

# CAFO and Residential Development in Codrington County

*Todd Kays: Executive Director , First District  
Association of Local Governments*

*Luke Muller: Senior Planner, First District  
Association of Local Governments; Codrington  
County Zoning Officer*

# Overview

- **Process outline**
- **Legal Basis for Zoning**
- **Codington County history and philosophy regarding rural land development.**
  - **Policies**
  - **History**
- **Residential Development Questions**
- **CAFO Development/Regulatory Questions**

# Process

- April 2017 – started public information meetings
  - Wind Towers, Feedlots, Residential Development
- Ordinance 67
  - Administrative Section
  - Adopted April 2018
- Ordinance 68
  - Adopted June 2018

# Feedlot Residential Review Process

- Review Process for meeting
  - This will be discussion by both CC and PC but final decision is of the PC at this stage
- Review producer survey
- Review public survey
- Review policies and strategies and why they are there
- Discuss whether policies are wrong
- Discuss whether rules match policies
- Discuss “goals” for rules by Board members  
(below are some previously described ones)

# Feedlot/Residential Review Process: Public Involvement

- Issue Identification:
  - Primarily occurred in 2017 at meetings that Spring and Summer
- Surveys and comments:
  - Online and mailed surveys and comments were gathered until 1/1/2018
- Written comments for work sessions
- Public Hearing prior to adoption

# Feedlot/Residential Review Process: Public Involvement

## – Work Session comments:

- Written Comments ONLY

- The policy/rule of \_\_\_\_\_ is good because \_\_\_\_\_
- The policy/rule of \_\_\_\_\_ is *bad*\* because \_\_\_\_\_  
and should be changed to \_\_\_\_\_

*\*good, bad, inadequate, insufficient, too general, too relaxed, etc...*

- Will be accepted in accordance with rules for written testimony
  - Board members are human and may not be able to read every 200 page thesis 3 days before a meeting

# What is the legal basis for Agricultural Land Use Policy in Codrington County?

- **Early Years (Pre- 1997)**
  - **1973 – Land Use Plan**
  - **1974 – First County Zoning Ordinance**
  - **1976 – 35 Acre Residential Development Rule**
  - **1993 – Ordinance Amendments**
- **Current (Post 1997)**
  - **Comprehensive Land Use Plans (1997 & 2012)**
  - **Zoning Ordinance Major Amendments (1997, 2001 & 2006)**
  - **Re-Adoption of 2006 Rules (2016 - 2017)**
    - **Referral/Upheld by public vote**

# **Agricultural/Residential Development Policies Summarized**

- **The rural areas of Codrington County are reserved for agricultural uses - Ag is the preferred use.**
  - **Residential Policies**
    - **The County tolerates people living in the country as long as those people can tolerate modern agricultural production practices (crop and animal)**
      - 35 acre lot requirement
      - Ag Easement
      - CAFO Waiver
  - **Commercial/Industrial Policies**
    - **Non-Ag related commercial/industrial development encouraged in communities**

# **Agricultural/Residential Development Policies Summarized**

- **The rural areas of Codrington County are reserved for agricultural uses - Ag is the preferred use.**
  - **Crop and Animal Policy Policies**
    - **Agricultural Development County views agriculture as economic development**
    - **Primary intent of Agricultural Policies and Regulations is to provide opportunities for existing producers**
      - **Unintended consequence may be opening doors for new operations with or without ties to the area**
      - **If a producer is improving environmental systems – Permits are generally granted**

# Current Policies: Residential Development

## RESIDENTIAL DEVELOPMENT

2012 Comprehensive Land Use Plan (Page 46)

In order to **maintain an agriculturally based community where conflicts with agricultural practices are reduced** and in order to **maintain the quality of the lakes within the county so they are viable**, it is the goal of Codington County to **encourage the expansion of residential development primarily in existing incorporated communities, unincorporated villages, sanitary sewer districts and in those rural areas in which the residential development is supportive of agricultural operations.**

## Policies

- Non-farm residential development should take place at locations that minimize public infrastructure costs and potential agricultural/residential conflicts, and promote safety.
- Restrict the density of residential uses and encourage higher development densities to the municipalities (incorporated and unincorporated) and sanitary sewer districts.
- Preserve and protect the agricultural productivity of rural land by restricting the development of non-farm residential sites.
- Scattered non-farm residential developments shall be discouraged.
- Pedestrian and traffic safety, infrastructure capacities, environmental impacts, and adjacent land uses should be considered in evaluating residential development proposals.
- Public services and facilities shall be provided at a level sufficient to meet the needs of a low-density agricultural population only.
- Within the framework of zoning when small lot developments are proposed, every effort should be made to cluster residential uses and limit driveway approaches onto arterial and collector roads.
- *Identify policies for certain types of residential land uses permitted in the unincorporated areas of Codington County which protect agricultural land uses.*
- *Identify areas and conditions for residential development density to exceed one residence per quarter-quarter section which are compatible with the goals and policies of this plan.*

# Current Policies: Development Stability

## Areas of Development Stability

2012 Comprehensive Land Use Plan (Page 39-40)

Areas identified for development stability or agricultural uses shall be managed in such a way as to **promote [agricultural] uses and prevent premature intensification of other land uses**. Land in this area shall be **regulated** so as **to limit non-farm residential and urban density development** through the use of minimum lot sizes, residential density requirements, setbacks, and other regulations.

## Agricultural Preservation Policies

- The premature development of agricultural land should be discouraged.
- Discourage development patterns that require public improvements financed in part by the farming community but which are not necessary to support agriculture.
- Best management land practices must be employed to protect valuable agricultural land, soils, water supplies, as well as other amenities.
- Preserve agricultural lands and protect the rural area from uses which interfere with and are not compatible with general farming practices. This may include the use of Agricultural easements, and Concentrated Animal Feeding Operation waivers, or exemptions to setbacks from Concentrated Animal Feeding Operations for certain development exceeding a residential development of one residence per quarter-quarter.
- Recognize and improve upon regulations which have a negative impact on farming operations.
- Promote development patterns which will avoid producing inflated agricultural land values.
- When considering future land use decisions, the preservation of agricultural land should be of significance.
- Identify policies for the permitting of non-agricultural land use which protect agricultural land uses.

# History of Large Lot (low density) Zoning

- Before the 35-Acre Rule
  - Strip development became common adjacent to state highways and utilizing township roads (Elmira, Sheridan, Pelican and Lake Townships)
  - Concentrations of development (septic tanks) over the shallow aquifer
- Comprehensive Zoning in Codrington County

August 6, 1973:

Adoption of First Comprehensive Land Use Plan

June 18, 1974:

Adoption of Zoning Ordinance required minimum lot area of 2 acres

October 26, 1976:

Amendment of Zoning Ordinance to require Minimum 35-Acres per residence in Ag District.

# History of Large Lot (low density) Zoning

- Why?
  - Brought to the county by the Townships – Elmira, Lake, Pelican and Sheridan
  - Non-farm Small Lot Residential Development Issues
    - Conflict with agricultural development
      - CAFOs, Farming Practices
    - Impact on roads/Provision of services
      - Degradation of roads
      - Increased Cost
      - Snow removal
    - Aquifer Protection
      - Lack of Rural Water
      - Impact to Aquifer due to concentration of septic systems
      - Provision of utilities

# Purpose of Large Lot (low density) Zoning

- Purpose of the Ag District
  - “to preserve open space and maintain and promote farming and related activities within an environment which is generally free of other land use activities. Residential development will be discouraged to minimize conflicts with farming activities and reduce the demand for expanded public services and facilities.” *Zoning Ord. Sec. 3.03.01.3*

# Reasons for Large Lot (low density) Zoning

- Residential uses declared incompatible and thereby discouraged in the area of Development Stability (Ag District)
- Control access along county and state highways
- Reduce traffic on township roads and maintenance costs of those roads
- Reduce residential density over wellhead area/shallow aquifer
- Reduce conflict between agricultural and non-farm residential uses
- Unable to meet expectations of provision of services for high densities of people
  - Water
  - Fire/Police Protection
  - Road Maintenance/Snow Removal

# Reasons for Large Lot (low density) Zoning

- Residential uses declared incompatible and thereby discouraged in the area of Development Stability (Ag District)
- Control access along county and state highways
- Reduce traffic on township roads and maintenance costs of those roads
- Reduce residential density over wellhead area/shallow aquifer
- Reduce conflict between agricultural and non-farm residential uses
- Unable to meet expectations of provision of services for high densities of people
  - Water
  - Fire/Police Protection
  - Road Maintenance/Snow Removal

# Advantages of Large Lot (low density) Zoning

- Preserves most of the county for Ag related residences and uses
- Discourages short term residences
- Limits residential traffic on Township Roads
- Limits septic tank density over the shallow aquifer
- Maintains adequate highway/access spacing
- Minimizes likelihood of rural/urban conflicts
- Preserves integrity of municipal planning areas
  - Enhances the viability of communities that have invested in necessary infrastructure to support residential development

# Arguments against Large Lot (low density) Zoning

- Hard to afford 35-acre lot
  - Policy Point – Yes, the cost of 35 acres was proportionally high in 1976 and is high today. It is consistent with the purpose and intent of the district
- Splits up each  $\frac{1}{4}$  section into 4 “40’s” potentially taking more land out of Ag use if fully developed
  - Policy Point – Practical application has not led to this over the past 34 years, but potential is there if full residential density is achieved.

# Arguments against Large Lot (low density) Zoning

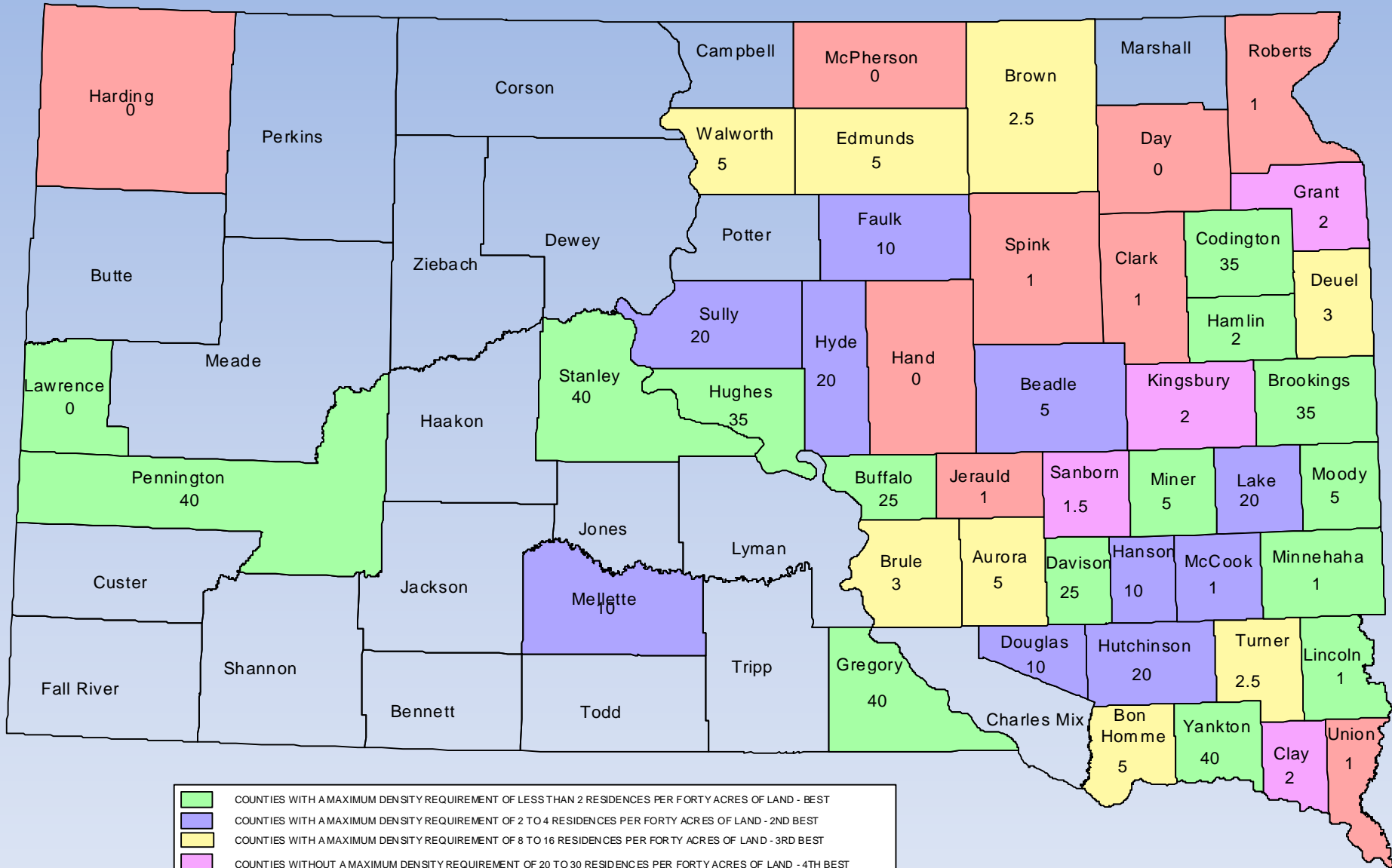
## ◎ Limits Revenue

- Building Permit revenue
  - Policy Point – BP revenue is a one time “shot in the arm” and does not pay for services necessary to sustain higher density over time.
- Limits property tax for school district and potential “per student” funding for schools
  - Policy Point – Assuming each planned lot would be used for families anticipating on using local school, this point is true. However, there are other ways to increase the number of students in small schools such as: municipal residential development, higher birth rates, and open enrollment
  - Policy Point – While school districts would likely benefit from having more families living in rural parts of the county, costs of providing benefits and services to increased residential density (road construction and maintenance, emergency services, etc) and expectations for those services increase. School vitality, while a piece of the puzzle, is not the only piece of the puzzle.
  - Policy Point – in the area 1<sup>st</sup> District works with only Brookings and Codington County have minimum lot sizes of 35 acres (see next slide). These counties also have the most viable/sustaining small towns with slower decreases and even increases in population.

# Arguments against Large Lot (low density) Zoning (Taxes)

| <b>Township</b> | <b>Mill Levy</b> | <b>\$ 100,000.00</b> | <b>\$ 250,000.00</b> | <b>\$ 500,000.00</b> | <b>\$ 750,000.00</b> |
|-----------------|------------------|----------------------|----------------------|----------------------|----------------------|
| Dexter          | 0.11             | \$ 11.00             | \$ 27.50             | \$ 55.00             | \$ 82.50             |
| Richland        | 0.157            | \$ 15.70             | \$ 39.25             | \$ 78.50             | \$ 117.75            |
| Kranzburg       | 0.169            | \$ 16.90             | \$ 42.25             | \$ 84.50             | \$ 126.75            |
| Leola           | 0.174            | \$ 17.40             | \$ 43.50             | \$ 87.00             | \$ 130.50            |
| Rauville        | 0.191            | \$ 19.10             | \$ 47.75             | \$ 95.50             | \$ 143.25            |
| Eden            | 0.21             | \$ 21.00             | \$ 52.50             | \$ 105.00            | \$ 157.50            |
| Graceland       | 0.213            | \$ 21.30             | \$ 53.25             | \$ 106.50            | \$ 159.75            |
| Fuller          | 0.227            | \$ 22.70             | \$ 56.75             | \$ 113.50            | \$ 170.25            |
| Germantown      | 0.234            | \$ 23.40             | \$ 58.50             | \$ 117.00            | \$ 175.50            |
| Kampeska        | 0.287            | \$ 28.70             | \$ 71.75             | \$ 143.50            | \$ 215.25            |
| Elmira          | 0.296            | \$ 29.60             | \$ 74.00             | \$ 148.00            | \$ 222.00            |
| Phipps          | 0.298            | \$ 29.80             | \$ 74.50             | \$ 149.00            | \$ 223.50            |
| Sheridan        | 0.352            | \$ 35.20             | \$ 88.00             | \$ 176.00            | \$ 264.00            |
| Henry           | 0.355            | \$ 35.50             | \$ 88.75             | \$ 177.50            | \$ 266.25            |
| Pelican         | 0.38             | \$ 38.00             | \$ 95.00             | \$ 190.00            | \$ 285.00            |
| Waverly         | 0.436            | \$ 43.60             | \$ 109.00            | \$ 218.00            | \$ 327.00            |
| Lake            | 0.438            | \$ 43.80             | \$ 109.50            | \$ 219.00            | \$ 328.50            |
| <b>County</b>   | <b>Mill Levy</b> | <b>\$ 100,000.00</b> | <b>\$ 250,000.00</b> | <b>\$ 500,000.00</b> | <b>\$ 750,000.00</b> |
|                 | 3.165            | \$ 316.50            | \$ 791.25            | \$ 1,582.50          | \$ 2,373.75          |

# MAP 44 RESIDENTIAL DENSITY REQUIREMENTS



|  |  |
|--|--|
|  | COUNTIES WITH A MAXIMUM DENSITY REQUIREMENT OF LESS THAN 2 RESIDENCES PER FORTY ACRES OF LAND - BEST     |
|  | COUNTIES WITH A MAXIMUM DENSITY REQUIREMENT OF 2 TO 4 RESIDENCES PER FORTY ACRES OF LAND - 2ND BEST      |
|  | COUNTIES WITH A MAXIMUM DENSITY REQUIREMENT OF 8 TO 16 RESIDENCES PER FORTY ACRES OF LAND - 3RD BEST     |
|  | COUNTIES WITHOUT A MAXIMUM DENSITY REQUIREMENT OF 20 TO 30 RESIDENCES PER FORTY ACRES OF LAND - 4TH BEST |
|  | COUNTIES WITH A MAXIMUM DENSITY REQUIREMENT OF 30 TO 40 RESIDENCES PER FORTY ACRES OF LAND - 5TH BEST    |
|  | NO ZONING ORDINANCE  |
|  | FREQUENCY RANGE: 1 RESIDENCE PER 0 TO 40 ACRES   |
|  | MEDIAN AVERAGE: 1 RESIDENCE PER MINIMUM OF 7.5 ACRES   |

\* The number in each county represents the minimum lot size per residence.

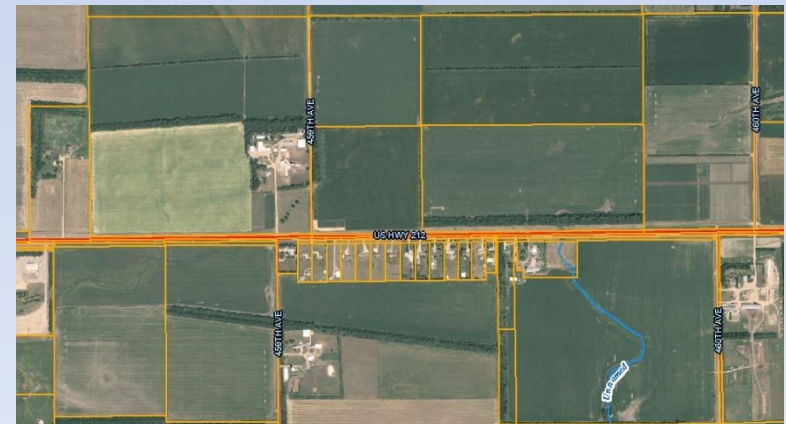
# Exceptions to the 35 Acre Rule in Codington County

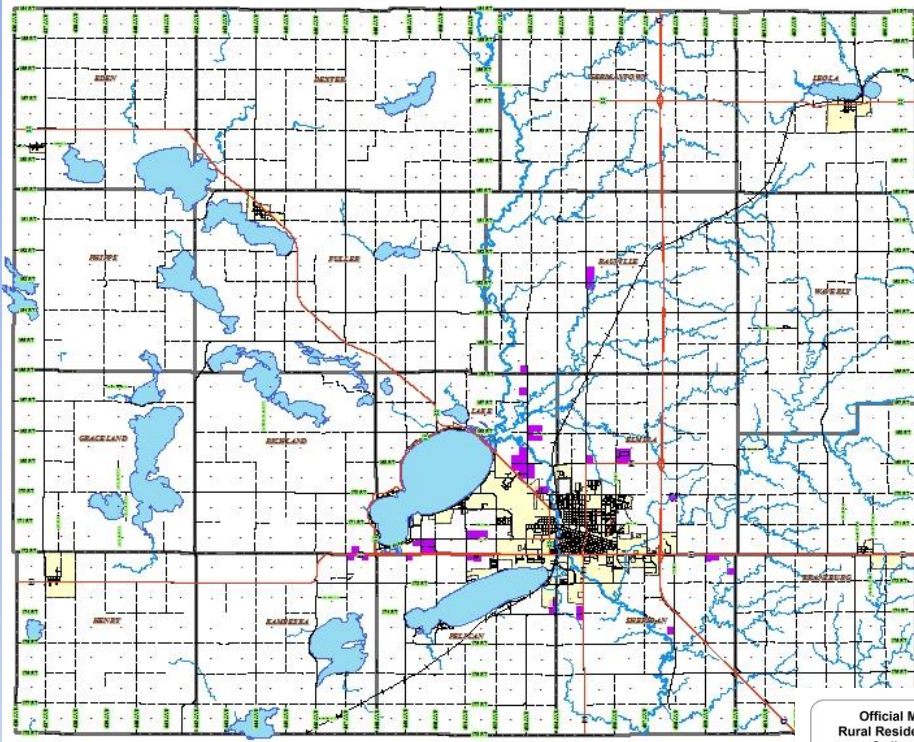
## ⦿ Non-Conforming Lots

- Lots which were created (legal description existed) prior to October 26, 1976.
- Examples:
  - School Sites
  - Plats

## ⦿ Planned Residential Development District

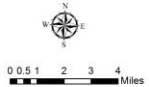
- Subject to special consideration regarding road construction and maintenance, provision of services, location in relation to the shallow aquifer, density.
- Northwoods is the only current example, however other developers are considering the creation of PRD's right now in Codington County.





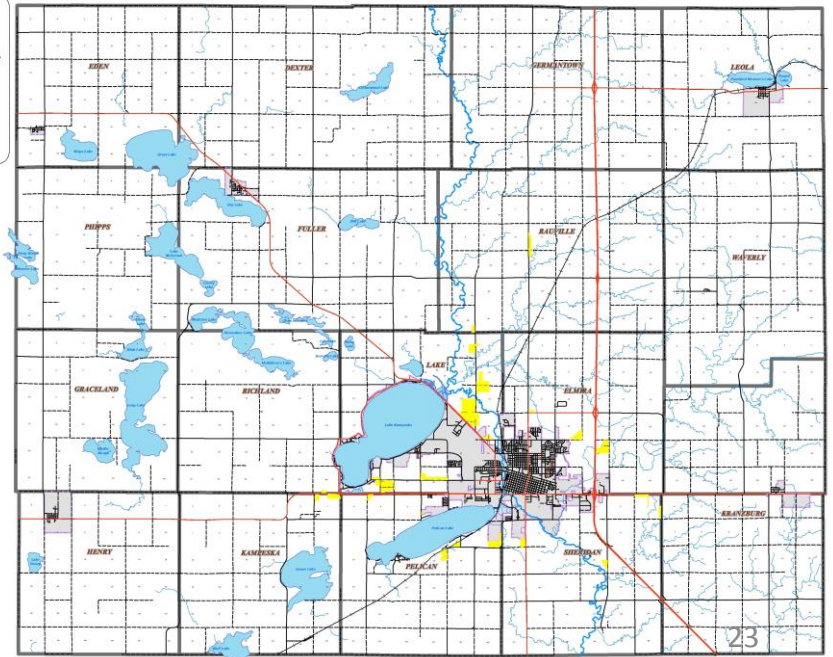
**Official Map of the Rural Residential District Ordinance #55**  
**Date of Adoption: May 20, 2014**

- Municipal Boundaries
- "RR" Rural Residential District
- Concrete Road
- Asphalt Road
- Gravel Road



Number of Lots by Section in the "RR" Rural Residential District  
 (See attached table for full legal descriptions - October 22, 2012)

| Section-Township-Range | Number of Lots |
|------------------------|----------------|
| 17-11.17N-85.23W       | 8              |
| 21-11.17N-85.23W       | 14             |
| 1-11.16N-85.30W        | 13             |
| 1-11.17N-85.33W        | 2              |
| 2-11.17N-85.33W        | 9              |
| 12-11.17N-85.33W       | 11             |
| 13-11.17N-85.33W       | 13             |
| 14-11.17N-85.33W       | 26             |
| 23-11.17N-85.33W       | 21             |
| 24-11.17N-85.33W       | 22             |
| 32-11.17N-85.33W       | 52             |
| 33-11.17N-85.33W       | 1              |
| 34-11.17N-85.33W       | 22             |
| 4-11.16N-85.33W        | 2              |
| 5-11.16N-85.33W        | 10             |
| 11-11.16N-85.33W       | 26             |
| 15-11.16N-85.33W       | 5              |
| 17-11.18N-85.23W       | 13             |
| 20-11.18N-85.23W       | 7              |
| 35-11.18N-85.23W       | 7              |
| 36-11.18N-85.23W       | 4              |
| 1-11.16N-85.23W        | 23             |
| 7-11.16N-85.23W        | 14             |
| 14-11.16N-85.23W       | 1              |
| 15-11.16N-85.23W       | 9              |
| 18-11.16N-85.23W       | 2              |



# Rural Residential District

# Exceptions to the 35 Acre Rule in Codrington County

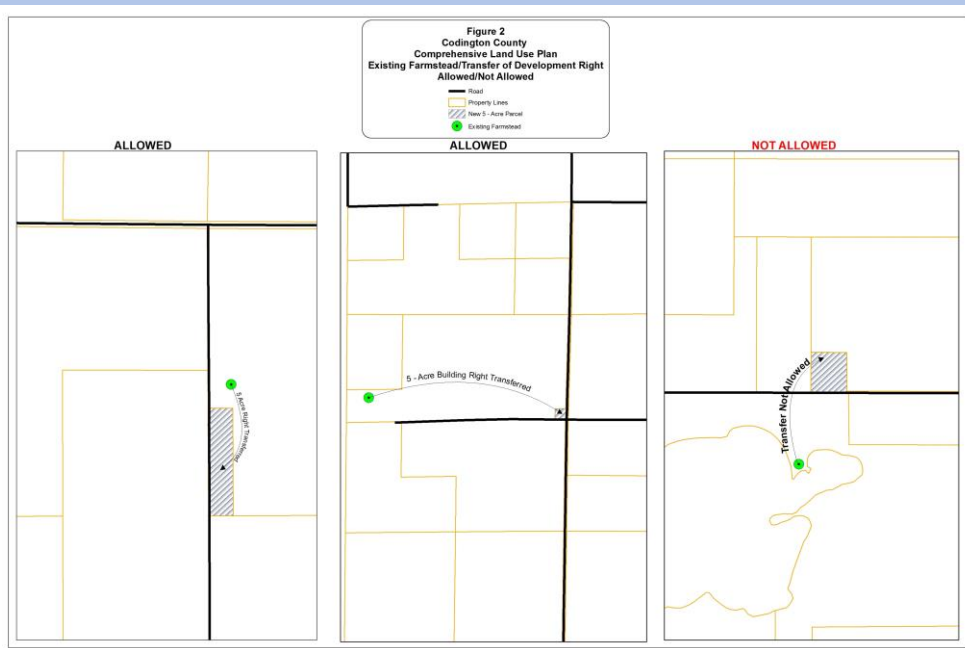
## Existing Farmstead Exemption

### Option A

- 1 Additional home may be allowed on an existing farmstead as long as the occupant is either a family member or engaged in the day-to-day farming operation. The house has to be removed if the occupant is not involved in the operation

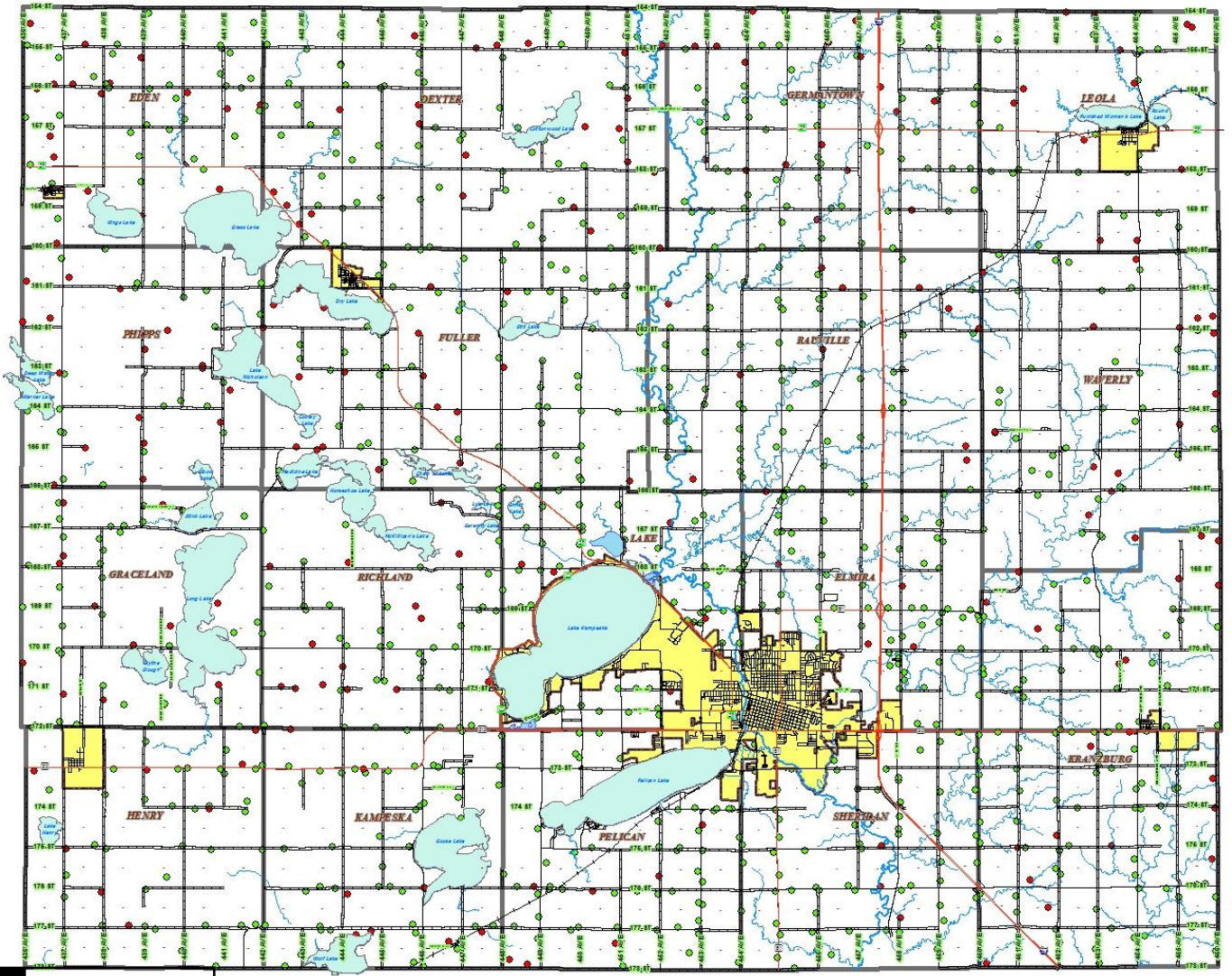
### Option B

- A minimum five acre parcel may be created surrounding an existing farmstead (in existence prior to 10/26/76). Typically leaving a 5 acre parcel with residential building rights and 35 acre parcel with residential building rights
- Board of adjustment has allowed the placement of that 5 acre building right to be transferred within the same 40.



Codington County  
 Comprehensive Land Use Plan  
 All Farmsteads  
 (Abandoned or Occupied)

Municipal Boundaries  
**EXISTING\_F**  
● Abandoned Farmsteads  
● Occupied Farmsteads



|                      | Number |
|----------------------|--------|
| Occupied Farmsteads  | 853    |
| Abandoned Farmsteads | 223    |
| All Farmsteads       | 1076   |

\*Codington County ordinance requires a farmstead to have been used as a farmstead in the last 50 years, but prior to 1976. The data contained herein does not verify the date of abandonment.

\*\*Codington County has granted 133 Existing Farmstead Exemptions 1/1/04 - 7/31/12.

# **What has been the historical land use philosophy regarding Development of Agricultural Uses in Codrington County?**

- **The rural areas of Codrington County are reserved for agricultural uses - Ag is the preferred use.**
  - **County looks at General Compatibility**
    - **Used as a mechanism for attaching conditions to proposed uses - not preventing identified uses**
  - **County does not have a history of denying applications which they feel meet the requirements**

# Current Policies: Concentrated Animal Feeding Operations

## CAFO DEVELOPMENT

Codington County recognizes that a diverse agricultural industry, relying on cash crop and animal agriculture, promotes a sustainable, balanced agricultural economy. Concentrated animal feeding operations create local demand for crops grown in the area, provide fertilizer for surrounding land, and yield a raw product which is, in some cases directly, sold to local residents. Recent statistics provided by South Dakota Department of agriculture indicate that the economic impact of a single dairy cow is \$13,594; a sow, \$6,453; a beef cow, \$1,700; and an ewe, \$257.

*2012 Comprehensive Land Use Plan (Page 56)*

## Policies

- Regulate concentrated animal feeding, processing and related operations to protect environmental quality and minimize conflicts with existing and future development areas. (p40)
- Discourage the construction of Class A and B concentrated animal feeding operations in the floodplain, or over shallow aquifers (p49)
- Codington County supports the creation and expansion of concentrated animal feeding operations in rural areas.
- Expansions above a prescribed size require new permits.
- Feedlots greater than a prescribed size shall prepare and maintain a nutrient management plan for manure (not require of any other farmers.)
- Required to abide by state and federal pollution/water quality laws
- Situated with access to roads adequate to handle manure, feed and animal shipping needs
- New CAFO's of greater than 1,000 animal units are prohibited over in the aquifer protection areas
- Scattered non-farm residential developments shall be discouraged.
- CAFO's are expected to generate odor, surface run-off, and to block snow. Appropriate setbacks from residences, municipalities, and other high density uses as well as rights-of-way, water features and water sources will be assigned.
- If measures are be taken to measurably decrease the odor footprint of the CAFO setbacks from certain land uses may be decreased.
- Spreading of manure is expected to generate odor and surface run-off. Appropriate setbacks from residences, high density uses, water and drainage features, and water sources will be assigned.
- Residential setback requirements from existing CAFO operations' facilities may be decreased provided the specific operation has a history of compliance with local, state, and federal requirements; and that the proposed expansion improves stormwater, nutrient, and manure management capabilities of the existing operation.
- Protect existing CAFO's from encroachment of non-agricultural or residential uses by requiring any new construction within one-half mile of an existing CAFO to waive the right to protest any future expansion of the specified CAFO at the existing location.

# Concentrated Animal Feeding Operation Policies

- **The rural areas of Codrington County are reserved for agricultural uses - Ag is the preferred use.**
  - **County looks at General Compatibility**
    - **Used as a mechanism for attaching conditions to proposed uses - not preventing identified uses**
  - **County does not have a history of denying applications which they feel meet the requirements**

# How Are CAFOs Regulated in Codington County?

- **Codington County Zoning Regulations**
  - **Pre-1997: Minimal Regulation – ¼ mile setback**
  - **Post 1997: Two-prong regulatory approach**
    - **State General Permit**
    - **County Conditional Use Permit**

## Who Issues What Permit?

- **Conditional Use Permit Issued by Codington County Board of Adjustment**
  - **Applies to all operations over 500 animal units or existing operations 50-999 animal units over the aquifer**
  - **Required Notice and Public Hearing**
- **General Permit Issued by SDDENR**
  - **Environmental Permit**
    - **Applies to all operations over 1,000 animal units or smaller operations with environmental concerns**
    - **Manure containment/Facility Construction Standards**
    - **Number of acres for manure application – Nutrient Mgt Plan**
    - **Requires inspections and maintenance of records**

# What Are the County Requirements?

- **Setbacks (Over 2,000 Animal Units)**
  - **Suggested not Required**
    - ½ mile from established residences
    - 1 mile from Cities
  - **Not allowed over Shallow Aquifer**
- **State General Permit**
  - **County may approve conditional use permit subject to issuance of State General Permit**
- **Letter of Assurance**
  - **Haul Road Agreement**
  - **Odor mitigation**

# What Has Been the Result of the County's Agricultural Development Policies?

- **Residential Development**

- While the number of residences in the rural area have increased, the population has remained relatively stable (0.2% annual population growth)
  - 1980 - 4,362
  - 2010 – 4,622
- Residential Density per quarter/quarter section
  - 0 per  $\frac{1}{4} \frac{1}{4}$  - 90.1%
  - 1 per  $\frac{1}{4} \frac{1}{4}$  - 8%

# What Has Been the Result of the County's Agricultural Development Policies?

- **CAFO Development**

- **Assumption – County Zoning Regulations do not take into consideration Roads, Environment and neighborhood**

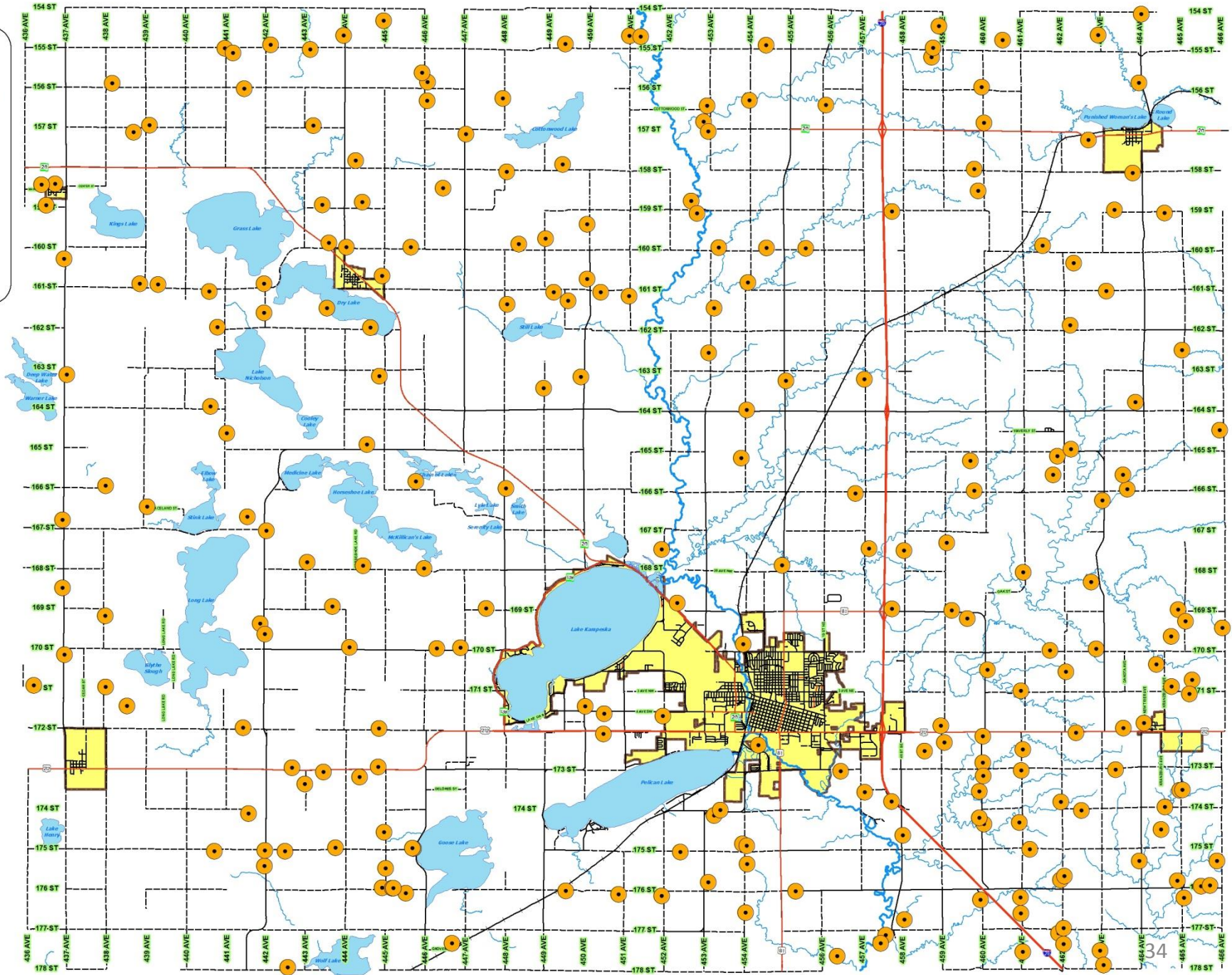
- **Reality**

- **County requires haul road agreements**
- **County does not allow CAFOs over shallow aquifer**
- **County requires SDDENR permit relating to nutrient management and manure management facilities (Environmental Component)**
- **Public Notice and Public Hearings on proposed CAFOS – Input incorporated into letter of assurance**

# County and Use Plan Animal Rations

Feeding Operations

4  
Miles



# What Has Been the Result of the County's Agricultural Development Policies?

- **CAFO Development**

- **Assumption – County Zoning regulations are skewed towards corporate interests**

- **Reality:**

- **Of the 29 CAFO permits issued by the County since 1997**
  - **27 were issued to producers with a historical tie to the County**

# Assumption – County Zoning regulations are skewed towards corporate interests

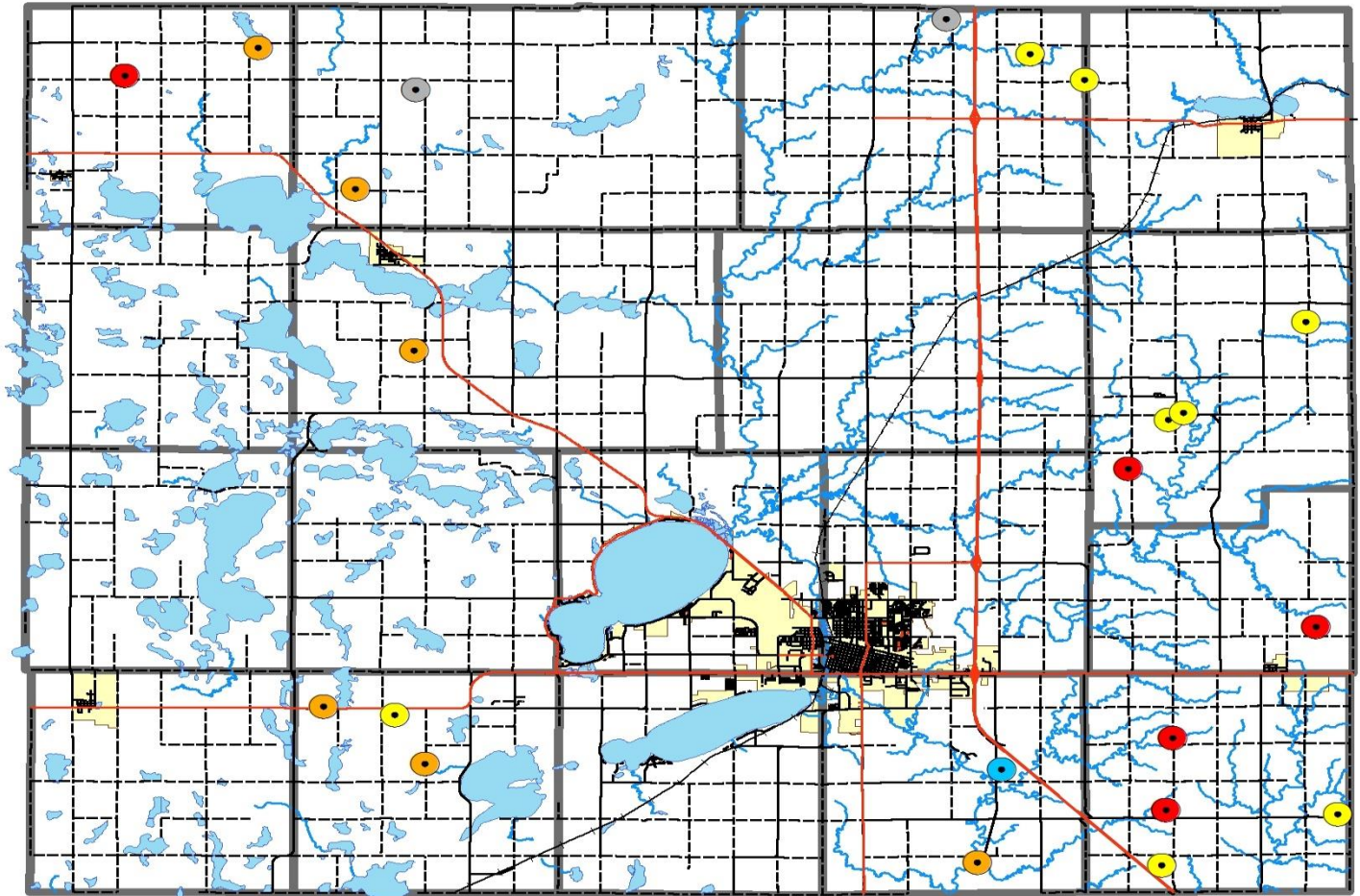
**Codington County  
Supplemental Information  
(Permitted CAFO's)**

- Class 1 CAFO
- Class 2 CAFO
- Class 3 CAFO
- Class 4 CAFO
- Permit Expired



0 0.51 2 3 4 Miles

**April 26, 2016**



## Concentrated Animal Feeding Operations

Permits Issued (January 24, 2019)

| Year   | Permits Issued (January 24, 2019) |         |         |           |       |
|--------|-----------------------------------|---------|---------|-----------|-------|
|        | Class 1                           | Class 2 | Class 3 | Class 4&5 | Total |
| Totals | 7                                 | 9       | 12      | 1         | 29    |

# So in the Future - Where do Codrington County Zoning Regulations Allow CAFO's to locate?

## Codrington County Supplemental Information (Areas of Limitation for CAFO Development)

- Area of CAFO Prohibition
- Area of Potential Single Buyout
- Area for Potential Expansion
- Area of No CAFO Limitation

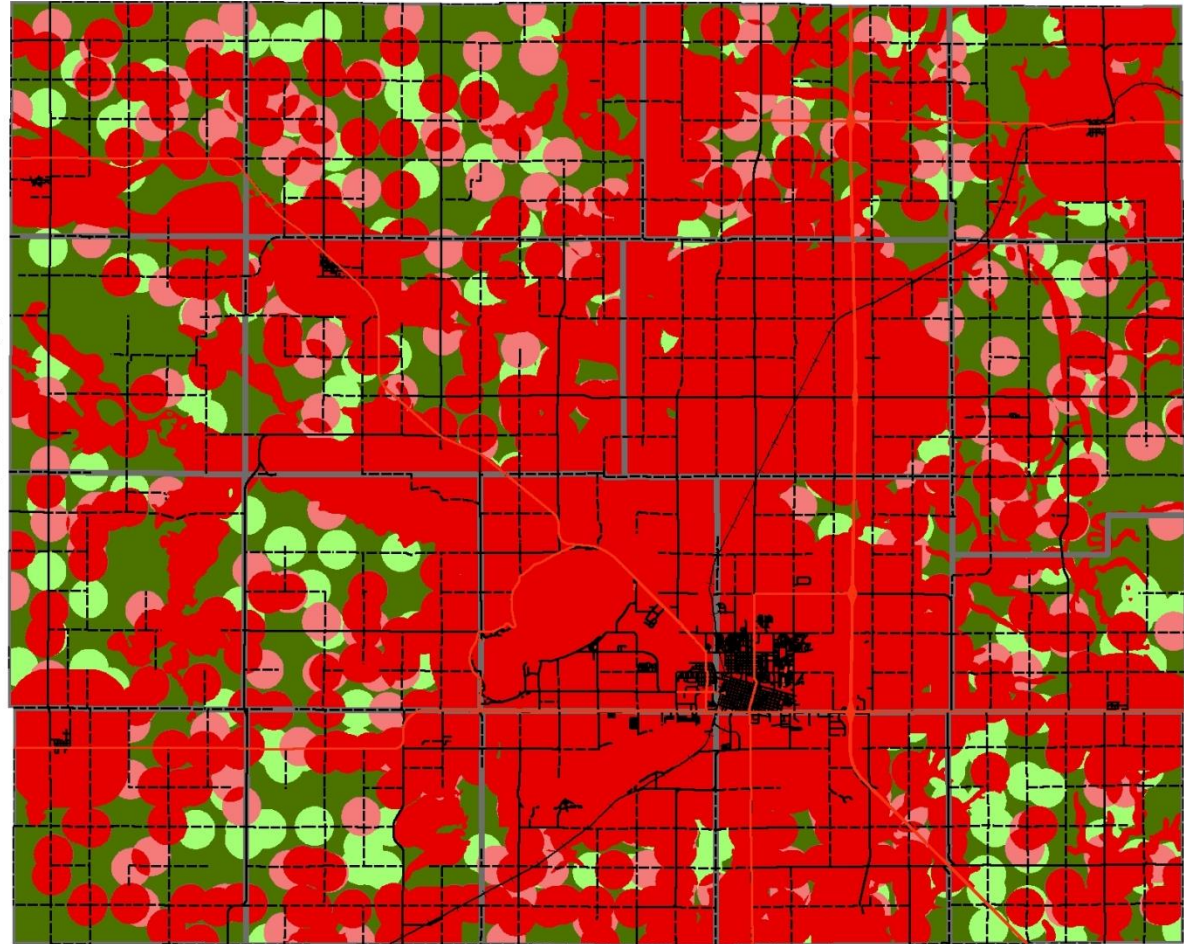


0.51 2 3 4  
Miles

|   | Acres      | Percent |
|---|------------|---------|
| Area where Prohibited (Red)                   | 299,363.54 | 65.23%  |
| Potential Single Buyout (Pink)                | 32,924.67  | 7.17%   |
| Potential Expansion (Light Green)             | 41,207.11  | 8.98%   |
| Area without Location Limitation (Dark Green) | 85,431.64  | 18.62%  |
| Total Area                                    | 458,926.96 |         |

**October 22, 2012**

\*Assumes no existing CAFO Owners would object to a new or expanding CAFO.

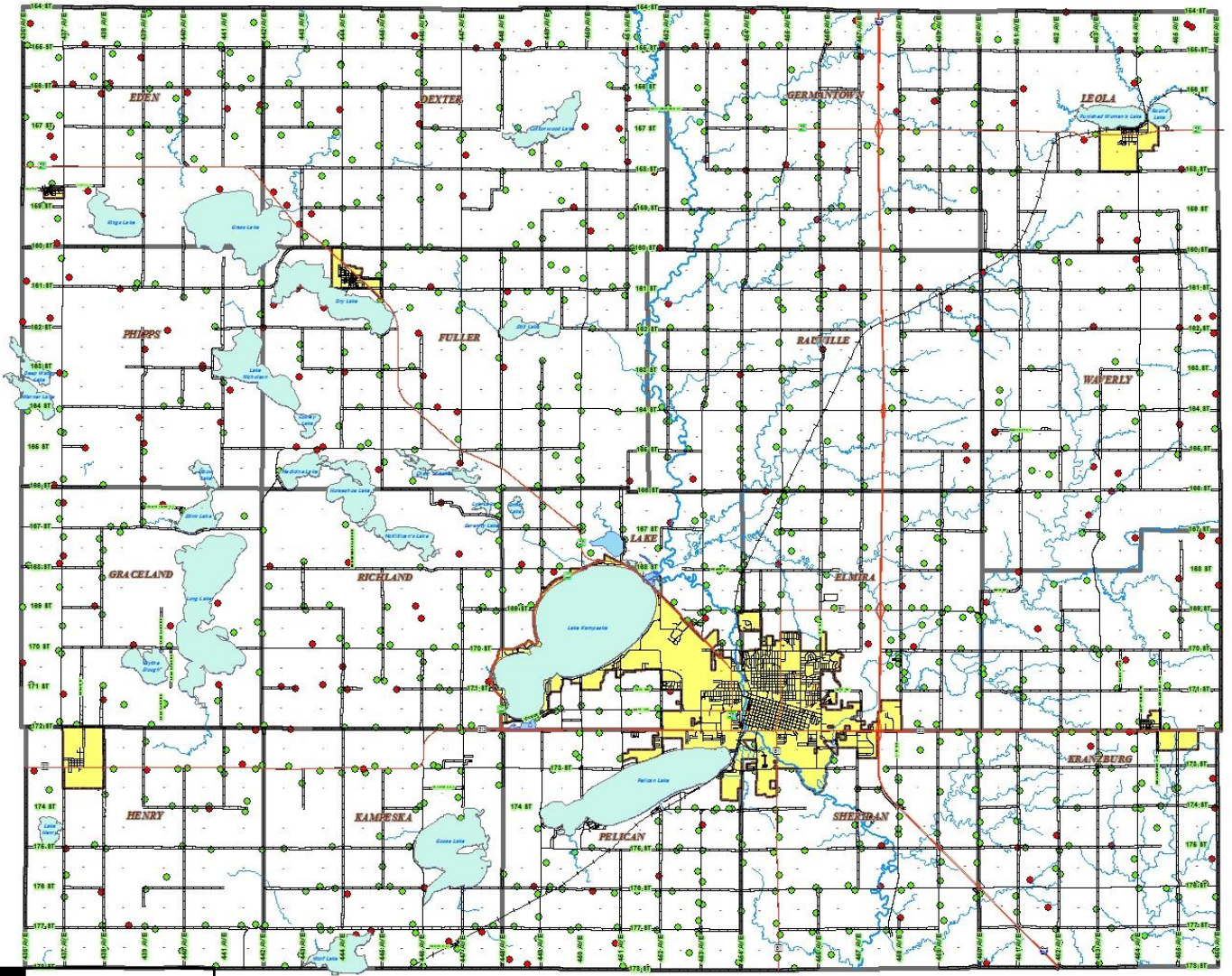


# Residential Questions to Ponder

- Eliminate 35 – acre rule
- Administrative Approval of Existing Farmstead Exemption
- Small town Overlay District
- Amnesty for residentially used lots less than 35-acres

Codington County  
 Comprehensive Land Use Plan  
 All Farmsteads  
 (Abandoned or Occupied)

Municipal Boundaries  
**EXISTING\_F**  
● Abandoned Farmsteads  
● Occupied Farmsteads



|                      | Number |
|----------------------|--------|
| Occupied Farmsteads  | 853    |
| Abandoned Farmsteads | 223    |
| All Farmsteads       | 1076   |

\*Codington County ordinance requires a farmstead to have been used as a farmstead in the last 50 years, but prior to 1976. The data contained herein does not verify the date of abandonment.

\*\*Codington County has granted 133 Existing Farmstead Exemptions 1/1/04 - 7/31/12.

# Option 1 – Administrative Approval of Existing Farmstead Exemption

- Allow Zoning Officer to approve existing farmstead exemptions subject to:
  - Creation of min 5-acre lot on same  $\frac{1}{4}$   $\frac{1}{4}$  as existing farmstead
  - Agree to plat parcel
  - Sign LOA assigning building rights
  - Zoning Officer submitting a monthly report to Board of Adjustment

# Option 1a –Existing Farmstead Exemption for Abandoned Farmsteads

- Allow existing farmstead to sites used as a farmstead greater than 50 years ago provided:
  - Creation of min 5-acre lot
  - Township approval/sign off of at least 2 township supervisors
  - Not more than one residence per  $\frac{1}{4}$   $\frac{1}{4}$ .
  - Zoning Officer administratively issue???

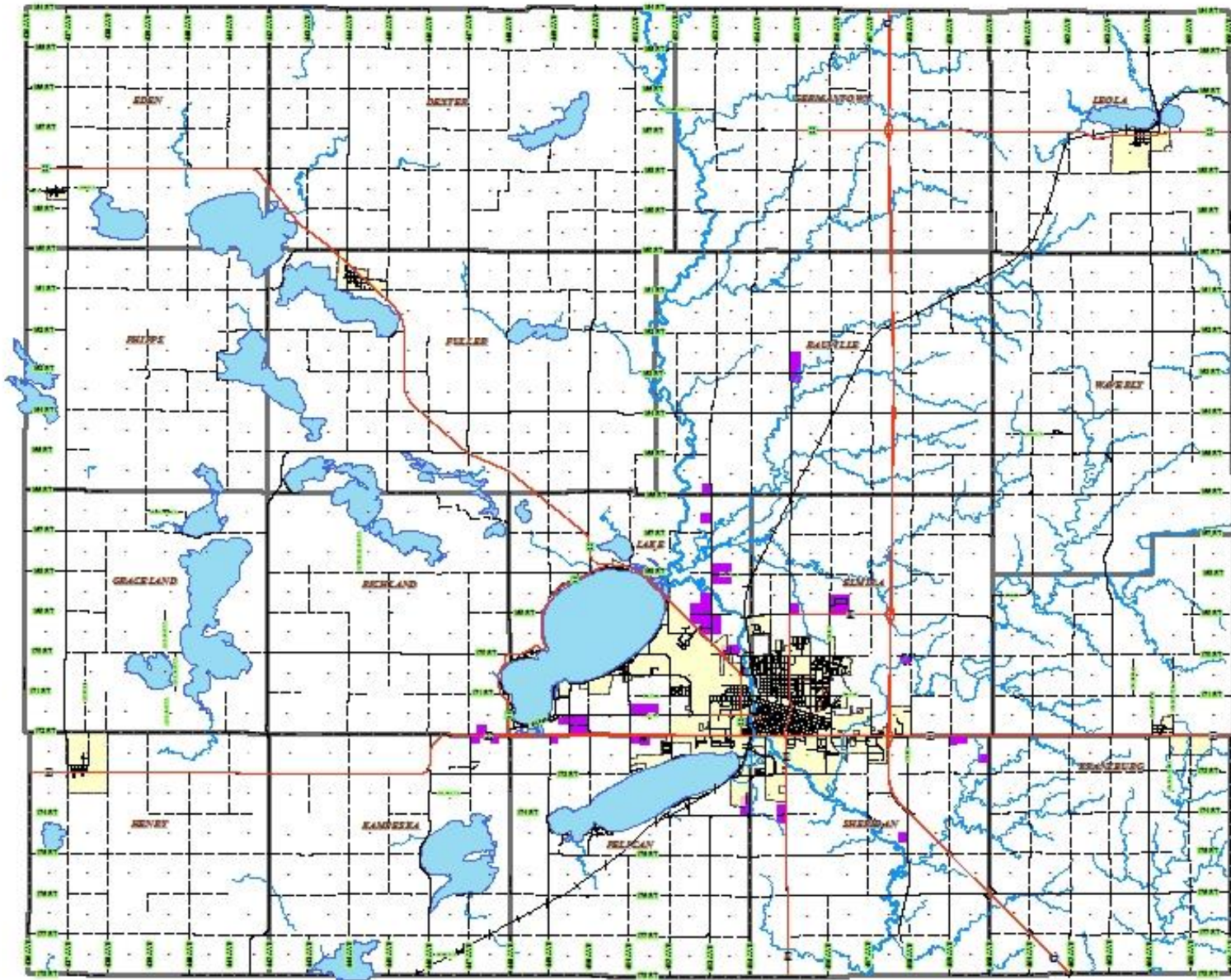
# Small Town/Small Lot Overlay District

- One Residence per  $\frac{1}{4}$   $\frac{1}{4}$
- Minimum Lot Area 5 acres
- Transfer of Development Rights Allowed:
  - Same Section; and
  - Contiguous ownership
  - Density of 4 residences per 40 subject to PR regulations
- Subject to approval by road authority (2 of 3 Township Supervisors
- CAFO Setbacks DO NOT APPLY to residences constructed in the district after date of adoption.<sup>42</sup>



# High Density/Nonconforming Lots District

- Area of 4 or greater residences per  $\frac{1}{4}$   $\frac{1}{4}$ .
- Allow all lots existing prior to 2004 residential building rights.
- Closed Zoning District vs increased density
  - CAFO Setbacks DO NOT APPLY to residences constructed in the district after date of adoption if increased density allowed.
  - Access spacing required to meet separation distance requirements.



Areas in purple are all quarter-quarter sections with greater than 3 residences.

318 Parcels in the purple areas (approximately 300 are less than 35 acres.)

# CAFO Questions to Ponder

- Methods of protecting existing operators
- What is the county's role in environmental protection
- Graduated/increased setbacks on *large operations*
- Ability to decrease/increase setbacks dependent upon specific manure management practices.
- Other questions

# So in the Future - Where do Codrington County Zoning Regulations Allow CAFO's to locate?

## Codrington County Supplemental Information (Areas of Limitation for CAFO Development)

- Area of CAFO Prohibition
- Area of Potential Single Buyout
- Area for Potential Expansion
- Area of No CAFO Limitation

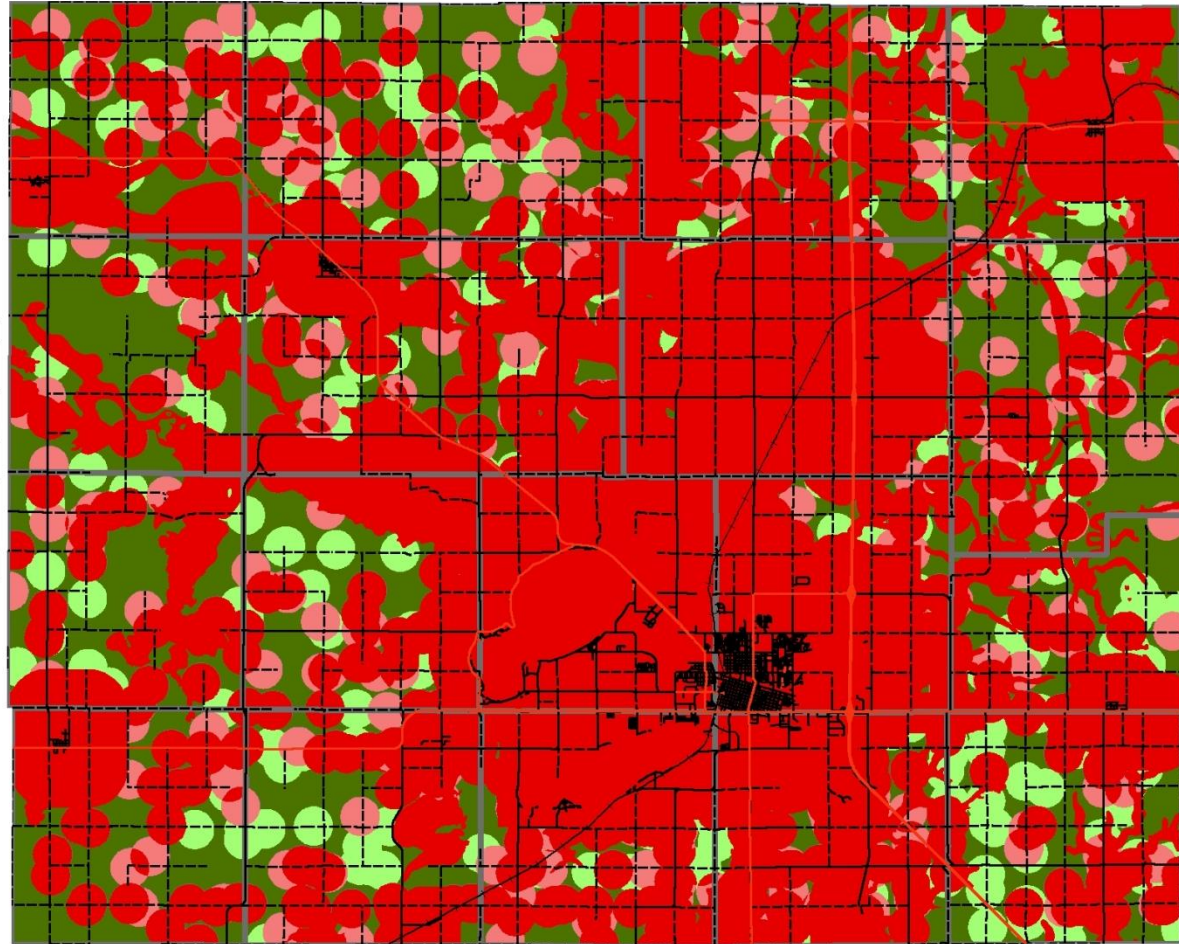


0.51 2 3 4  
Miles

|   | Acres      | Percent |
|---|------------|---------|
| Area where Prohibited (Red)                   | 299,363.54 | 65.23%  |
| Potential Single Buyout (Pink)                | 32,924.67  | 7.17%   |
| Potential Expansion (Light Green)             | 41,207.11  | 8.98%   |
| Area without Location Limitation (Dark Green) | 85,431.64  | 18.62%  |
| Total Area                                    | 458,926.96 |         |

**October 22, 2012**

\*Assumes no existing CAFO Owners would object to a new or expanding CAFO.



# Questions?

- [todd@1stdistrict.org](mailto:todd@1stdistrict.org)
- [Luke@1stdistrict.org](mailto:Luke@1stdistrict.org)