

Codington County Planning Commission Ordinance Review Meeting

April 17, 2017

The Codington County Planning Commission/Board of Adjustment met for an ordinance review meeting on April 17, 2017 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, Rodney Klatt, Mel Ries, Brenda Hanten, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Todd Kays, Director of First District Association of Local Governments, was also present and seated with the Planning Commission members.

Others present were Christine Root, Terence Pellman, Stephanie Schaefer, Richard Heyduk, John Moes, Linda Heyduk, Val Jaspers, Jessica McMillan Kudrna, Chad Kranz, Greg Richter, Cory W., Dan Becking, Mark Fox, Ron Vissa, Carol Bertrang, Greg Wall, John West, Jim Comes, Jeff DeVille, Tyler McElhany, Steve Rausch, Cheryl Mack, Marty Comes, Greg Moes, Elmer Kruger, Tom Reichling, Mark Mauersberger, and Becky Goens.

Board Chairman Fox opened the Review Meeting. Planning Commission members were introduced as well as First District of Local Government employees. Fox advised the audience the Planning Commission Board acts as a legislative body. Based upon public input, experience, and real-world examples, the staff researches and drafts policies for review and recommendation to the County Commission. The first zoning ordinance was drafted in 1974. In 2005-2006 during the last comprehensive update, the board members and staff were the only people who took the time to attend any of those meetings. More members of the public are requested to participate in this and future updates. Fox advised the audience how the meeting will be conducted which was followed up by a PowerPoint presentation by Luke Muller and Todd Kays. Audience is invited to speak on any topic of interest and will be contacted when that topic is being discussed at a future review meeting. Opportunities to speak on these issues will also be available at future meetings. This process involves many components and will be lengthy. An outline was provided showing an estimated timeline of the zoning review process. Tonight's discussion will conclude at 7:55 so the Board of Adjustment may proceed to their regularly scheduled monthly meeting.

The "Town District" permitted uses and uses allowed by Conditional Use Permits was reviewed. This includes Waverly, Kampeska Village, and Grover. No one spoke regarding the Town District ordinance regulations.

The "Commercial" zoning district was also reviewed. This includes areas outside of the City of Watertown and the Joint Jurisdictional area as shown on the presentation. There are not a lot of commercially zoned areas in the county; but does include a small area by the Waverly

exit, Rauville, and also a sign on highway 20 just outside of the Joint Jurisdictional area. There are not very many permitted uses in the Commercial District as most require a Conditional Use Permit. There are not many areas zoned commercial as the county prefers commercial and industrial activities to establish in the city or town district. John Moes requested clarification that Florence, South Shore, Kranzburg, and Henry have their own zoning requirements and are not Town Districts per the county ordinance.

Chairman Fox explained the Joint Jurisdiction area as shown on the presentation. The Joint Jurisdictional board consists of three county Planning Commission board members and two members of the city Planning Commission.

Discussion regarding the commercial district resumed. Permitted uses and uses requiring a Conditional Use Permit was reviewed. No one spoke regarding this district.

The "Industrial" zoning district was discussed next. This is similar to the commercial district regarding the location and municipalities in which they would be supported; however, there is a difference regarding the permitted uses and uses requiring Conditional Use Permits. The existing areas zoned industrial currently include Farm Country Coop in Wallace, a small area West of Henry, as well as an area just north of Kampeska Village. There are performance standards that must be met within this district as shown. A question was posed regarding signage. On-site signage is allowed and regulated. Elmer Kruger would like additional details provided on Adult Uses when this district is reviewed.

The "Natural Resource" zoning district was briefly discussed. Codington County does not have a lot of area located within this district. Permitted uses are restricted. The only area is located in a small area just north and west of the sailboat landing. No one spoke regarding these ordinance regulations.

The "Lake Park" District includes the areas surrounding Lake Pelican, Punished Woman's Lake, and Meadowlake. Lake Pelican is located within the Joint Jurisdictional zone and those rules would apply. This district primarily contains residential dwellings with some agriculture related uses. Permitted uses were reviewed as well as uses requiring Conditional Use Permits. No one spoke regarding these ordinance regulations.

Kays reminded the audience that even though there was no one wishing to speak at this time, all of the zoning districts will be reviewed in future meetings and there will be opportunities to address any issues at those meetings.

The "Rural Residential" zoning district areas were displayed on the presentation. This was created for existing clusters of homes and lots that were established prior to the zoning ordinance.

This is a closed-zoning district meaning boundaries will not be extended. No one spoke regarding these ordinance regulations.

The only "Planned Residential" districts currently in Codington County include Northwoods and Boulder Ridge. Both are located within the Joint Jurisdictional District. Muller briefly reviewed the long list of requirements that must be met for this district. No one spoke regarding these ordinance regulations.

The "Floodplain Overlay" district was discussed. There is no flexibility within this district as it was regulated by FEMA. There are specific guidelines that must be met in order for the county to qualify for disaster assistance.

The "Aquifer Protection" district is unique in Codington County. Not every county in the state lists uses over the shallow aquifer; however, Codington does. A map was displayed showing Zone A, Zone B, and Zone C aquifer areas. Listed uses and uses requiring Conditional Use Permits was discussed. Jeff Deville, Municipal Utilities Water Superintendent, has been watching over this ordinance and likes the ordinance as it is written. A question arose regarding drainage into one of these areas. This will be researched and discussed during this district review. No others spoke regarding these ordinance regulations.

The final district reviewed is "Agricultural" district which represents over 95% of the zoning in the county. Specific permitted uses and uses requiring a Conditional Use Permit was read by Staff. Dan Becking would like to see Concentrated Animal Feeding Operation (CAFO) setbacks reviewed and suggests owners also reside on site of proposed CAFO or within a specified setback. Mark Mauersberger, Apex Wind Energy, would like to provide assistance when reviewing the wind energy portion of ordinance. Jessica McMillan Kudrna, Stephanie Schaefer, and Jim Comes would like to see the 35-acre rule revisited. John West would also like to see CAFO setbacks adjusted. Greg Wall addressed CAFO setbacks, wind tower setbacks, tower lights, and road requirements for CAFO's. Elmer Kruger has concerns regarding CAFO setbacks, CAFO lagoons, protection for landowners within CAFO setbacks, and too many laws about what can or can't be done on own property. Charlie Waterman addressed wind tower potential direct and indirect health hazards to humans and livestock. Marty Comes addressed requirements regarding gravel mining and offered his knowledge regarding performance standards, setback standards, and screening requirements. Jim Comes also addressed CAFO setbacks. Linda Heyduk would like restrictions loosened on shed homes. Tyler McElhany inquired about bee farm restrictions or requirements.

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