

Petition drive on zoning permits targets big livestock producers

By LON TONNESON

A PETITION drive to make zoning permits for large livestock operations referable to a public vote is in its final stages in South Dakota.

Advocates of the initiated measure have until May 2 to collect the signatures of 18,000 eligible voters to get the measure on the November ballot.

"Farmers and rural residents need a say over their quality of life," says Charles Johnson, a Madison, S.D., farmer and spokesman for Alliance For Our Future, the group leading the drive.

The initiated measure targets 1,000-plus confined-animal-unit feeding operations. If 5% of a county's voters sign a petition calling for a referendum, an election would be held.

"County commissioners and county governing boards don't always get it right," says Johnson, who was a Lake County commissioner in the early 1990s. "Voters should retain their right to veto a bad decision."

Quality of life an issue

The proposed state law also says that county commissions shall consider the quality of life, public health, the environment and degree of local opposition when voting on a large livestock operation's permit.

Opponents of the initiated measure contend that while zoning policies and regulations should be subject to public votes, administrative decisions implementing those policies should not be.

Post your meeting

SEND your meeting notice to lttonneson@farmprogress.com or fax it to (218) 236-8420. The deadline for submitting events is the fifth of the month preceding the issue. Example: May 5 for the June issue. *Dakota Farmer* reaches mail boxes about the tenth of each month.



SHOULD VOTERS DECIDE? Petitioners want to be able to refer county rulings on permits for large livestock facilities, like this dairy, to a countywide vote.

Key Points

- Groups want to make livestock zoning permits subject to referral.
- Advocates need approximately 18,000 signatures by May 2.
- New law would apply only to 1,000-plus animal-unit feedlots.

The proposal would amend state law to say the following:

"Any legislative decision of a board of county commissioners is subject to the referendum process. A legislative decision is one that enacts a permanent law or lays down a rule of conduct or course of policy for the guidance of citizens or their officers. Any matter of a permanent or general character is a legislative decision. The approval or disapproval of any conditional-use request or variance request is a legislative decision, including any conditional-use request or variance request concerning a concentrated animal feeding operation as provided in § 11-2-17.3.

"No administrative decision of a governing body is subject to the referendum process, unless specifically authorized by this code.

"An administrative decision is one that merely puts into execution a plan already adopted by the governing body

of conditional use requiring such approval, the zoning districts in which a conditional use is available, and the criteria for evaluating each conditional use. However, the board of county commissioners shall approve or disapprove any conditional-use request concerning a concentrated animal feeding operation or variance request. The approving authority specified in the county zoning ordinance shall make a recommendation to the board of county commissioners on the conditional-use request or variance request concerning a concentrated animal feeding operation.

"The board of county commissioners shall act on the recommendation within 30 days. The approving authority shall consider the stated criteria, the objectives of the comprehensive plan, and the purpose of the zoning ordinance and its relevant zoning districts when making a decision to approve or disapprove a conditional-use request or a variance request. The stated criteria shall include the degree of community support, public health issues, the quality of life of the community, and the protection of natural and economic resources."

itself or by the Legislature, unless the decision concerns a conditional-use request or a request for a variance. Supervision of a program is an administrative decision. Hiring, disciplining, and setting the salaries of employees are administrative decisions.

"Section 2. That § 11-2-17.3 be amended to read as follows: A county zoning ordinance adopted pursuant to this chapter that authorizes a conditional use of real property shall specify the approving authority, each category



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APRIL: A drawing in Prang Soybean Crayons by Eireann Grimshaw, 8, of Misson, S.D., is the April illustration in the "A Rural Way of Life" 2006 calendar published by the South Dakota Soybean Research and Promotion Council.