

Codington County Planning Commission  
Ordinance Review Work Session Minutes  
January 24, 2019

The Codington County Planning Commission met for an Ordinance Review Work Session on January 24, 2019 at the Codington County Extension Complex. Members of the Planning Commission present were: Myron Johnson, Mel Ries, Brenda Hanten, Mark O'Neill, Charles Rossow, Rodney Klatt, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Jessica McMillan-Kudrna, Jacob Moes, Val Jaspers, Bert Magstadt, Dan Becking, and Todd Kays.

Bob Fox brought the meeting to order at 1:04 pm.

Luke Muller advised the board and audience that this meeting is a work session inviting board members, commissioners, and general public regarding Concentrated Animal Feeding Operations (CAFO) and residential acreages. Current policies will be discussed. There will not be any ordinance change recommendations at this meeting.

Muller provided a brief background of the survey conducted in April of 2018. Discussion will be among the Planning Commission board members with input from the county commissioners. Final ordinance decisions are made by the Planning Commission. Although public input on the discussion topics has been received, written comments will be accepted from the public. Said written comments will be available for viewing on the website. Deadlines will be implemented for submitting written comments.

Zoning in Codington County has existed since 1974. A Land Use Plan was adopted in 1973. Shortly after the ordinance adoption in 1974, the 1976 35-acre Residential Development Rule was adopted. Updates have been made throughout the ordinance in the following years. (See attached Exhibit A presentation.) The rural areas of Codington County are reserved for agricultural uses – Ag is the preferred use. Todd Kays, Executive Director, First District Association of Local Governments, participated in this presentation.

Kays and Muller presented and discussed Ordinance Survey results (See attached Exhibit B). Chairman Fox is still in favor of the 35-acre rule and firmly believes Codington County is an ag-priority county. Commissioners Johnson and Waterman are not in favor of reducing the minimum lot size ordinance. It has been the practice of the Board to keep Ag land available for agricultural use. Commissioner and Board member Hanten supports the 35-acre rule but is in favor of investigating smaller lots within a specified proximity of the smaller towns/communities. With regard to abandoned farms, the board feels that only 1 building right should be allowed per 40 acres (quarter-quarter).

There are lots that exist whereas a landowner had enough acres to construct. At a later date, said landowner sold a majority of the land back to the area farmer and now resides on a parcel that no longer retains residential building right. These properties are then sold and the new homeowner is unaware of their inability to obtain a building permit. Several ideas were discussed among the board on how this could be handled or if the rule should remain the same as it has been since 1976. Some sellers and buyers were aware of this situation before said sale/purchase and did it anyway.

Kays reviewed the 2017 CAFO (Concentrated Animal Feeding Operation) Producer Survey (See attached Exhibit C). Muller and Kays provided a presentation reviewing the current CAFO ordinance, Land Use Plan, etc. (See attached Exhibit A).

Regarding Environmental Stewardship, Kays informed the Board that according to the State of South Dakota, they are the only organization with the capacity to monitor the waters of the state, not the county. Pollution standards are important but the counties can only require applicants to obtain state general permits to meet environmental stewardship. The Board asked First District Staff to bring back a draft version of the CAFO and Residential Requirements with suggestions based on this discussion.

Motion to adjourn by O'Neill, second by Ries. Motion passed unanimously. Meeting adjourned.

Respectfully Submitted,

Becky Goens, Secretary