

Codington County Planning Commission/Board of Adjustment Minutes

January 19, 2016

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on January 19, 2016 at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were: Bob Fox, Mark O'Neill, Myron Johnson, Charles Rossow, Mel Ries, Rodney Klatt, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Codington County Commissioner Brenda Hanten filled the vacant seat on the board.

Others present were Jeff DeVille, Tyler McElhany, and Becky Goens.

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

Motion by Hanten, second by Rossow, to approve the December 21 meeting minutes. Motion passed unanimously.

Muller asked for nominations for Chairman of the Board. Motion by Johnson, second by Ries, to nominate Bob Fox as Chairman and cast a unanimous ballot. Motion passed unanimously.

Muller asked for nominations for Vice Chairman of the Board. Motion by Fox, second by Hanten, to nominate Mark O'Neill as Vice Chairman. Motion by Hanten to cease nominates, second by Ries. Motion passed unanimously.

Muller reviewed the Adoption of Rules for Hearings of the Board of Adjustment as read (attached). Motion by O'Neill to adopt these Rules for Hearings as read, second by Klatt. Motion passed unanimously.

Motion by O'Neill, second by Ries, to remove the Allen Fannin variance request from the table. Motion passed unanimously.

Motion by Klatt, second by Rossow, to approve Fannin's variance request to plant a shelterbelt parallel to and 75' from the 439th Avenue right-of-way. Property is located in Government Lots 6, 7, 8 and the N300' of Government Lot 5, all in Section 33-T119N-R55W. Fannin intends to plant trees as far west of the road as possible all the way up to 75' from the right-of-way in order to minimize impact of snow on 439th Avenue. There are no objections from Codington County Highway Superintendent or Eden township supervisor. Motion passed unanimously.

The Board of Adjustment adjourns and the Planning Commission convenes.

Motion by Hanten, second by Ries, to approve an Ordinance Amendment 63 as directed by Codington County Planning Commission. This ordinance addresses "Agribusiness Activities." Some discussion was held last month related to this issue. Discussion was held regarding a potential request as well as possible scenarios that would fit into this ordinance. Motion by Ries, second by Hanten, to table this request until the February meeting.

Lonnie Lowe received a letter from our office requesting he make application for a

Conditional Use Permit for his gravel pit operation. He missed the deadline for the January meeting but will be making application for the February meeting. Until that time, he has agreed to maintain any excess maintenance of the road.

A brief discussion was held regarding primary residential quarters within an accessory structure. The board has allowed a few requests in the past on a temporary basis, requiring a conventional residential home be constructed within a specified time frame.

Motion by O'Neill, second by Ries, to enter into Executive Session. Motion passed unanimously. Motion by Hanten, second by Ries, to return to regular session. Motion passed unanimously.

Motion to adjourn by Johnson, second by Ries. Motion passed unanimously.

Respectfully Submitted,

Becky Goens, Secretary

**JANUARY 2016
JOINT PLANNING COMMISSION/BOARD OF ADJUSTMENT
CODINGTON COUNTY
STAFF REPORT**

TUESDAY – JANUARY 19, 2016 – 12:30 p.m.

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1: ELECTION OF OFFICERS

ITEM #2 ADOPTION OF RULES FOR HEARINGS OF THE BOARD OF ADJUSTMENT:

- Robert’s Rules of Order will be followed when applicable.
- Prior to any testimony a motion will be made in the affirmative based upon staff recommendation as read.
- The Chairman reserves the right to establish a maximum amount of time for a public hearing, and to allocate a maximum amount of time for testimony for each person wishing to testify.
- When a maximum amount of time for a public hearing is to be established, the amount of time allotted for said public hearing be based on the number of people signed up to testify before an item is taken up. The Chairman may determine whether to allow testimony by individuals who did not sign up to testify before the item was taken up.
- We ask that you silence your cell phones and if you need to have any conversations with anyone in the audience we ask that you step outside so everyone can hear the Board and other testimony.
- Anyone responsible for disruptive behavior or noise may be asked to leave the meeting.
- Public Hearing is opened.
- Staff will provide a report and recommendation (including findings and conditions).
- The applicant may address the Board
- Proponents may address the Board
- Opponents may address the Board
- All comments and questions are to be directed to the Board
- The public hearing will be closed.
- The Board will discuss the item and ask questions of the applicant or audience members.
- The Board will amend any conditions or findings it deems necessary
- A roll call vote will be held – An affirmative vote of 5 members is required to rule in favor of an applicant/appellant on variances and affirmative vote of percentage of the present and voting members is required in the Zoning Ordinance to approve the specific conditional use.

ISSUE #3 VARIANCE (Tabled from December 21, 2015 Meeting – Payment has been received)

Owner/Applicant: Allen Fannin

Property Description: Government Lots 6, 7, 8 & the N300’ of Government Lot 5, all in Section 33-T119N-R55W, Codington County, South Dakota. (Eden Township)

Zoning Designation: A – Agricultural

Request: Mr. Fannin requests to plant a shelterbelt parallel to and 75’ from the 439th Avenue Right-of-Way.

History/Issue(s):

1. Mr. Fannin plans to plant an additional shelterbelt which would connect two perpendicular shelterbelts on his property and run parallel to 439th Avenue.
2. The applicant proposes to place the closest row 75' west of the 439th Avenue Right-of-Way.
3. **The applicant intends to plant trees as far WEST of the road as possible all the way up to 75' from the right-of-way in order to minimize impact of snow on 439th Avenue.**
4. Codington County Ordinance requires shelterbelts on the west side of a road to be at least 150' from the right-of-way; however variance may be granted if the following conditions are met:
 - a. An established treebelt is located within ½ mile to the (west)
 - b. Approval is granted from the (Township Supervisors)
 - c. No trees are planted closer than 75' south of the right-of-way.
5. For reference, some scattered trees are located in the shoreline of Kings Lake less than ½ mile west.
6. **Based on #3 above, the Codington County Highway Superintendent no longer objects to the placement of the trees as described above.**
7. Staff recommendation – Variance – ***Shelterbelt setback*** - Staff recommends approval of the request based upon the following findings:
 - a. An established shelterbelt is located parallel to and north of the proposed shelterbelt.
 - b. Codington County Highway Superintendent does not object to the placing of these trees 75' west of the right-of-way.
 - c. The closest row will be planted no closer to the right-of-way than 75'.
 - d. Future requests for variance will have to meet the same unique requirements as are met by this application.

Action Item: Variance – Minimum Required Setback for Shelterbelts (5.08.01)

Planning Commission

ISSUE #4 ORDINANCE AMENDMENT

Applicant: Directed by Planning Commission

Request: Define and allow certain “Agri-businesses” in the Ag District

History/Issues:

1. On December 21, 2015, the Planning Commission directed the zoning officer to draft an amendment to the zoning ordinance authorizing the a narrowly defined set of agribusinesses in the Agricultural District
2. The businesses are to include base of operations for commercial grain storage and the processing and subsequent sale of agricultural products raised by the farm owner at a site where they do not live.

ORDINANCE 63

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that ARTICLE II DEFINITIONS, adopted by Ordinance #30, April 25, 2006, as amended, of the Zoning Ordinance of Codington County be amended by adding the following definition:

Agribusiness activities. The use of land for the following commercial purposes related to

raising, growing, processing, or storage of agricultural commodities: custom fertilizer/herbicide application, custom planting, custom harvesting, grain storage, or processing of products raised or grown by the landowner or operator.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.04.02 [Agricultural District] Conditional Uses, adopted by Ordinance #30, April 25, 2006, as amended, of the Zoning Ordinance of Codington County be amended to add the following Conditional Use in the Agricultural District:

41. Agribusiness activities

Action Items – Public Hearing and Recommendation of Ordinance to County Commissioners

ISSUE #5 Executive Session

ISSUE #6 Staff Report

- Lonnie Lowe/Leola Township Gravel Pit Update
- Shop/Stable House
- Bin site plan