N-R53W, Codington County, SD. Muller reviewed Staff Report (attached). Motion passed unanimously.

Staff is looking for direction with regard to an individual inquiring as to a potential Joint Jurisdiction Ordinance change. This item has not been published and therefore no public comment will be taken. This item is for Board discussion only. Muller gave a brief description as to how the Joint Jurisdiction came to be. Muller read a letter submitted by Richard Ohm asking for a Religious Conference Facility to be allowed in the Joint Jurisdiction area. Chairman Fox shared his concerns about emergency response time in areas outside of city limits. Locations within the city has much faster response time as city police are on patrol 24 hours a day. Fox is not in support of this type of Use allowed in the Joint Jurisdiction area as well as past opinions of the public did not support. Fox called for a motion to begin the pursuit of an ordinance change. No motions were made. Discussion item ends for lack of motion.

Motion by O'Neill, second by Ries, to recommend approval to the Board of County Commissioners the plat of Jack Engels Addition in N1/2 of SW1/4 of Section 19-T116N-R53W, Codington County, SD. Motion passed unanimously.

Motion by O'Neill, second by Klatt, to recommend approval to the Board of County Commissioners the plat of O'Toole Addition in SW1/4 of Section 32-T119N-R52W, in the Sisseton and Wahpeton Indian Reservation, Codington County, SD. This is proposed to be sold. Motion passed unanimously.

Muller advised the board that a letter has been sent to Mr. Scott Martens regarding property he recently purchased that was once owned by Dennis Cordell. Mr. Martens had questions as to what can or cannot be done on his new property. Muller also has some enforcement letters that will be mailed in the near future.

Motion to adjourn made by Johnson, second by Kahnke. Motion passed unanimously. Meeting adjourned at 9:49 pm.

Respectfully Submitted,

Becky Goens

**SEPTEMBER 2021
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

ITEM #1 CONDITIONAL USE PERMIT

Owner/Applicant: Alberta Engels by John Engels

Property Description: a portion of N1/2 of SW1/4, Section 19-T116N-R53 West of the 5th P.M., Codington County, South Dakota; to be known upon platting as Jack Engels Addition in N1/2 of SW1/4, Section 19-T116N-R53W. (Pelican Township)

Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)

Zoning Designation: Agricultural

Request: The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres at the site of an existing farmstead.

History/Issue(s):

1. The Engels' will be splitting the home from the farmland and seek to retain building rights at the farm.
2. The property was used as a base for farming operations prior to 1976 and has been lived in within the last 50 years.
3. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation (**Variance**) –*Existing Farmstead Exemption and variance to Minimum Lot Width*- Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to October 26, 1976. If approved it should be done so on the following conditions:
 - a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

ITEM #2 CONDITIONAL USE PERMIT

Applicant: Zach Fischer

Owner: Michael Fischer

Property Description: SW1/4 of SW1/4 of SW1/4, Section 12-T116N-R51 West of the 5th P.M., Codington County, South Dakota; to be known upon platting as Fischer Addition in SW1/4, Section 12-T116N-R51W. (Kranzburg (S) Township)

Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)

Zoning Designation: Agricultural

Request: The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description (contiguous) as an existing farmstead.

History/Issue(s):

1. The applicant seeks to construct a house on the same half section as the family farm site as the existing farmstead.
2. The farmstead (currently lived in by the applicant's father) was used as a base for farming operations prior to 1976 and has remained lived in.
3. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
4. The adjoining parcel under contiguous ownership contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation **(Variance) –Existing Farmstead Exemption and variance to Minimum Lot Width-** Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to October 26, 1976. If approved it should be done so on the following conditions:
 - a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

Applicant/Owner: Alberta Engels by John Engels

Property Description: Jack Engels Addition located in the North Half of the Southwest Quarter of Section 19, Township 116 North, Range 53 West of the 5th Prime Meridian, Codington County, SD (Pelican Township)

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Plat a 18.75 acre-lot in accordance with the order of the Board of Adjustment. Existing Farmstead Exemption was granted to this property.

ITEM #2 PLAT

Applicant/Owner: Mike Fischer

Property Description: Fischer Addition located in the Southwest Quarter of Section 12, Township 116 North, Range 51 West of the 5th Prime Meridian, Codington County, SD (Kranzburg (s) Township)

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Plat a 10 acre-lot in accordance with the order of the Board of Adjustment. Existing Farmstead Exemption was granted to this property.

ITEM #3 PLAT

Applicant/Owner: Leland O'Toole by Peggy Stern

Property Description: O'toole Addition located in the Southwest Quarter of Section 32, Township 119 North, Range 52 West of the 5th Prime Meridian, in the Sisseton and Wahpeton Indian Reservation, Codington County, SD (Fuller Township)

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Plat an irregularly shaped 53 acre parcel that meets minimum lot width requirements.

ITEM #4 PLAT

Applicant: Independent Ag Services.

Owner: Pelican Plaza, LLC

Property Description: Jabe Kahnke Addition located in the North Half of Section 3, Township 116 North, Range 53 West of the 5th Prime Meridian, Codington County, SD (Pelican Township)

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Plat an 11.63 acre parcel for transfer of a commercial property.

History/Issues:

1. The lot meets the minimum lot area and width requirements of both the Industrial and Commercial Districts. (Platting property may require future rezoning to eliminate split zoning of the lot. Proposed use can be accommodated in both lots though.)
2. The lot straddles a quarter line which does not align with the quarter line north of this section.
3. Access to this lot is provided at an existing crossover of US HWY 212 (east of the quarter line).
 - a. SDDOT states that the existing access spacing meets spacing requirements and there is no expectation to require combination of access location serving the North Half of Section 3.
4. City of Watertown Comprehensive Land Use Plan requires "Minor Collector's" to be provided along quarter section lines unless "*a minor collector is provided elsewhere in conjunction with a proposed development.*" (Adopted by the county)
 - a. The developer (Pelican Plaza) has stated willingness to agree to placement of a minor collector at the present location of 39th Street (north boundary of the North Half of the section) and provide for future direct connection to 38th Street (south boundary of the North Half of the section) in conjunction with future development of the parent parcel.

5. The Planning Commission has to determine whether The dedication/agreement to provide connectivity of 38th Street (south of the parent parcel) to the highway access at 39th Street (through Pelican Plaza) at the time of this development provides for the provision of a minor collector [in a location other than on a quarter-line. Or
6. if the connection of the minor collector must occur within the property proposed to be transferred at this time.
 - Whom would maintain the right-of-way?
 - The lot would no longer meet minimum lot requirements if right-of-way were platted through the quarter section boundary.
 - Where would access to HWY 212 be located?
 - Quarter Section Boundary of Section 3-116-53
 - Quarter Section Boundary of Section 34-117-53
 - In a location already approved by SDDOT (one of the existing approaches).

ISSUE #5 Discussion Religious Conference Facilities in the Joint Jurisdiction Area

- An individual will be in attendance to hear and potentially participate (if questioned by the Board) in a discussion regarding whether the County Planning Commission would initiate a text amendment to allow for “Religious Conference Facilities” or some similar use in the Joint Jurisdiction Area.
- Staff will provide an overview of why the use is not currently listed; what process would need to be undertaken to allow it; how the use fits into the land use plans of the city/county generally, potential accessory uses which may be allowed in conjunction with said use, and limitations on where such a use should be allowed (if any).
- It is the Chair’s discretion whether to ask questions of the individual for information gathering purposes, however any reference to specific locations or specific form of operation must be ruled out of order.
- Out of respect to the individual, staff seeks a motion to recommend initiation of drafting an ordinance for this use.
 - If the Board sees fit to make the change, a motion should be adopted with the parameters set for where, how, and under what circumstances such a use should be allowed.
 - If the board does not see fit to make such a motion or denies such motion, the applicant will know that the proposal is not determined by the County Planning Commission to be generally compatible with the area of Joint Jurisdiction and therefore an amendment would not be approved. Therefore the use would continue to be prohibited in the area of Joint Jurisdiction.