

Codington County Planning Commission/Board of Adjustment Minutes

February 19, 2019

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on February 19, 2019 at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment 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 David Little, Jessica Little, Tom Reichling, Mavis Reichling, Nate Reichling, John West, Jim Czech, Nathan Meland, Jacob Moes, Todd Wittmeier, Charlie Waterman, Troy VanDusen, and Becky Goens.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 12:30 pm.

Motion by Hanten, second by Rossow, to approve the January 22, 2019 meeting minutes. Motion passed unanimously.

Motion by Hanten, second by O'Neill, to approve the January 24, 2019 meeting minutes. Motion passed unanimously.

Motion by Hanten, second by Klatt, to approve the Conditional Use Permit request by David and Jessica Little. Motion by O'Neill, second by Klatt, to table this request. Motion passed unanimously.

Motion by Hanten, second by Rossow, to approve the agenda. Motion passed unanimously.

Motion by Johnson, second by Klatt, to recess as the Planning Commission and convene as Board of Adjustment. Motion passed unanimously.

Board member Mel Ries arrived at 12:38 p.m.

Motion by Hanten, second by Rossow, to remove the Little request from the table. David Little is requesting to construct a residence less than one-half mile from existing CAFO on property located in NE1/4, Section 35-T116N-R52W. Muller reviewed History/Issue on Staff Report (attached). Todd Wittmeier, adjoining landowner, has concerns about the pastureland and how many cows can be allowed on site. Nathan Reichling, adjoining landowner, is the owner of Valley View Farms and has no issues with the house construction but would like to advise the Little's and the Board of Adjustment that an expansion will occur in the near future. Plans are already being drawn and engineered for future expansion. Mr. Reichling showed on the map where the recent expansion was placed and where the future expansion will be. It was also made aware to the board that there is a quarter permitted to fertigate from the holding water through the irrigation.

Muller indicated a number of up to 500 cattle can be placed and fed on site, outside of the Aquifer Protection Area. It can be pastured but not grazed down to dirt. Our zoning rules do allow for review of Nutrient Management Plan, Manure Management Plan, Fly and Odor Control Plan, as well as handling of death loss. Little will be required to work with NRCS as he works on this plan. Mr. Little is estimating a feedlot of approximately 300 feeders and 100 cows to be located in the northwest corner of the field. Mob grazing may be done on the pasture but not down to the dirt as it is in the Aquifer Protection Area. Chairman Fox reiterated Mr. Reichling's intention for expansion and lagoon irrigation. Although the county's ordinance does not regulate Ag fencing, Fox indicated that "good fences make good neighbors."

Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Hanten, second by Klatt, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

County Commissioners Charlie Waterman and Troy VanDusen were invited to reside at the Planning Commission tables to be included in the ordinance review work session discussion regarding Chapter 5.21 Concentrated Animal Feeding Operation Regulations (CAFO's).

Drafts of the proposed changes as discussed at the January meeting were distributed by Muller. Today's discussion is putting the discussion topics and the board's thoughts on paper. Following this meeting, ideas represented will be placed in a draft that will then be made available to the public.

Todd Kays, Director of First District of Local Governments, arrived at 1:25 pm.

Tom Reichling would like the board to consider reducing the number of small acreages in the county to make more room for expanding agriculture; therefore reducing issues with setbacks. CAFO's are run much more efficiently and environmentally friendly than in years past.

Board member Rodney Klatt was excused at 2:48 p.m.

Board member Mel Ries was excused at 2:50 p.m.

Motion to adjourn by Johnson, second by O'Neill. Motion passed unanimously. Meeting adjourned at 3:06 pm.

Respectfully Submitted,

Becky Goens, Secretary

**FEBRUARY 2019
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT
CODINGTON COUNTY BOARD OF ADJUSTMENT**

ITEM #1 CONDITIONAL USE

Applicant/Owner: David Little

Property Description: NE1/4 of Section 35-T116N-R52W, less Stella's Outlot, Codington County, South Dakota. (Sheridan Township)

Action Item – Conditional Use - Residence less than one-half mile from existing CAFO (3.04.02.41), (application received 1/10/2019)

Zoning Designation: Agricultural

Request: The applicant seeks to construct a residence less than ½ mile from a neighbor's existing CAFO.

History/Issue(s):

1. The Little's own this parcel and intend to construct a house and Class 5 CAFO on the west edge of this parcel.
2. The proposed house will be located approximately 2,300 feet south-southeast of Valley View Farm, which was granted a Conditional Use Permit for a Class 1 CAFO on March 20, 2017. At that time Mr. Reichling noted an intent to expand the operation in the future.
3. The County requires a conditional use permit to construct a residence within one-half mile of an existing CAFO, to establish that since the CAFO was in existence before the house:
 - a. The CAFO will not be considered nonconforming.
 - b. If the neighboring CAFO applies for an expansion, the new home will not be a residence which requires a setback be measured from it. (Does not meet the definition of Established Residence.)
4. As of the date of this report staff has received correspondence with 2 neighbors:
 - a. Todd Wittmeier: not concerned with the placement of the house, but is concerned with the condition of the fence in the pasture.
 - b. Nathan Reichling (Valley View Farm): Inquired of the effect the new house will have on his plans of expansion in the future.

Staff recommendation:

Conditional Use Permit: Dwelling less than ½ mile from existing CAFO. The Board may postpone the request, deny the request or approve the request. If approved the applicant would be required to sign and record the "Acknowledgment of Existing Concentrated Animal Feeding Operation" prior to issuance of a building permit for the house.