

Codington County Planning Commission/Board of Adjustment Minutes

October 17, 2016

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on October 17, 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, Brenda Hanten, Rodney Klatt, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Jeff DeVille and Becky Goens.

Chairman Fox brought the meeting of the Planning Commission to order.

Codington County Commissioner Tyler McElhany resided on the board temporarily in Board Member Mel Ries' absence.

Motion by Johnson, second by Rossow, to approve the September 19, 2016 minutes. Motion passed unanimously.

Motion by O'Neill, second by McElhany, to recommend approval of the Plat of Bergsbaken Second Addition to the Board of County Commissioners. Property is described as Plat of Bergsbaken Second Addition in Government Lots 1 and 2 of Section 8-T116N-R53W. Property is zoned Lake Park District. Motion approved unanimously.

Mel Ries arrived and took his seat on the Board, excusing McElhany.

Muller reviewed Staff Report (attached) regarding the Concentrated Animal Feeding Operation (CAFO) Waiver. At the last meeting of the Board of Adjustment the State's Attorney advised the Board that the ordinance is enforceable in its current state, but suggested the waiver requirement could be reviewed to take recent concerns into account. If the verbiage and process is to change, the Board would still like to see the intent of the Waiver remain the same. The Board suggested an ordinance amendment be brought to them that would:

- a. List Single Family Residences less than ½ mile from an existing CAFO as a conditional Use
- b. Define Established Residence in reference to existing and planned CAFO's
- c. Identify performance standards for the (conditional use) ...residence less than ½ mile from a CAFO
 - i. Create a waiver for the CAFO operator to sign allowing a residence less than ½ mile from his/her feedlot
 - ii. Amend existing "Waiver" to acknowledgement that feedlot is less than ½ mile from proposed home.
- d. Address homes constructed less than ½ mile from an existing CAFO under the 2006-present rule

No action was taken.

Muller reminded the board of the upcoming Planner's Conference.

Muller was approached by an area CAFO owner with regarding to constructing a dorm-like dwelling for employees. Our ordinance does not currently allow this type of housing. This can possibly be discussed at a future ordinance revision review.

Chairman Fox advised the board that if ever approached by a member of the media, please refer their questions to our Planning and Zoning Officer.

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

Respectfully Submitted,

Becky Goens, Secretary

**OCTOBER 2016
CODINGTON COUNTY
PLANNING COMMISSION
STAFF REPORT**

MONDAY – OCTOBER 17, 2016 – 7:30 p.m.

CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 Plat

Applicant/Property Owner: McFarland Family Living Trust

Property Description: Plat of Bergsbaken Second Addition, in Government Lots 1 and 2 of Section 8, Township 116 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Pelican Township)

Zoning Designation: A-Agricultural and Lake Park

Request: Create a 60 acre lot

Action Item – Recommendation of Plat approval to County Commissioners.

ISSUE #2 Board Discussion: Amendment of CAFO Waiver Requirement

History/Issue(s):

2. The Land Use Plan and Zoning Ordinance have been structured around the premise that residential uses are secondary to agricultural uses in the county.
3. Board decisions between 1997 and 2006 led the County to create a waiver for prospective home builders to sign if they construct a home within ½ mile of an existing CAFO waiving the right to object to the operation and future expansion of an existing CAFO.
4. The State’s Attorney supports an ordinance amendment to allow residences less than ½ mile from an existing CAFO as a conditional use on the condition an acknowledgement of an existing CAFO within ½ mile which allows for the grantor to object, but puts the grantor on notice that the Board may consider whether a CAFO pre-dated the residence at any subsequent variance hearing for expansion of the CAFO.
5. For the proper administration to meet the intent of the existing rule an amendment would:
 - a. List Single Family Residences less than ½ mile from an existing CAFO as a conditional Use
 - b. Define Established Residence in reference to existing and planned CAFO’s (necessary for present litigation as well)
 - c. Identify performance standards for the (conditional use) ...residence less than ½ mile from a CAFO
 - i. Create a waiver for the CAFO operator to sign allowing a residence less than ½ mile from his/her feedlot
 - ii. Amend existing “Waiver” to acknowledgement that feedlot is less than ½ mile from proposed home.
 - d. Address homes constructed less than ½ mile from an existing CAFO under the 2006-present rule (reference number c.ii above).

Action Item – No Action Required.

ISSUE #3 Staff Report

- **Accessory Agricultural Housing**