

**DEUEL COUNTY PLANNING COMMISSION BOARD
STAFF REPORT**

Monday – September 16, 2024– 10:15 a.m.

DEUEL COUNTY PLANNING & COMMISSION

ITEM #1

#B2022-01-07: an Ordinance to amend that Section 1247. Public and Private Utilities in Article XII, “General Requirements,” Section 1247.01. Applicability, Section 1247.02 Federal and State Requirements, Section 1247.03. General Provisions and amend the definition: Utility to Article II, “Definitions”

ITEM #2

#B2022-01-08: an Ordinance to amend that Table 1304.6.2 Required Minimum Separation Distances And Setbacks in Article XIII, “Concentrated Animal Feeding Operation Regulations,” and Exemptions to Separation and/or Setback Distance Requirements

ITEM #3 REZONE

Applicant/Owner: Lynn Farms LLC (Jon Gorder)

Property Description: The remainder of the property outside the one thousand (1,000) feet of the established high-water line of Lake Cochrane in Gov Lot 1 of Section Eight (8), Township One Hundred Fourteen (114) North, Range Forty-even (47) West of the 5th P.M., Norden Township, Deuel County, South Dakota.

Action Items –Rezone – (Article III Section 302)

Public Hearing by Planning Commission

Recommendation by Planning Commission for Ordinance 2022-01-04A

Zoning Designation: “AG” Agricultural District to “LP” Lake Park District

Request: for the change of zoning to “LP” Lake Park District from “AG” Agricultural District, for the above-described property

History/Issue(s):

Specifics of Request

1. Lynn Farms LLC (Jon Gorder) seeks the change of zoning to “LP” Lake Park District from “AG” Agricultural District, (the above described approximately 8.32 acres in Gov Lot 1 that is outside the 1000’ feet from the HWM).
2. The subject parcel is being used at farm land.
3. Section 1103.02. Area Contained in “LP” District.
 - All land, unless otherwise zoned, within one thousand (1,000) feet of the established normal high-water line of Lake Cochrane or any land which has been specifically zoned Lake Park by the Deuel County Commission.
4. The application includes a drawing for the area to be rezoned. The applicant indicated that the property (approximately S500’ E800’ of Gov Lot 1 9.18 +/- acres) for development. Staff has met with the applicant and was told that the proposed development would be for commercial storage facility. This would fall under in the Lake Park District under a CUP for commercial storage facilities.
5. Deuel County Comprehensive Plan (Comp Plan):
 - A. Rezoning’s need to substantially meet the objectives, goals, and policies of the Comp Plan for both the type of use and the “Development Area” the proposal is located within.
 - B. Regarding Areas of Development Transition/Zoning:
 - The Boards need to determine whether they meet the following policies (of 5) Regarding the development of property adjacent to lakes Policies is sufficient reason to approve or deny the rezoning request:

- Regarding the development of property adjacent to lakes located within the County, the Planning Commission realize that these lands are also areas of development transition and will require extensive review prior to the approval of new developments and/or the expansion of existing developments. Policies or issues to consider in the development of lake property include:
 - In areas of development transition adjacent to lakes, the subdivision and development of land will not be permitted without approved water and sanitary sewer services.
 - The development and maintenance of interior streets shall be the responsibility of the developer or homeowners association.
 - The Planning Commission shall consider the impact upon county and township roads servicing the proposed lake developments.
 - A piecemeal approach to the development of lake property is not encouraged. A comprehensive design and site review shall be required.
 - The Planning Commission encourages the development of public and/or private parks/access areas adjacent to lakes after a comprehensive site review.

C. Regarding Area of Development Stability:

- These policies are applicable because the property would be in the Area of Development Stability if not over the shallow aquifer.
- The Boards need to determine whether failure to meet the following 7 (of 15) Area of Development Stability Policies is sufficient reason to deny the rezoning request:
 - 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.
 - Preserve agricultural lands and protect the rural area from uses which interfere with and are not compatible with general farming practices.
 - 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.
 - Discourage the random and haphazard siting of commercial and industrial uses within the rural area where such uses do not support the agricultural industry
 - Only future development (residential, commercial, industrial, etc.) which cannot be accommodated in a community (incorporated or unincorporated) or in a Lake Park District, or sanitary sewer district should be encouraged in the unincorporated areas of the county that have appropriate infrastructure – roads, water sewer.

6. Staff Summary:

- **The question before the Board is NOT whether any certain use is appropriate at this property but whether ALL the uses allowed in the Lake Park District are appropriate at this property. The Board has rezoned properties in the Area of Development Stability which do not meet the goals referenced in 4.C before. However, in order to rezone this property, the Board needs to determine that this and all other uses listed in the Lake Park District DO NOT POTENTIALLY propose a threat or hardship and should be compatible with adjacent land uses.**

7. Staff recommendation:

- **The Board could approve for the change of zoning to “LP” Lake Park District from “AG” Agricultural District, on the above property on the basis that failure to meet 7 of 15 policies is insignificant in light of the that they applicant signs a letter of assurance: that the Grantors, their heirs, successors, and assigns further hereby agree that no building permits may be issued on area outside of the Commercial Storage Facility CUP site plan in S500’ E800’ in Gov Lot 1 of Section 8 Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota, in the County of Deuel, South Dakota unless the Commercial Storage Facility is platted in the future and recorded with at least one (1) or more acres. Any such construction shall otherwise comply with the applicable zoning ordinance at the time.**

- **Staff recommends approval to change of zoning to “LP” Lake Park District from “AG” Agricultural District, the above described (the remainder of the property outside the one thousand (1,000) feet of the established high-water line of Lake Cochrane in Gov Lot 1 of Section Eight (8), Township One Hundred Fourteen (114) North, Range Forty-even (47) West of the 5th P.M., Norden Township, Deuel County, South Dakota) contingent that the applicant signs the letter of assurance and it is filed in the Deuel County Register of Deeds.**
- **The Board could deny the request based on any of the 8 policies not met by this request.**

ITEM # 4 PLAT

Applicant/Owners: Elizabeth Christianson

Property Description: Christianson Second Addition in SW1/4SE1/4SE1/4SW1/4 of Section 30, Township 113 North, Range 47 West of the 5th P.M., Deuel County, South Dakota.

**Request: To plat Christianson Second Addition 7.49 and to keep the building site and transfer the rest of the property which is approximately 152.51 acres at a later date.³
Action Item –Plat approval.**