

Codington County Planning Commission/Board of Adjustment Minutes

February 24, 2020

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on February 24, 2020 at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were: Myron Johnson, Charles Rossow, Mel Ries, Brenda Hanten, Mark O'Neill, Rodney Klatt, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Jeff DeVille, Al Raider, Pam Raeder, Mike Buszkohl, Penny Fisher, Patricia Johnson, Eric Johnson, Toby Wishard, Jim Didier, and Becky Goens.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 12:34 pm.

Motion by Hanten, second by Klatt, to approve the January 21, 2020 meeting minutes. Motion passed unanimously.

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

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

Motion by Hanten, second by Klatt, to approve two variance requests made by Eric and Patricia Johnson for an existing farmstead exemption and minimum lot width. Property is owned by Albert and Pamela Raeder and located on a 5-acre portion in NW1/4 including all RR ROW less N1180' of W1625', Section 18-T117N-R52W, Codington County, South Dakota. Muller reviewed Staff Report (attached). No one was present to speak on this issue. Public portion closed. Board consensed that operation of a CAFO on this site prior to 10/26/1976 constituted a base of farm operations for purpose of existing farmstead exemption. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Klatt, second by Rossow, to approve two variance requests by Penny Fisher and Mike Buszkohl. Property is owned by Penny Fisher and located on a portion of the SE1/4 of Section 20-T117N-R54W to be known upon platting as Stan and Donna Buszkohl Addition, located in SE1/4 of Section 20-T117N-R54W, Codington County, South Dakota. Muller reviewed Staff Report (attached). No one was present to speak on this issue. Public portion closed. Chairman Fox read the Findings of Fact. Motion passed unanimously.

Muller advised the Board that a complaint has been made regarding the noise level of the Crowned Ridge Wind Energy System. The PUC has been notified and noise testing will take place over the next couple of months.

Muller discussed current legislation, Senate Bill 157, may affect the voting standard the

Board uses to approve a Conditional Use Permit. Other items are of little practical significance to the Board, but Muller will keep the Board informed.

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

Motion by Rossow, second by Ries, to recommend approval to the Board of County Commissioners the Plat of Stan and Donna Busskohl Addition located in the SE1/4 of Section 20-T117N-R54W, Codington County, South Dakota. Motion passed unanimously.

The Board discussed residential uses in the Agricultural District and if it should be amended or remain the same. Muller reviewed the statistics that were gathered from a county-wide survey. Chairman Fox believes the 35-acre rule should remain as the county is an ag-priority district for a multitude of reasons.

Motion to adjourn by Hanten, second by Klatt. Motion passed unanimously. Meeting adjourned at 2:35 pm.

Respectfully Submitted,

Becky Goens, Secretary

FEBRUARY 2020
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 (2) VARIANCES

Applicant: Eric & Patricia Johnson / Owner: Albert & Pamela Raeder

Property Description: a 5-acre portion of NW1/4 including all railroad right-of-way, less N1,180 of the W1,625' in Section 8-T117N-R53W, Codington County, South Dakota. (Lake Township)

Action Items – Variances – Existing farmstead exemption/minimum lot area (3.04.03.7.b), Minimum lot width (3.04.03.2).

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 Johnson's are seeking to purchase five acres of land from the above legal description owned by the Raeder's.
2. The applicant seeks to retain building rights at the site of the existing farmstead located on the above property to make improvements after a fire.
3. The property was used as a base for farming operations prior to October 1976. A manufactured home has existed on site since shortly thereafter and is still 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. The parcel contains an existing farmstead as defined by the Zoning Ordinance.
6. *Staff Summary:* Mr. Raeder attests that this site was used as a Concentrated Animal Feeding Operation in 1976, however the house was added in later years. The zoning ordinance does not specify that an existing farmstead have a house on it prior to 1976 provided the site has been lived in within the last 50 years. The Board needs to determine whether a CAFO constitutes a "base of farming operations."
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/Board of Adjustment 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 October 26, 1976. If approved it should be done so on the condition that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

ITEM #2 (2) VARIANCES

Applicant/Owner: Penny Fisher and Mike Buszkohl

Property Description: a portion of SE1/4 of Section 20-T117N-R54W to be known upon platting Stan and Donna Buszkohl Addition located in the SE1/4 of Section 20-T117N-R54W, Codington County, South Dakota. (Richland Township)

Action Items – Variances – Existing farmstead exemption/minimum lot area (3.04.03.7.b), Minimum lot width (3.04.03.2).

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 farmstead is being split from the remaining farmland as part of an estate transfer.
2. The applicant seeks to retain building rights at the site of the existing farmstead located on the above property to make improvements after a fire.
3. The property has used as a base for farming operations and live in since prior to October 1976.
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. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
6. 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 October 26, 1976. If approved it should be done so on the condition that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

Applicant/Owner: Penny Fisher and Mike Buszkohl

Property Description: a portion of SE1/4 of Section 20-T117N-R54W to be known upon platting Stan and Donna Buszkohl Addition located in the SE1/4 of Section 20-T117N-R54W, Codington County, South Dakota. (Richland Township)

Action Items – Plat approval.

Zoning Designation: Agricultural

Request: Applicants seek to plat an 11.91 acre parcel required as a condition of granting

existing farmstead exemption.

ISSUE #2 DISCUSSION: ORDINANCE UPDATE DISCUSSION

The Codington County Board of Commissioners and Codington County Planning Commission will discuss which, if any, strategies to allow residential uses in the Agricultural District should be amended or added. If recommended by Planning Commission, staff will prepare draft amendments to accomplish the strategies recommended. Past discussions have included:

- Small town overlay district
- Amendment(s) to existing farmstead exemption
- Lot area exemption for sites issued building permit by previous administrative officials

Other options will be discussed as proposed by the Board at the meeting.

ISSUE #3 OPEN/ADMINISTRATIVE REPORT

ISSUE #4 EXECUTIVE SESSION