

## **KINGSBURY COUNTY BOARD OF ADJUSTMENT**

The Kingsbury County Commission convened acting as the Board of Adjustment on Tuesday, December 8, 2020 at 10:00 AM. in the Courtroom of the Courthouse in De Smet, South Dakota, for the purpose of considering the conditional use application of Travis Steffensen of 21269 US Highway 81, Arlington, SD. If granted, this would permit Steffensen to establish a Lake Front Campground on Lot 1 in the East Half of the SE 1/4 and Lots 5 & 6 of Section 25, T110N, R53W. Board members present were Joe Jensen as Zoning Officer, Roger Walls, Delmer Wolkow, Shelley Nelson and Luke Weber. Steve Spilde joined via Zoom. Chairman Walls presided.

This meeting was recorded as a portion of the Commission meeting and available in the Auditor's office for listening.

Also in attendance included Travis Steffensen, Jeff Stewart, Tim Steffensen, Todd Steffensen, and Tammy Anderson – Director of Equalization. Also attending via Zoom was Donna Palmlund with the Kingsbury Journal.

### **MINUTES**

Nelson moved and Wolkow seconded to approve the minutes from November 17, 2020. All present voting aye – 5, nay – 0, motion carried.

Walls turned the meeting over to State's Attorney, Gregg Gass.

Gass provided instructions to those in the gallery and turned the meeting over to Travis Steffensen.

Travis Steffensen provided information to the Board of his desire to establish a private campground on his property for family and friends to enjoy the lake. This would have a maximum of 10 lots. Steffensen also stated he had been in contact with the Department of Natural Resources regarding placing a septic system to be drained. Steffensen had also received a letter from the Department of Transportation granting the change to the current access to the property in question.

Gass went through a list of requirements and regulations to verify compliance. Travis Steffensen answered all the questions asked.

Todd Steffensen spoke in opposition of the Conditional Use Application.

Gass recommended the Board move into Executive Session for deliberation at the Board's discretion.

Wolkow moved and Weber seconded to adjourn from regular session and move into Executive Session for deliberation at 10:28 A.M. All present voting aye – 5, nay – 0. Motion carried.

Nelson moved and Spilde seconded to return to regular. Chairman Walls declared the Board out at 11:00 A.M.

Nelson moved to approve the Conditional Use Application with conditions stipulated by the Board. Gass read the proposed Findings of Facts and Conclusions of Law:

Travis Steffensen requested a hearing on a Conditional Use Permit before the Board of Adjustment on July 7, 2020. The hearing was continued to August 18, 2020; to September 8, 2020; to October 20, 2020; and to December 8, 2020 at 9:45 a.m.

The Kingsbury County Commission reconvened acting as the Board of Adjustment on Tuesday, December 8, 2020 at 9:45 a.m. in the court room of the Courthouse in De Smet, South Dakota, for the purpose of considering the application of Travis Steffensen of 21269 US Hwy 81, Arlington, SD, 57212, for a conditional use permit to allow a campground, with necessary fittings and appurtenances, all to be located on a plat of Lot 1 in the East Half of the Southeast Quarter (E ½ SE ¼) and Lots 5 and 6 of Section 25-110-53, Kingsbury County, South Dakota. Travis Steffensen presented information in favor of the application. John Mills presented a letter opposing the application. Todd Steffensen testified against the application. Board members present were Spilde, Walls, Wolkow, Nelson and Weber. Chairman Walls presided. After hearing from the interested parties and receiving written documentation in support of the permit, and receiving written documentation in opposition to the permit, Delmer Wolkow moved to go into Executive Session for deliberation, the motion was seconded by Luke Weber. All voted aye. Motion carried. The board went into Executive Session for deliberation. Shelley Nelson moved to retire from Executive Session, Steve Spilde seconded the motion. Roger Walls declared the board out of Executive Session. Shelley Nelson moved to approve the application based on the following Findings and Conclusions:

1. That the submitted written application of Travis Steffensen dated May 12, 2020 is for the construction and operation of a campground, with necessary fittings and appurtenances, pursuant to Section 4.04.02(1), 4.04.03, 4.04.04, 4.04.05, 4.04.06, 5.07, 5.34 and 6.05.01 of the Kingsbury County Zoning Regulations.
2. That written notice of the conditional use permit has been given to the adjacent landowners.
3. That notice of hearing was published once, ten days or more prior to the Board of Adjustment public hearing, in a paper of general circulation in the area affected.
4. That the public hearing was held on July 7, 2020, continued to August 18, 2020, continued to September 8, 2020, continued to October 20, 2020, and held on December 18, 2020 at 9:45 a.m. at the court room of the Kingsbury County Courthouse, De Smet, South Dakota.
5. That the Kingsbury County Board of Adjustment has jurisdiction and is empowered under Section 4.04, 5.07, 5.34 and 6.05 of the Kingsbury County Zoning Ordinance sited in the application or referred to at the hearing to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
6. That the application is for new construction.

7. That the Board of Adjustment finds compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangements have been made concerning the following, where applicable:

- a. Entrance and exit to the property and the proposed structures thereon, including automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- b. That off-street parking and loading areas are where required accessible to the roadways leading to the campground, which will not adversely affect adjoining properties and properties generally in the district, particularly related to the economic, noise, glare, or other effects of the Conditional Use.
- c. That utilities, refuse, and service areas with reference to location, availability and compatibility are adequate, except as otherwise conditioned.
- d. That screening and buffering with reference to type, dimensions and character are adequate.
- e. That signs if any and any proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district are adequate.
- f. That required yards and other open spaces, including setbacks, are adequate.
- g. That the general compatibility with adjacent properties and other property in the district is acceptable.
- h. That roads providing access to the property are adequate to meet the transportation demands of the proposed conditional use.
- i. That DENR needs to approve the sewer installation, subject to final construction.
- j. That applicable requests of the Department of Health have been made, the intent being to use rural water.
- k. That the camp sites be limited to 10.
- l. That the application of Travis Steffensen for a Conditional Use Permit has met all \_\_\_\_\_ of the requirements of the Kingsbury County Zoning Ordinances, subject to the following contingencies:

Contingent on the following:

1. Roads to facility match location of easements.
2. Dumpsters and other garbage removal be provided.
3. That zoning officer approve final installation on inspection.
4. That applicant meets the 9' property line setbacks and lot size requirements and elevation requirements.
5. That septic tanks be pumped annually each fall and that annual reports be made to the zoning officer indicating the date of service and each tank shall be pumped immediately after notification to the zoning officer when flood conditions apply.
6. That the applicant have a responsible person on duty at all times.
7. That the applicant receive DENR approval for the water and septic systems.
8. That the applicant comply with all other county zoning ordinances in relation to the project.

Based on the above Findings and Conclusions, Shelley Nelson moved, and Delmer Wolkow seconded to grant the issuance of a Conditional Use Permit to Travis Steffensen. Roll call was taken.

The Board voted on the motion via roll call: Walls – aye, Wolkow – aye, Spilde – Aye, Weber – aye and Nelson – aye. Motion carried.

Wolkow moved and Spilde seconded to move out of Board of Adjustment and return to regular session. All present voting aye – 5, nay – 0. Motion carried.

Meeting Adjourned.

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Roger Walls, Chairman

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