

**DEUEL COUNTY PLANNING COMMISSION BOARD
STAFF REPORT**

Tuesday – December 17, 2024– 10:00 a.m.

DEUEL COUNTY PLANNING & COMMISSION

ITEM #1 REZONE

Applicant/Owner: William & Julie Moe

Property Description: a portion of Gov Lots 4-5-7-8 & 9, Less Exceptions all in xSection Seven (7), Township One Hundred Sixteen (116) North, Range Forty Eight (48) West of the 5th P.M., Deuel County, South Dakota which upon platting will be known as the Plat of Lots 1 & 2 Block 1 of Moe Addition located in Gov Lot 4 of Section Seven (7), Township One Hundred Sixteen (116) North, Range Forty Eight (48) West of the 5th P.M., Deuel County, South Dakota

Action Items –Rezone – (Article III Section 302)

Public Hearing by Planning Commission

Recommendation by Planning Commission for Ordinance 2022-01-05A

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. William & Julie Moe seeks the change of zoning to “LP” Lake Park District from “AG” Agricultural District, (the above described approximately .9917 acres in Gov Lot 4 which is two 21, 600 sq foot lots.
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 two lot lot 120' x 180' of Gov Lot 1 which is approx. .9917 +/- acres) for development. Staff has met with the applicant and was told that the proposed development would be for future development for Lot 2 and on Lot 1 a personal storage shed (approx. 60' x 80') to SK Investment (who owns the land a crossed the road from this proposed lot). Lot 1 would fall under in the Lake Park District under a CUP for accessory structures located on a lot adjacent to a lot with principle structure which is separated by a public or private road.
 - One of the key phases of the rezoning process involves ensuring access to the rezoning area. The property owners of Lake Alice Shores, who also own Road Lots 1, 2, and 3 (which provide the access to the rezoning area), are part of the rezoning request. The applicant, Mr. Moe, has been in communication with the Lake Association and the property owners of Lake Alice Shores to establish a road agreement for the proposed Plat of Lots 1 & 2, Block 1 of Moe Addition. This agreement is intended to guarantee proper access to the property for development. Mr. Moe plans to provide further details regarding the road agreement during the rezoning hearing.
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. Specifics of Request:

These proposed two lots for Rezoning are not located in the Floodplain however they are located in the Shallow Aquifer.

- Section 1105.08. Zone B Aquifer Secondary Impact Zones.
 - Zone B is the remainder of the mapped shallow/surficial aquifer in the County not included in Zone A. Zone B is being protected because (1) the aquifer is a valuable natural resource for future development, (2) the aquifer provides drinking water supply for individual domestic users, (3) contamination is not justified just because this area is not currently used for public water supply and (4) contaminants from this area could eventually enter Zone A.
- Section 1105.09. Permitted Uses in Zone B.

1. All "Permitted Uses" listed in the underlying zoning districts, with the exception of those expressly prohibited in Zone B, provided that they can meet the Performance Standards as outlined for the Aquifer Protection Overlay Zones

- Section 1105.12. Performance Standards For Aquifer Protection Overlay Zones.
 - The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:
 1. New or replacement septic tanks and associated drain fields for containment of human wastes must conform with regulations established by the State Department of Agriculture and Natural Resources.

7. 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 5.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.

8. 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.
 - Staff recommends approval to change of zoning to "LP" Lake Park District from "AG" Agricultural District, the above described A portion of Gov Lots 4-5-7-8 & 9, Less Exceptions all in Section Seven (7), Township One Hundred Sixteen (116) North, Range Forty Eight (48) West of the 5th P.M., Deuel County, South Dakota which upon platting will be known as the Plat of Lots 1 & 2 Block 1 of Moe Addition located in Gov Lot 4 of Section Seven (7), Township One Hundred Sixteen (116) North, Range Forty Eight (48) West of the 5th P.M., Deuel County, South Dakota, to "LP" Lake Park District from "AG" Agricultural District) 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 7 policies not met by this request.

ITEM # 2 PLAT

Applicant/Owners: William & Julie Moe

Property Description: Plat of Lots 1 & 2 Block 1 of Moe Addition located in Gov Lot 4 of Section Seven (7), Township One Hundred Sixteen (116) North, Range Forty Eight (48) West of the 5th P.M., Deuel County, South Dakota.

Request: To plat Lots 1 & 2 Block 1 of Moe Addition approx. .9971 acres contingent that the rezoning is approved on December 31, 2024.

Action Item –Plat approval.

ITEM # 3 PLAT

Applicant/Owners: Kay Eastman

Property Description: Plat of Eastman Addition located in NW1/4 of Section Twenty-Two (22), Township One Hundred Fourteen (114) North, Range Forty Eight (48) West of the 5th P.M., Deuel County, South Dakota

Request: To plat Eastman Addition containing 16.7 acres to be transferred in the future.

Action Item –Plat approval.