

**DEUEL COUNTY PLANNING COMMISSION BOARD  
STAFF REPORT**

Tuesday – April 18, 2023– 10:30 a.m.

**DEUEL COUNTY PLANNING & COMMISSION**

**ITEM #1 REZONE**

**Applicant: Cody Krause**

**Owners: Jogchum & Maartje Andringa**

**Property Description: East 638' +/- of the North 415' +/- of Block 2 Langerock Addition in N1/2NE1/4 of Section Twenty-Eight (28), Township One Hundred Fifteen (115) North, Range Forty-Nine (49) West of the 5th P.M., Deuel County, South Dakota which upon platting will be known as the Plat of Lot 1 Krause Addition in N1/2 of the NE1/4 of Section Twenty-Eight (28), Township One Hundred Fifteen (115) North, Range Forty-Nine (49) West of the 5th P.M., Deuel County, South Dakota.**

**Action Items –Rezone – (Article III Section 302)**

**Zoning Designation: “AG” Agricultural District to “CI” Commercial/Industrial District**

**Request:** for the change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, for the above-described property

**History/Issue(s):**

**Specifics of Request**

1. Cody Krause, Jogchum & Maartje Andringa seek the change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, the above described (approximately) 6.6 parcel.
2. The subject parcel has been improved and is utilized for Agricultural District uses. It has an older livestock barn and livestock yard which will be removed for proposed contractor yard and shop/office.
3. The application included a drawing for the area to be rezoned. The applicant indicated that the property (approximately 6.6 +/- acres) would be sold to (Cody Krause) party for development. Staff has met with the other party and was told that the proposed development would be a contractor’s shop and yard.
4. 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 Commercial Uses/Zoning:
    - The Boards need to determine whether failure to meet the following five (of 14) Commercial/Industrial Development Policies is sufficient reason to deny the rezoning request:
      - Commercial and Industrial development projects should take place in designated industrial parks or already developed highway locations.
      - Commercial and industrial developments which can be accommodated in an incorporated or unincorporated municipality shall be discouraged in the unincorporated areas of the county.
      - Municipal commercial districts should be protected and should not be diluted by a scattered pattern of commercial uses developed at random throughout the unincorporated areas of the county.
      - The Deuel County Planning Commission should encourage the redevelopment and reuse of existing business locations.

- Discourage strip development along transportation arteries (highways), particularly those which serve as gateways to the municipalities.

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 5 (of 15) Area of Development Stability Policies is sufficient reason to deny the rezoning request:
  - The premature development of agricultural land should be discouraged.
  - 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.
  - Limit rural developments to densities that do not exceed current service levels.
  - 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 Commercial/Industrial 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 Commercial/Industrial 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 “CI” Commercial/Industrial District from “AG” Agricultural District, on the above property on the basis that failure to meet 10 of 29 policies is insignificant in light of the 19 policies that ARE met; however, the Board should specifically address the prohibition on rezoning property with a potential pollution risk to establish policy moving forward for future requests.**
- **The Board could deny the request based on any of the 10 policies not met by this request.**