

Codington County Planning Commission/Board of Adjustment Minutes
September 23, 2019

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on September 23, 2019 at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were: Brenda Hanten, Charles Rossow, Mark O'Neill, Mel Ries, Rodney Klatt, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Jeff DeVille, Matt Thill, Melanie Morrow, Claren Morrow, and Becky Goens.

Codington County Commissioner Lee Gabel resided on the board in place of absent member Myron Johnson.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 9:21 pm.

Motion by O'Neill, second by Rossow, to approve the July 15, 2019 meeting minutes. Motion passed unanimously.

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

Motion by O'Neill, second by Hanten, to recess as the Planning Commission and convene as Board of Adjustment. Motion passed unanimously.

Motion by Hanten, second by Ries, to approve two variance requests by Matt Thill for an existing farmstead exemption and minimum lot width on his property in S395' of E780' of W1650' of SW1/4, Section 35-117-54. Thill would like to retain residential building rights at the site of an existing farmstead. Muller reviewed Staff Report History/Issue (attached). Public hearing closed. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Hanten, second by Gabel, to approve a Conditional Use Permit request by Melanie Morrow to construct a house less than ½ mile from an existing concentrated animal feeding operation. Property is located in W1/2 of NW1/4, Section 5-T116N-R51W, less the 20 acres in SW1/4 of NW1/4 thereof, more particularly described as beginning at SW1/4 corner of NW1/4 of Section 5 & running E1349'; thence due N a distance of 487' to a point 50' S of center line of Rock Island Railway, thence W along a line 50' S of center line of said railway to the W line of Section 5, thence S a distance of 808' to the point of beginning & including a strip of land 50' wide extending across W1/2 of NW1/4 of Section 5-T116N-R51 West of the Fifth Principal Meridian, said land representing the N50' of the abandoned 100' ROW of the main track, now removed, of the Chicago, Rock Island and Pacific Railroad Company as said main track was originally located on W1/2 of NW1/4 of Section 5-T116N-R51W of Fifth Principal Meridian, in

Codington County, South Dakota, according to the recorded plat thereof. Muller reviewed Staff Report History/Issue (attached). Public hearing closed. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

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

The plat for J and J Mather Addition will be moved to the October 21, 2019 meeting agenda for action.

Muller advised the board that Gary Kliegel has been visiting with Muller regarding advertising and selling of the Rauville Bar.

The next board meeting will be October 21, 2019 at 8:30 am at the Codington County Extension Complex.

Motion by Ries, second by Klatt to enter into Executive Session. Motion by Ries, second by Rossow to exit Executive Session.

Motion to adjourn by Hanten, second by Ries. Motion passed unanimously. Meeting adjourned at 10:03 pm.

Respectfully Submitted,

Becky Goens, Secretary

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

ITEM #1 (2) VARIANCES

Applicant/Owner: Matt Thill

Property Description: S395' of E780' of W1650' of SW1/4, Section 35-T119N-R54W, Codington County, South Dakota. (Dexter Township)

Action Items – Variances – Minimum lot size/Existing farmstead exemption (3.04.03.7.b), minimum lot width (3.04.03.2). Application received 9/6/19.

Zoning Designation: Agricultural

Request: The applicant seeks variances from the minimum lot width, minimum lot area (by virtue of existing farmstead exemption), to retain building rights on property with an existing farmstead.

History/Issue(s):

1. The applicant seeks to retain building rights at the site of an existing farmstead.
2. The applicant purchased this property from Mark Sumner in 2003, but has not needed a building permit for anything on the property until this time.
3. The property was used as a base for farming operations prior to 1976 and has remained lived in.
4. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
5. Based upon site visit and review of department of equalization records it appears this site meets the definition of an existing farmstead.
6. The land use plan allows farmstead lots described prior to 2004 to retain building rights (if granted a farmstead exemption) without platting.
7. Staff recommendation (**Variance**) –**Existing Farmstead Exemption and variance to Minimum Lot Width**- Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to November 26, 1976.

ITEM #2 CONDITIONAL USE

Applicant/Owner: Melanie Morrow

Property Description: W1/2 of NW1/4, Section 5-T116N-R51W, less the 20 acres in SW1/4 of NW1/4 thereof, more particularly described as beginning at SW1/4 corner of NW1/4 of Section 5 & running E1349'; thence due N a distance of 487' to a point 50' S of center line of Rock Island Railway, thence W along a line 50' S of center line of said railway to the W line of Section 5, thence S a distance of 808' to the point of beginning & including a strip of land 50' wide extending across W1/2 of NW1/4 of Section 5-T116N-R51 West of the Fifth Principal Meridian, said land representing the N50' of the abandoned 100' ROW of the main track, now removed, of

the Chicago, Rock Island and Pacific Railroad Company as said main track was originally located on W1/2 of NW1/4 of Section 5-T116N-R51W of Fifth Principal Meridian, in Codington County, South Dakota, according to the recorded plat thereof. (Kranzburg (S) Township)

Action Item – Conditional Use - Residence less than one-half mile from existing CAFO (3.04.02.41). Application received 8/30/19.

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. Melanie seeks permit for her daughter to construct a house on this parcel.
2. The proposed house will be located approximately 2,000 feet north of AM Farms' CAFO
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 no correspondence regarding this request:

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.

CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 PLAT

Applicant/Property Owners: Jessica Fox

Property Description: J and J Mather Addition in the Southeast Quarter of Section 35-T117N-R52W of the 5th P.M., Codington County, South Dakota (Elmira Township)

Zoning Designation: A-Agricultural District

Request: Plat a minimum 5 acre lot as condition of receiving existing farmstead exemption.

ISSUE #2 OPEN/ADMINISTRATIVE REPORT

- Gary Kliegel/Rauville

ISSUE #3 EXECUTIVE SESSION