

Codington County Planning Commission/Board of Adjustment Minutes

June 15, 2020

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on June 15, 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, Charles Rossow, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Matthew Jungers, Teresa Jungers, Lee Gabel, and Becky Goens.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 7:37 pm.

Motion by Johnson, second by O'Neill, to approve the May 18, 2020 meeting minutes. Motion passed unanimously.

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

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

Motion by Hanten, second by Ries, to approve the Conditional Use Permit request by Matt Jungers to operate an Extended Home Occupation/Butcher Shop on Teresa Jungers property located in SW1/4 of Section 25-T116N-R52W. Muller reviewed Staff Report (attached) and displayed a map of the applicant's property indicating the placement of the cooler. If approved, staff recommends the applicant sign a Letter of Assurance agreeing to the following conditions:

- 1) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 2) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".
- 3) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
 - a) A maximum of 16 square feet of sign area will be allowed.
 - b) Sign will be non-illuminated.
- 4) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of

parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.

- 5) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 6) All process wastewater and animal remains, blood, and viscera shall be disposed of in accordance with requirements of South Dakota Department of Environment and Natural Resources.
- 7) The slaughter and sale of animals shall be operated in accordance with the license issued by the South Dakota Animal Industry Board.
- 8) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

Per Jungers, it is anticipated that three hogs could be butchered at a time due to the size of the cooler. Chairman Fox read the Findings of Fact. There were no objections or questions. Motion by Klatt, second by Rossow, to add the amendment that only hogs raised by Mr. Jungers on his operation are to be butchered. Motion passed unanimously on the amendment. Motion on the Conditional Use Permit passed unanimously.

Motion by O'Neill, second by Ries, 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 Boydston Addition in the N1/2 of SE1/4, Section 30-T116N-R52W. Motion passed unanimously.

Muller presented a draft Solar Energy Systems ordinance. Following Board discussion, Staff was advised to proceed with a public hearing at a future meeting.

Motion by Hanten, second by Ries, to reconvene jointly. Motion passed unanimously.

Motion to adjourn by Johnson, second by Ries. Motion passed unanimously. Meeting adjourned at 9:10 pm.

Respectfully Submitted,

Becky Goens, Secretary

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

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE

Applicant: Matt Jungers / Owner: Teresa Jungers

Property Description: SW1/4 of Section 25-T116N-R52W, Codington County, South Dakota.
(Sheridan Township)

**Action Items – Conditional Use Permit – Extended Home Occupation (Butcher Shop)
(3.04.02.16)**

Zoning Designation: Agricultural

Request: Butcher and sell hogs raised on site.

History/Issue(s):

Specifics of Request:

1. Mr. Jungers was granted a Conditional Use Permit on September 27, 2017 to operate an 880 animal unit CAFO (swine)
2. Mr. Jungers currently lives on this property as an employee/family member of the farm owner/operator.
 - a. His mother owns the property and lives in the house on site.
3. The applicant seeks to hire an employee to butcher some of his hogs for now and potentially into the future in response to the meat packer shortage currently being experienced.
4. The processing will occur in a converted structure on the existing property.
5. He has provided documentation of consultation with SDDENR, SDDOR, and South Dakota Animal Industry Board.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed use in the A – Agricultural District
2. The Codington County Comprehensive Land Use Plan lists numerous considerations for Extended Home Occupations on pages 51-52, most of which are addressed in the zoning ordinance, others relating to policies of the Board in granting similar permits.
3. According to the Codington County Comprehensive Land Use Plan, Conditional Uses may only be denied if specific criteria for denying the permit can be identified.
4. Mr. Jungers does not intend to have more than three unrelated employees.
5. No on signs are planned at this time and no additional structures.
6. The sales occurring on the site are retail/wholesale of butchered meat (pork) from animals raised on site.
7. Live animals will live in the existing lot. Meat will be stored in a room custom built for meat storage.
8. Mr. Jungers plans to dispose of process wastewater at Watertown and/or Castlewood treatment plants.
9. Animal remains, blood, and viscera are planned to be collected by a rendering service.
10. No substantial need for additional parking is expected.

11. Traffic utilizing this site will be limited to delivery vehicles and an occasional customer for pick-up of final product.
12. Traffic is not expected to increase as a result of this operation.
13. 459th Avenue is a paved County Road and has capacity to serve this business.
14. It is not anticipated that any processes associated with the business will be noticeable by heat, glare, vibration, etc. on neighboring properties.
15. Compatibility of Adjacent Uses:
 - a. Codington County Comprehensive Land Use Plan explains General Compatibility with adjacent properties not as a justification for denial of a conditional use permit, but as justification for attaching conditions regulating the operation of a proposed use. Further ALL uses if listed as a conditional use are deemed compatible.
16. This property is not located in the Aquifer Protection District.

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (Butcher)** may postpone the request, deny the request or approve the request. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 9) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 10) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as “Blue Signs”.
- 11) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
 - c) A maximum of 16 square feet of sign area will be allowed.
 - d) Sign will be non-illuminated.
- 12) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 13) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 14) All process wastewater and animal remains, blood, and viscera shall be disposed of in accordance with requirements of South Dakota Department of Environment and Natural Resources.
- 15) The slaughter and sale of animals shall be operated in accordance with the license issued by the South Dakota Animal Industry Board.
- 16) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 PLAT

Applicant/Owner: Brian and Danica Boydston

Property Description: Plat of Boydston Addition in the North Half of the Southeast Quarter of Section 30, Township 116 North, Range 52 West of the 5th P.M., Codington County, South Dakota (Sheridan Township)

Zoning Designation: A-Agricultural District

Request: Plat a 12.46 acre lot to be used in accordance with Existing Farmstead Exemption. Transfer of existing Farmstead between Van Well and Boydston has been signed.

ISSUE #2 Solar Ordinance Review

Staff has included in the agenda packet an ordinance to be used as a basis for development of Solar Energy Systems. We will review this ordinance to see if the Board is ready to hold a public hearing at the next or other future meetings.

ISSUE #3 EXECUTIVE SESSION