



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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**Minutes from the special joint meeting of Grant County Planning Board
and Grant County Commissioners October 18th, 2021**

Planning and Zoning Board members present: Mike Mach, Richard Hansen, Tom Pillatzki, Nancy Johnson, and Jim Berg.

Alternate(s) present: Don Weber

Planning Commission board members absent: Mark Leddy, John Seffrood, and alternate Jeff McCulloch

Grant County Commissioners present: Mike Mach, Bill Street and Bill Tostenson

Grant County Commissioners absent: Brian Buttke and Doug Stengel.

Others present: Todd Kays (First District) , Karen Layher (Grant County Auditor) and Steve Berkner (Grant County Planning Commission officer.)

Meeting Date: Monday, October 18th, 2021

Meeting Time: 4 P.M. In-person in basement of the Courthouse.

1. Vice Planning Commission chairwoman Nancy Johnson calls the Planning Commission meeting to order at 4:02 with a quorum of 6 board members.
2. Johnson asks for a motion to accept the agenda as presented. With no changes or amendments made Mike Mach makes a first to accept the agenda with James Berg making a second. Motion passes unanimously 6-0.
3. Johnson asks for any person attending the meeting who would like to make space on the agenda to speak on matters not on the agenda. With now one present Johnson yields the floor to County Commissioner Chairman Bill Tostenson.
4. Tostenson calls the County Commissioners 3-person quorum to order to join the Planning Commission joint meeting.
5. County Commissioner Tostenson asks for a motion for the Grant County Commissioners to approve their agenda of the joint public hearing and meeting with the Planning

Commission. Bill Street makes a first, followed by Mach's second. Motion passes unanimously 3-0.

6. Johnson following the agenda asks for a motion to except the Planning Commission minutes from September 13th. Motion made by Hanson with a second by Berg. Motion passes unanimously 6-0.
7. First District's Todd Kays instructs both the County Commissioners and the Planning Commission to independently bring both proposed ordinances, 2021-05 and 2021-06, to the table for both public discussion and consideration.

Tostenson then recognizes both a first and a second by County Commissioners Street and Mach to consider separately proposed ordinances 2021-05 and 2021-06.

Johnson accepts two separate motions to also separately consider proposed ordinance 2021-05 and 2021-06 with a first by Pillatzki and a second by Hansen.

Kays makes a presentation on proposed ordinance 2021-05, which fixes some problems with Section 251 of the county's zoning ordinance which; 1) limits permitted ownerships of a Manufactured Home (Type A or Type B) to no more than 15 years of age, 2) requires 100% signatures of all abutting property owners before permitting any second use residential dwelling, and 3) allow multiple residential dwellings near Class A CAFOs and defined what the maximum number of persons allowed in an Accessory Agricultural Housing.

Kays said that the changes being recommended is that that age limit for Manufactured Homes be increased to 20 years with an additional pathway to permit older Manufactured Homes if the applicant provides: 1) photographs of the "older" manufactured homes. 2) obtain 50% signatures of the abutting neighbors, and 3) complies with gas, electrical and construction requirements of Grant County. Those three items would then be considered by the Board of Adjustments through a Variance hearing.

A second change to section 251 would also allow for ANY second use, or greater, of any "moved in" residential dwelling, to be allowed by either: 1) obtaining at least 50% signatures of the permittee's abutting neighbors, or 2) the applicant would have the option to apply for a Conditional Use Permit (CUP) by presenting photos of the second use home along a CUP application.

The third change to proposed Ordinance 2021-05 is to officially allow multiple housing for Class A CAFOs, which until now have been errantly allowed by county staff for a variety of reasons.

Kays said if the proposed 2021-05 ordinance was adopted it would allow those Class A CAFOs that have accessory use multiple residential dwellings, that are part of their operations and are located within 5 miles from their operation boundaries, to continue to have them but the changed ordinance would require them by October 1st 2023 to apply for vesting for their existing multiple dwellings guaranteeing them any future building permits

to replace those units as well as give any new Class A CAFO the opportunity to apply for accessory use multiple residential dwellings at the time of their CUP application.

Kays explained that the proposed multi-dwelling ordinance change would also limit the maximum number of individual dwellings as well as limit the maximum number of persons allowed total in all combined housing for any Class A CAFO.

Those numbers for Class A CAFOs were:

<u>Number of Animal Units</u>	<u>Maximum Number of Dwellings</u>	<u>Maximum number of persons in Accessory Agricultural Housing</u>
<u>1,000 to 5,999 AU's</u>	<u>6</u>	<u>18</u>
<u>6,000 to 8,999 AU's</u>	<u>9</u>	<u>27</u>
<u>9,000 to 12,999 AU's</u>	<u>13</u>	<u>39</u>
<u>Over 13,000 AU's</u>	<u>16</u>	<u>48</u>

Kays said that for all Class A CAFO accessory agricultural dwellings that the applicant would have to provide documentation of compliance with the most recently adopted version of the International Building Code in accordance with SDCL 11-10-6 for any dwelling use with two (2) or more dwelling units.

After Kays presentation Johnson encouraged questions from the joint meeting commission members.

Mach asked if the changes being considered with proposed ordinance 2021-05 concerning new residential dwellings being moved in would be affected by the proposed changes and Kays responded that no first use moved in housing would be allowed with only a building permit as before.

Tostenson asked for clarification on why a CUP was needed for a second use moved in residence if 50% of the abutting neighbors didn't sign an agreement and compared to a Variance being needed if an older than 20-year-old Manufactured home and Kays responded that a Variance had a little higher standard to meet than a CUP which kept the proposed changes a little more in line with the original ordinance which also separated the two permitted uses.

Tom Pillatzki asked Kays for a definition of "Abutting" neighbor where Kays responded that it is defined by the South Dakota Supreme Court as a "lot line of a distance not a single point of intersecting corner lots."

Tostenson asked if there was a way to bring in already existing residential dwellings that are in non-compliance up to this point in time and Kays said they all have a legal right to stay where they are if they were given a building permit, even if it was in error, but any new permit for a different Manufactured Home to replace the old one will have to follow the new Ordinance. Kays said the same goes for any existing second use home.

The key point Kays stressed is that going forward all permits will have to be granted based on the new standard which overtime will bring those older non-conforming lots and their structures into conforming ones.

In closing of the public comments and presentation of proposed ordinance 2021-05 Zoning Officer Berkner read comments from Planning Commission members Mark Leddy and John Seffrood who were both absent.

Leddy's comments said he was satisfied with both ordinance changes as proposed.

Seffrood's comments were as follows

- A. I don't think an age limit is good or necessary. It inhibits investment in the property and promotes decay which ultimately leads to a disposal problem.
- B. Do we want mobile homes as starter homes in Grant County?
- C. Manufactured homes as Ag related employee housing in Agriculturally zoned Grant County should be an option.
- D. We need to promote proper placing and hook up of trailers in the county. This would include a proper anchor system, a good septic system, and an electrical inspection.
- E. Just like all residential housing, I do not think a manufactured home should be sighted in a shallow aquifer or environmentally sensitive area.
- F. Just like all residential housing, I believe the rights of Agriculture property should supersede the rights of the residential property in areas zone for agriculture. There should be no setbacks to development.

With no more questions of Kays on the changes proposed in 2021-05 discussion moved to possible changes to the ordinance as presented.

Tostenson suggested that the group use Seffrood's comments as a good way to review the changes proposed where Kays responded to each of Seffrood's comments as they would be affected by the new ordinance.

With no more questions Johnson called for a roll call vote to recommend to the County Commission the changes in proposed ordinance 2021-05. Vote was unanimous, 6-0.

Country Auditor Karen Layher read the changes to the zoning ordinance by title for the County Commissioners to accept and set the second reading for November 2nd of the new ordinance with Tostenson asking for motion which was followed by a first from Street and a second by Mach. Motion passed unanimously 3-0.

Johnson then opened the public meeting for discussion of proposed ordinance 2021-06 for the Planning Commission to consider which was followed by Tostenson for the County Commissioners to do the same.

Kays then presented the changes found in proposed ordinance 2021-06 which would make accepting simple plats an action by the county zoning official if it met the basic

qualifications standards accepted by the county which would speed up that process to a matter of days instead of it taking up to seven weeks to complete.

Kays presentation drew attention that in modern banking and land transactions time can be precious especially when you apply the shorter construction season we have. Kays said recently the state legislature made it possible for counties to speed up the sub-division process if it meets local government size, width and ingress and egress standards.

Kays explained that this proposed ordinance change follows the spirit of that new law when it concerns simple plat requests of no more than two lots and no new roads which those would have to go through the longer process.

Kays stressed that in all of his years of working with local governments he has seen no problems with accepting simple plats and in this age of the general public asking for speedier and more efficient government this change makes sense and also allows petitioners the chance to close a land sale quicker and move up construction time schedules.

Administratively if you have any concerns, you can also ask for including both the County Commissioner and Planning Commission chairs to be part of the process to review the plat change. This moves some of the concerns that you may have for any one administrative official of making a mistake, but it becomes a required administrative action not one that is in the proposed ordinance change.

Mach asked for clarification on how quick the process can be where Kays responded that if all of the regular signatures are obtained from the applicant, treasurer, equalization and road authority (county or township if required) and the planning commission officer it can be recorded that day.

Kays said that right now the county ordinance requires that the Planning Commission and the County Commissioners review and accept the plat during their regular meeting schedules that if a deadline or meeting is missed can take up to 7 weeks if not more.

Kays emphasized again that these are simple plats not anything that requires Conditional Use Permits, roads or Variances.

Tostenson made the point that he thought elected officials should have a chance to put eyes on plat changes that may effect their district emphasizing that recent referendums in the county seem to indicate the public wants their local government involved in matters like these.

Tostenson said he would like to draw attention to the fact that he would like to have a deeper discussion with all five commissioners present to make sure we are going in the right direction with this type of ordinance changes and may make some changes if we see fit during the second reading of the proposed ordinance.

Tostenson said that he feels its important that County Commissioners are at least informed on what is happening with plating changes so we can respond in advance if something

doesn't seem right. Tostenson closed his comments that he would like to make sure that a shorter administrative process at least includes at least one county commissioner to review.

Kays said that Tostenson's concerns, or any other changes that the County Commissioners deemed necessary, could be added during the second reading of both proposed ordinances if necessary.

Following Kays comments, and with no further discussion, Pillatzki amend his previous first to accept proposed ordinance 2021-06 and Hansen also amended his previous second to the motion.

Johnson calls for the roll call vote to recommend to the county commissioners' ordinance 2021-06 which passes unanimously 6-0.

Layher then read by title proposed ordinance 2021-06 as amended for the County Commissioners to accept and have the second reading on November 2nd. Mach made the first and Street made the second. County Commission roll call vote was unanimous passing 3-0.

Tostenson asked to close the County Commissioners portion of the joint meeting after a motion by Mach and a second by Street which passed 3-0.

8. After conclusion of the two proposed ordinance changes Kays leads discussion on the Comprehensive Land Use Plan which centered on discussion of increasing the minimum platted lot size up from 2 acres for Residential Development.

Pillatzki commented that he thought 5 acres may be to big but agreed with both Tostenson and Mach that 2 acres was too small once accessory buildings are considered.

Kays added that ingress and egress access points are also a concern with smaller platted lots and that State and US Highway access are already very restricted with deeper Right-of-Ways and required distance between driveways.

Kays also introduced the use of Planned Developments in subdivisions as a way to allow smaller 1 or 2 acre lots if that's what the county wanted but that would require a strict use of frontage or access roads which can be accomplished with a developer creating a minimum of 5 or more buildable lots at a time. Kays also thought that strip development alongside highway frontage should be discouraged where a more orderly design should be encouraged that has to use it own interior private road that branches off to each buildable lot.

According to Kays Planned Developments can also be restricted to being closer to towns that also have more of the services that strictly residential living expects. Kays also added that restrictions for those type of developments to consider introducing high- and low-density areas restricting the amount of residential lots per section or quarter based on

other agriculture activities that can be limited with required setback to existing residential housing (which was a concern earlier in the meeting brought up in Seffrood's comments.)

Tostenson thought that it was the county's responsibility to encourage residential development closer to towns and that residential development should at least be discouraged in the more remote areas of the county. Tostenson also thought more consideration should be made to making sure that high density residential development don't occur over shallow aquifers.

Johnson added that she thought it was time that the county considers the idea of high and low density rural residential development.

Pillatzki commented that he wanted to see exception made for permitting residential housing in areas of abandoned farm sites that already have established driveways and shelterbelts and possible other accessory building that could be rehabilitated.

With no further comments or discussion Kays said he planned on having these type of residential housing revisions, along with other areas discussed at earlier meetings, added to the county's Comprehensive plan to be ready for consideration sometime during the first part of next year.

9. With no more business to consider Johnson asks for a motion to adjourns the Grant County Planning Commission.

Board member Berg made the motion to adjourn, Mach made the second. Vote carries unanimously 6-0.

Meeting ends at 5:45.

Steve Berkner
Planning and Zoning Administrator
Grant County