

Codington County Planning Commission Minutes

May 16, 2022

The Codington County Planning Commission met for their monthly meeting on May 16, 2022 via teleconference and at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were Mel Ries, Mark O'Neill, Bob Fox, Myron Johnson, Brenda Hanten, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Board member Alex Kahnke joined via Zoom.

Others present were Becky Goens.

Chairman Fox brought the Planning Commission meeting to order at 8:15 pm.

Motion by Hanten, second by Ries, to approve the April 19, 2022 meeting minutes. Motion passed unanimously.

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

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

Motion by Johnson, second by Hanten, to approve the Conditional Use Permit request by Roland and Connie Fannin to create a 14.7 acre parcel at the site of an existing farmstead exemption. Property is in S250' E350' of SE1/4, Section 7-117-51 and NE1/4 less portion lying S & E of center line of 461<sup>st</sup> Avenue of NE1/4, Section 18-T117N-R51W. Fannin's would like to retain building rights at this site. Muller reviewed Staff Report (attached). No one was present to speak. Public hearing closed. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by O'Neill, to postpone the Conditional Use Permit request by Elka Rebekah Lamberson until the next meeting of June 27, 2022.

Motion by Ries, second by Kahnke, to recess the Board of Adjustment and convene only as the Planning Commission.

Roland and Connie Fannin are requesting to Plat Willow Run Addition in SE1/4 of Section 7-T117N-R51W, and NE1/4 of Section 18-T117N-R51W. Due to the section line, there will need to be a slight adjustment to the Plat prior to going before the Board of County Commissioners.

The Board was reminded of the change in the June meeting date. It will be June 27, 2022 at 9:00 am.

Motion to adjourn made by Johnson, second by Ries. Motion passed unanimously. Meeting adjourned at 8:34 pm.

Respectfully Submitted, Becky Goens

**MAY 2022  
CODINGTON COUNTY  
JOINT PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

**ITEM #1 CONDITIONAL USE PERMIT**

**Owner/Applicant: Roland and Connie Fannin**

**Property Description:** a 14.7 acre parcel S250' of the E350' of SE1/4, Section 7-T117N-R51W of the 5<sup>th</sup> P.M, Codington County, South Dakota, and NE1/4 less portion lying South and East of centerline of 461<sup>st</sup> Avenue of the NE1/4, Section18-T117N-R51W of the 5<sup>th</sup> P.M., Codington County, South Dakota to be known upon Platting as Willow Run Addition (Waverly and Kranzburg (N) Townships).

**Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)**

**Zoning Designation:** Agricultural

**Request:** The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description as an existing farmstead.

**History/Issue(s):**

1. The Applicant seeks to establish building rights at the site of an existing farmstead.
2. The property has remained a base for farming operations since prior to 1976 was lived in until recently.
3. 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.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation **(Conditional Use Permit) –Existing Farmstead Exemption-** 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 following conditions:
  - a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

**ITEM #2 CONDITIONAL USE PERMIT**

**Owner/Applicant: Ada Hemstock by Elka Lamberson (Power of Attorney)**

**Property Description:** West 72 Rods of the South 40 Rods of the Southeast Quarter, Section 11-T116N-R55W of the 5<sup>th</sup> P.M, Codington County, South Dakota (Henry Township).

**Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)**

**Zoning Designation:** Agricultural

**Request:** The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description as an existing farmstead.

**History/Issue(s):**

1. The Applicant seeks to establish building rights on the previously created (prior to 2004) 18-acre lot.
2. The property has remained a base for farming operations since prior to 1976 was lived in until recently.
3. 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.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation **(Conditional Use Permit) –Existing Farmstead Exemption**  
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 following conditions:
  - a. 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: Roland and Connie Fannin**

**Property Description:** Plat of Willow Run Addition in the SE1/4 of Section 7-T117N-R51W, and in the NE1/4 of Section 18-T117N-51W of the 5th P.M, Codington County, South Dakota (Waverly and Kranzburg (N) Townships).

**Action Items – Plat approval.**

**Zoning Designation:** Agricultural

**Request:** Plat a minimum 5 acre-lot in accordance with the order of the Board of Adjustment. Existing Farmstead Exemption was granted to the is property earlier in this meeting which allowed the creation of a minimum 5-acre lot.

**Special Note:** This lot straddles a section line. At the time of this report, staff is conducting a review of the property to determine whether that section line right-of-way has been vacated. If not, changes to the plat may be required.

**ISSUE #2 OPEN/ADMINISTRATIVE REPORT**

**ISSUE #3 EXECUTIVE SESSION (if Necessary)**