

October 18, 2021

The Grant County Commission met at 4 PM in a special joint meeting with the Planning Commission. Commissioners Mach, Street and Tostenson were present. Absent were Commissioners Buttke and Stengel.

Chairman Tostenson called the meeting to order with a quorum present and asked for a motion to approve the agenda. Motion by Street and seconded by Mach to approve the agenda. Chairman Tostenson called for a roll call vote. Street aye, Mach aye and Tostenson aye. Motion carried 3-0.

Staff member present was Planning and Zoning Officer Steve Berkner. Attending by video conference was Todd Kays from First District. No members of the public were present in person or through teleconference.

**Joint Hearing:** The joint public hearing was held with the Planning Commission. Members present from the Planning Commission were Mike Mach, Nancy Johnson, Richard Hansen, Tom Pillatzki, Don Weber, and James Berg. The purpose of the joint hearing was to hear public testimony on proposed Ordinance 2021-05 and 2021-06.

Chairman Tostenson opened the joint public hearing for ordinance 2021-05 on behalf of the Board of County Commissioners and asked for a motion and a second to approve Ordinance 2021-05. Motion by Street and seconded by Mach to approve Ordinance 2021-05. Chairman Tostenson asked for a motion and a second to approve Ordinance 2021-06. Motion by Mach and seconded by Street to approve Ordinance 2021-06. The two ordinances are on the floor for discussion.

Planning Commission Vice-Chairman Johnson asked Todd Kays, Executive Director of First District to provide an overview of Ordinance 2021-05.

Kays read the title of Ordinance 2021-05 explaining this would change some definitions and general requirements in the county zoning ordinance to streamline the process for aged, manufactured homes and multiple dwellings on a CAFO. The first change in Section 251 is a change from 15 to 20 years on the age of a manufactured home allowed to be moved into the County or the applicant could apply for a variance for an older manufactured home by submitting a photograph of the home, with verification that all gas, electrical, and plumbing requirements have been met and obtain signatures from 50% of abutting landowners. The second

change is for multiple housing units onsite or located close to the dairies. The current ordinance does not allow multiple family dwellings. The proposed change to the ordinance would be to allow for accessory ag housing and shared dwellings through a conditional use permit. Under a new section entitled Section 218 the current CAFO owner would have until October of 2023 to get permits approved for present housing units. The housing cannot be more than five miles from the dairy and will require two acres of land per dwelling.

P & Z member Mach asked for clarification on homes moved in. He asked if this ordinance refers to used homes and not new homes, going from 100% to 50% of the abutting landowner signatures. If the 50% of signatures cannot be obtained, then the applicant could apply for a conditional use permit. Chairman Tostenson asked if one landowner owned all the land around the dwelling site, could a CUP be applied for through P & Z. The answer is yes. He also asked how a non-conforming residence would be brought up to the current ordinance requirements. This would be done when a building permit is requested for an additional on-site building such as a shed.

P & Z Officer Steve Berkner reported that he had received an email from Mark Leddy stating he agreed with the proposed ordinance amendments. Board member John Seffrood had submitted responses on mobile homes in an ag district and the email was entered into the Planning Commission minutes.

With no members of the public offering any comments, Vice-Chairman Johnson closed the public portion of the joint hearing for Ordinance 2021-05 for the Planning Commission. Chairman Tostenson closed the public portion of the joint hearing for Ordinance 2021-05 for the County Commissioners.

Planning Commission Vice-Chairman Johnson stated now is the time for the two boards to begin their discussion. Chairman Tostenson asked for John Seffrood's email points to be read again and asked for clarification from Todd on how the present and the proposed ordinance relates to his comments and questions.

The Planning Commission approved a motion to send Ordinance 2021-05 to the County Commission as presented.

Chairman Tostenson stated the Board of County Commissioners will now have the first reading by title of Ordinance 2021-05 by title only with the Auditor reading the title. Auditor Layher read the title: **ORDINANCE NO. 2021-05, AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II**

**“DEFINITIONS”, ARTICLE XI “ZONING DISTRICTS, AND ARTICLE XII “GENERAL REQUIREMENTS, ADOPTED BY ORDINANCE 2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF GRANT COUNTY.**

Motion by Street and seconded by Mach to acknowledge the first reading of Ordinance 2021-05 by title only and to set November 2 at 9:30 AM for the second reading. Chairman Tostenson called for a roll call vote. Street aye, Mach aye and Tostenson aye. Motion carried 3-0. The ordinance will be available at the Auditor’s office and the County’s website.

**Joint Hearing:** Planning Commission Vice-Chairman Johnson asked Todd Kays, Executive Director of First District to provide an overview of ordinance 2021-06.

Kays explained the current plat process takes between four to seven weeks to move through the Planning Commission and the County Commission for their approval. Sometimes this can cause a delay in closing on the transfer of property. Or with a short construction season, this may also cause a problem. SDCL 11-3-6 allows counties to appoint an administrative official to approve plats on behalf of the Planning Commission and the County Commission. This statute only allows for the platting of one parcel out of the parent parcel, hence creating two parcels and cannot involve the creation of a new road. The plat must meet the plat requirements of the ordinance. Kays explained an administrative rule could be created to allow the Zoning Officer and the Chairman of each board to review the plats before the Zoning Officer approves the plat.

Questions from the Planning Commission were if a public hearing is required for a plat. No hearing is currently required. Another question asked was if the Planning Commission would be informed of the plats approved by the Zoning Officer. This would be part of the monthly report provided to the Board like the building permits. A clarification was made on the timeline on accepting a plat to go through the present process. A plat can be accepted up to the time of publishing the Planning Commission agenda provided the plat documents are in correct form and the required signatures are on the documents.

Chairman Tostenson asked to address the Planning Commission. He stated it is important for the Commissioner to review a plat that is being considered within their district, before it is approved. The local citizens, through the referral process, have indicated they want the Commission to be involved with what is happening in the County. He stated transparency is good in government. Finally, the citizens

need to be aware of the timeline for plats and plan for the time it takes for the plat process.

Kays stated these same concerns have been voiced in other counties who have reviewed or changed their plat process. He suggested the Planning Commission could amend the proposed ordinance before sending it to the Commission for their consideration. The proposed change could be added under Section D, Item 1a, number iii to read as follows “Prior to approval, the Administrative Official is required to consult with the Chair of the Planning Commission and a County Commissioner.” The Planning Commission approved the amendment and recommended sending the amended Ordinance 2021-06 to the Commission for their consideration.

With no members of the public present to offer any comments, there was no need for a public comment period.

Chairman Tostenson stated the Board of County Commissioners will now have the first reading by title of Ordinance 2021-06 by title only with the Auditor reading the title. Auditor Layher read the title: **ORDINANCE NO. 2021-06 AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II “SUBDIVISION PLANS IN GENERAL” ADOPTED BY ORDINANCE 2004-02, AS AMENDED, OF THE SUBDIVISION ORDINANCE OF GRANT COUNTY.**

Motion by Street and seconded by Mach to acknowledge the first reading of Ordinance 2021-06 by title only and to set November 2 at 9:30 AM for the second reading. Chairman Tostenson called for a roll call vote. Street aye, Mach aye and Tostenson aye. Motion carried 3-0. The ordinance will be available at the Auditor’s office and the County’s website.

The Chairman called for public comment. There were not any comments.

It is the policy of Grant County, South Dakota, not to discriminate against the handicapped in employment or the provision of service.

The next scheduled meeting dates will be October 19 and November 2 and 16, 2021, at 8 AM. Motion by Mach and seconded by Street to adjourn the meeting. Chairman Tostenson called for a roll call vote. Mach aye, Street aye and Tostenson aye. Motion carried 3-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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William J. Tostenson, Chairman, Grant County Commission