

County Planning Commission/Board of Adjustment Minutes

September 19, 2022

The Codington County Planning Commission met for their monthly meeting on September 19, 2022 via teleconference and at the Codington County Extension Complex.

Members of the Planning Commission/Board of Adjustment present were Mel Ries, Mark O'Neill, Myron Johnson, Rodney Klatt, Brenda Hanten, Alex Kahnke, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Chairman Fox brought the meeting to order at 8:05 pm.

Motion by Johnson, second by O'Neill, to approve the August 15, 2022 meeting minutes. Motion passed unanimously.

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

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

Motion by Ries, second by Johnson, to approve the Conditional Use Permit request made by William and Carol Comes to retain building rights at the site of an existing farmstead. Property is in a 5-acre portion of W1/2 of NW1/4, Section 26-T116N-RW less N225' of S474' of W223' thereof and except that portion conveyed for highway purposes in page 586 Book 189 to be known upon platting as Comes Addition, Codington County, SD. Muller reviewed the Staff Report (attached). Public hearing closed. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by Klatt to approve the request by Preston Fleming to place a new, type B manufactured home on a site owned by Todd Fleming and located in SW1/4 of Section 17-T118N-R53W less S582.4' of SW1/4, Section 17-T118N-R53W, Codington County, South Dakota. Muller reviewed Staff Report (attached). Public hearing closed. Motion by O'Neill, second by Hanten, to add the condition that the existing house must be removed within one year of occupancy of the new manufactured home. Motion on the amendment passed unanimously. Fleming was advised to contact the Watertown and Florence fire departments before burning the old house so they are aware of this controlled burn. Motion on the request, with the amendment, passed unanimously.

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

Motion by O'Neill, second by Ries, to recommend approval to the Board of County Commissioners the Plat of Comes Addition in the W1/2 of NW1/4, Section 26-T116N-R51W, Codington County, SD. Motion passed unanimously.

Motion by Klatt, second by O'Neill, to recommend approval to the Board of County Commissioners the Plat of Henning Addition in the NE1/4 of Section 24-T117N-R55W, Codington County, SD. Motion passed unanimously.

Muller advised the Board he was made aware that the Department of Transportation is having meetings talking about the need to adopt Runway Protection Zones/Airport Overlay Districts for both cities and counties. Funds could potentially be withheld from those that do not adopt these Zones/Districts.

Motion to adjourn made by Johnson, second by Ries. Motion passed unanimously. Meeting adjourned at 8:32 pm.

Respectfully Submitted,

Becky Goens

**SEPTEMBER 2022
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE PERMIT

Owner/Applicant: William and Carol Comes

Property Description: a 5-acre portion of W1/2 of NW1/4, Section 26-T116N-R51W less N225' of S474' of W223' thereof & except that portion conveyed for highway purposes in page 586 Book 189 to be known upon platting as Comes Addition, Codington County, South Dakota (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 as an existing farmstead.

History/Issue(s):

1. The Comes' seek to create a 5-acre lot at the site of an existing farmstead.
2. The property was a base for farming operations since prior to 1976 and is still 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 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: Preston Fleming

Owner: Todd Fleming

Property Description SW1/4 of Section 17-T118N-R53W less S582.4' of SW1/4, Section 17-T118N-R53W, Codington County, South Dakota (Fuller Township).

Action Items – Conditional Use Permit – Type “B” Manufactured Home (3.04.02.17)

Zoning Designation: Agricultural

Request: The applicant seeks to replace the existing home with a type B manufactured home at the Existing Farmstead Exemption.

History/Issue(s):

1. Mr. Fleming has purchased a new, singlewide manufactured home to replace the existing residence on the property which is greater than 100 years old.
2. Mr. Fleming works on the family farm, and a CAFO is operated at this site.
3. The existing home will be removed before the new manufactured home is installed.
4. The proposed new home will meet all applicable setbacks.

Ordinance/Variance History regarding this request:

1. The zoning ordinance requires a conditional use permit for Type B Manufactured Homes.
2. Specific requirements regarding size, first time occupancy, siding and roofing materials, and the need for skirting is listed in the ordinance. Mr. Fleming's proposal meets all specific requirements of Type B Manufactured Homes.
3. Since the manufactured home is "new" there is no need for adjacent landowner signatures.
4. The comprehensive land use plan encourages the use of manufactured homes occupied by employees or relatives of the farm owner/operator provided that any new home requires an Ag Easement to be signed by the applicant at the time of building permit.

Staff Recommendation:

- **(Conditional Use) –Type B Manufactured Home-** The Board may approve, deny or postpone the request. Staff recommends approval based upon compliance with the applicable requirements of the Zoning Ordinance with reference to lot area, and minimum requirements for Type B Manufactured Homes.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

Applicant/Owner: William and Carol Comes

Property Description: Plat of Comes Addition in the W1/2 of NW1/4, Section 26-T116N-R51W of the 5th P.M, Codington County, South Dakota (Kranzburg (S) Township).

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Plat a minimum 5 acre-lot in accordance with the order of the Board of Adjustment. Existing Farmstead Exemption was granted to the is property earlier in this meeting which allowed the creation of a minimum 5-acre lot.

ITEM #2 PLAT

Applicant/Owner: James R and Ardis J Henning Living Trust

Property Description: Plat of Henning Addition in the Northeast Quarter of Section 24, Township 117 North, Range 55 West of the 5th P.M, Codington County, South Dakota (Graceland Township).

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Plat an irregularly shaped, 53-acre lot with over 2,000 feet of frontage on the Medicine Lake Road (442nd Avenue).

ISSUE #4 EXECUTIVE SESSION (if Necessary)