

Codington County Planning Commission/Board of Adjustment Minutes

May 18, 2020

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on May 18, 2020 via teleconference. Members of the Planning Commission/Board of Adjustment present were: Myron Johnson, Brenda Hanten, Mel Ries, 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, Patrick Lynch, Ryhan Durham, and Becky Goens.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 8:27 pm.

Motion by Johnson, second by Klatt, to approve the March 16, 2020 meeting minutes. Motion passed unanimously.

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

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

Motion by Hanten, second by Ries, to approve the shelterbelt setback variance request by Ryhan Durham. Property is located in all that part of the W469' lying S of Lot H-1, less the S692' in the NW1/4, Section 5-T117N-R53W. Durham would like to plant a row of trees 25' from and parallel to South Dakota Highway 20 right of way. Muller reviewed the Staff Report (attached) and noted that he received one call from a resident that does not support decreasing setbacks for trees from any roads in the county. Durham indicated that many of the pine trees in the existing shelterbelt are dead and need to be replaced. This shelterbelt is his major source of wind and noise break from the highway. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

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

Motion by Ries, second by Klatt, to recommend approval to the Board of County Commissioners the Plat of Raeder-Johnson Addition in the NW1/4 of Section 8-T117N-R53W. This is a condition to an existing farmstead exemption variance that was granted in February. Motion approved unanimously.

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

Patrick Lynch addressed the Board during the open session about considering developing a Solar Farm Ordinance to be permitted as a Conditional Use. This is another tool for landowners to generate income from their land. The Board advised Muller to look into

developing said Ordinance for the Board's review.

Muller discussed a recent manure leak by MoDak Dairy. While incorporating manure, a line tore and everything was shut down immediately so the leak was limited to what was already in the line. The landowner was notified and the issue was resolved. DENR has completed their investigation.

Motion to adjourn by Johnson, second by Hanten. Motion passed unanimously. Meeting adjourned at 9:08 pm.

Respectfully Submitted,

Becky Goens, Secretary

**MAY 2020
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 VARIANCE

Applicant/Owner: Ryhan Durham

Property Description: All that Part of the West 469' Lying South of Lot H-1, less the South 692' in the NW1/4 of Section 5-T117N-R53W, Codington County, South Dakota. (Lake Township)

Action Items – Variance – Shelterbelt Setback (South of right of way)

Zoning Designation: Agricultural

Request: The applicant seeks to plant a row of trees 25' from and parallel to SD HWY 20 right of way.

History/Issue(s):

1. Mr. Durham lives on the above described parcel.
2. Mr. Durham requests to one row of hybrid willow trees spaced at 20' between trees as a sound break/screening for residence along SD HWY 20.
3. Mr. Durham's building site includes trees surrounding the house.
 - a. He seeks to extend the tree line from the northwesternmost point of the trees along the and parallel to the highway.
4. The trees would not be placed less than 25' from the right-of-way and none would be located closer to the intersection of SD HWY 20 with 449th Avenue than the existing trees.
5. Shelterbelts are established in every direction except for west of this proposed row of trees.
6. Codington County Ordinance requires shelterbelts on the east side of a road to be at least 100' from the right-of-way; however variance may be granted if the following conditions are met:
 - a. An established treebelt is located within ½ mile to the (north)
 - b. Approval is granted from the (SDDOT)
 - c. No trees are planted closer than 50' north of the right-of-way.
7. In the past the Board has allowed trees to be planted less than 50' where unique circumstances such as approval by the road authority, replacement of existing shelterbelts, or unique spacing.
 - a. The applicant is planting ornamental trees at a spacing that would be allowed less than 50' from the right-of-way if he planted less than 10' in a row.
 - b. Planting greater than 30' from the right-of-way would result in the trees being placed over the property's drainfield.
8. It should be noted that the Board substantially modified a request west of the 449th (across the road) resulting in an effective denial of a variance parallel to 449th at the request of the township and neighbors.
9. Staff has received 2 inquiries, but no formal comments regarding this request at the time of this report.
10. Staff recommendation – Variance – ***Shelterbelt setback*** - Staff recommends approval of the request based upon the following findings:
 - a. Established shelterbelt are located south, northwest, and north of the proposed shelterbelt.

- b. Approval is based upon lack of objection from SDDOT
- c. No trees will be planted nearer to the intersection than already exist.

CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 PLAT

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

Property Description: Plat of Reader-Johnson Addition in the Northwest Quarter of Section 8-T117N-R53W of the 5th P.M., Codington County, South Dakota (Lake Township)

Zoning Designation: A-Agricultural District

Request: Plat a 5 acre lot to be used in accordance with Existing Farmstead Exemption.

ISSUE #2 OPEN/ADMINISTRATIVE REPORT

Patrick Lynch: Solar Ordinance

- Patrick Lynch has asked to address the Board for 5 minutes on the open to entice the Board to instruct the zoning officer to bring a solar ordinance for the Board to consider at its next meeting
- First District Staff has worked with neighboring counties over the last several years to complete a draft ordinance that we are comfortable working with as your zoning officer and could present that at future meeting(s) if the Board desires.

MoDAK Manure leak

Temporary Subdivision Ordinance

ISSUE #3 EXECUTIVE SESSION