**Hamlin County**

**Planning Commission & Board of Adjustment**

**Staff Report**

**Monday – May 21, 2018 – 7:00PM**

**Hamlin County Planning Commission**

**Item # 1:** Public Hearing - Amendment to County Zoning Ordinance: #02-18

Ordinance #02-18: Essential Public Services in the Town District. As previously discussed at the April Planning Commission Meeting, Ottertail Power Company was seeking a plat approval in Dempster to place a pole substation on the property in the future. During staff review of the plat, the proposed use was not listed in the Town District section of the Ordinance. Along with issues with the plat itself, the Planning Commission denied the request and instructed staff to contact Ottertail to outline the process going forward. What this ordinance amendment allows, as a conditional use, is any use deemed to be an “Essential Public Service” as defined in Section 269 of the Zoning Ordinance:

**Essential Public Services** – Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures used by public for protection of the public health, safety or general welfare, including towers, poles, wires, mains drains, sewers, pipes, conduits, cables satellite dishes, and accessories in connection therewith.

The following is the proposed language which allows for a pole substation or related public utilities allowable in the Town District:

BE IT FURTHER ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota: that Section 3.09.03 “Conditional Uses” be amended by adding the text emphasized in “**bold**” print below:

Section 3.09.03 Conditional Uses

**7. Essential Public Services**

**Item # 2:** Board Discussion: Accessory Agricultural Housing

**CHAPTER 5.25 CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS**

Section 5.25.06: Accessory Agricultural Housing (new section)

New proposed Ordinance Language

**Definitions:**

Section 202A. Accessory Agricultural Housing. Any dwelling, pursuant to Chapter 5.35 occupied by employees of a Concentrated Animal Feeding Operation which has been issued a Conditional Use permit by Hamlin County

Section 264A. Shared Dwelling. One room, or rooms, connected together, constituting a shared, housekeeping establishment for Accessory Agricultural Housing that may provide living accommodations for more than three (3) unrelated individuals and contain shared cooking, bathing, sleeping and/or common living areas.

Section 379 A. Section of Land. A division or parcel of land, delineated by the United States Public Land Survey, comprising of approximately one square mile or 640 acres**.**

**Agricultural District (Section 3.04.04: Conditional Uses):**

5. Transfer of Eligible Building Site (See Section ~~3.04.05.3~~ **4.04.05.4**)

35. ~~Transfer of Eligible Building Site (See Section 3.04.05.3~~)

**Chapter 5.35 Accessory Agricultural Housing (new section, replaces Section 3.04.05: Conditions Regulating Accessory Agricultural Housing)**

1. Accessory Agricultural Housing is a permitted accessory use to Class A Concentrated Animal Feeding Operations.
2. Accessory Agricultural Housing must be approved by the Board of Adjustment.
   1. Any Class A Concentrated Animal Feeding Operation, permitted after April 1st, 2018 is required to submit a request for accessory agricultural housing at the time of the initial Concentrated Animal Feeding Operation application.
   2. Any Class A Concentrated Animal Feeding Operation, permitted before April 1st, 2018 may submit a request for Accessory Agricultural Housing if such request is made prior to April 1st, 2019.
3. Accessory Agricultural Housing shall be located within the same section of land as the permitted Class A Concentrated Animal Feeding Operation, provided the property is owned by the permit-holder.
4. Minimum lot area shall consist of at least two (2) acres per dwelling unit, or for every 3 individuals in the shared dwelling(s) constituting the accessory agricultural housing, including the residence of the agricultural employer if on the same lot.
5. Accessory agricultural housing shall be in accordance with the following table:

|  |  |  |
| --- | --- | --- |
| Number of Animal Units | Maximum Number of Dwellings | Maximum number of persons in Accessory Agricultural Housing |
| 1,000 to 5,999 AU’s | 1 | 18 |
| 6,000 to 8,999 AU’s | 2 | 27 |
| 9,000 to 12,999 AU’s | 3 | 39 |
| Over 13,000 AU’s | 4 | 48 |

1. Prior to occupying the accessory agricultural housing dwelling/shared dwelling, the applicant shall provide documentation of compliance with the most recently adopted version of the International Building Code in accordance with SDCL-11-10-6 for any dwelling structure with two (2) or more dwelling units.
2. Prior to occupying the accessory agricultural housing dwelling/shared dwelling, the applicant shall provide documentation of compliance with any South Dakota Administrative Rules 74:53.
3. The dwelling/shared dwelling shall be removed or renovated into a single-family dwelling in the event the permit for the concentrated animal feeding operation becomes void.
4. In the event the accessory agricultural housing dwelling/shared dwelling remains unoccupied for a period of one (1) year; or is not used in conformance with this Chapter, the accessory agricultural housing dwelling/shared dwelling shall be removed or with permission of the Board of Adjustment may be used for any use accessory to the Concentrated Animal Feeding Operation.

**Item # 3:** Conditional Use

**Owner/Applicant:** John Hurley

**Property Description:** Lot 1 of Block 1 & Block 2 of Lake Poinsett Estates Addition in Section 36-113N-53W (Norden Township).

**Action Item:** Conditional Use Permit – Private Park and Campground (3.07.05.2)

**Zoning Designation:** LP1 – Lake Park District

**Request:** Mr. Hurley is seeking a conditional use permit to continue operation of the campground on Block 2 with a parking lot for the campground on Lot 1 of Block 1.

1. History:
   1. With no recorded information stating there was a campground on Block 2 LPE Addition in the past, Staff will proceed with the information that has been accessible through past records.
   2. Mr. Hurley applied for a variance request in August 2013 to place camping cabins on Block 2 LPE Addition. The variance was granted based upon the condition that no campers will be allowed on the property after January 1, 2018. Mr. Hurley did not continue the use of the camping cabins after one season, but was still compelled to adhere to the camper condition when the date came.
   3. Staff became aware of this condition in January and sent a letter outlining the previous actions by the Board of Adjustment on April 3, 2018. On April 9th, 2018. John and Billie Jo Hurley came into the Zoning Office to discuss the letter and what was necessary to continue operation of the campground. On April 30th, the Hurley’s and Chairman Richard Wiarda sat down to discuss the current situation surrounding the campground and Mr. Hurley agreed to submit a conditional use application for a private park & campground on Block 2 LPE Addition.
2. Campground Proposal Specifications:
   1. Each site is 2400 sq ft, 20x120
   2. Campsite is along US HWY 81
   3. 3 Dumpsters across US HWY 81 on Mr. Hurley’s property
   4. Traffic runs north on west portion of property, 20’ wide access road.
   5. Open space is between the campers and Lake Poinsett
   6. No campground related buildings on site (Beach Bar)
   7. No change in grading or drainage plans.
   8. Light poles are located north of the Beach Bar
   9. Each campsite has access to water, electricity and sewer. 2 campers can be attached to a single utility hookup.
   10. Water is supplied by Kingbrook Rural Water
   11. Electricity is supplied by HD Electric
   12. Septic waste will be disposed into the Lake Poinsett Sanitary Sewer District system
   13. There is an existing single ingress access point on the southwest edge of the campground that runs north and has an egress access point on the northwest edge from US HWY 81.
   14. There are no plans for toilet and bathing facilities.
   15. On site management is done by Vic and Connie Erlacher (Siouxland)
   16. Solid Waste contained in 3 dumpsters across US HWY 81 and emptied every Monday as well as Thursdays on holiday weekends.
   17. Constructing a cement structure to serve as storm shelter (Location, Finish Date) as well as Lake Poinsett Methodist Camp
   18. No plans for fencing or screening
   19. Each campsite has room for parking 1 car near their campsite. Mr. Hurley has plans to have a parking lot across US HWY 81 for campsite resident use. Access to the property has not been secured at the time of this hearing.
3. Application information:
   1. While there are no specific regulations governing the development of private campgrounds, Section 4.01.02 allows the Zoning Officer to request information that may be applicable to any proposed use and Section 4.04.01 allows the BOA to review specific requirements and apply conditions if necessary.
   2. The Board of Adjustment recently approved a Campground for Josh Spilde in the LP-1 District. In its approval, the Board requested detailed plans to address various concerns and conditions for the property.
   3. Mr. Hurley’s application contained far less site plan detail than was provided with Spilde’s application so the above information was surmised from meetings and other information provided by the applicant.
   4. Staff prepared an alternative scaled layout that attempts to leave infrastructure as unchanged as possible, considers needs for parking, allows at least 10’ between campers (25’ wide camp sites).

Staff Recommendation ***–* Conditional Use Permit – Private Park & Campground**

1. Staff recommends approval of the request subject to the applicant signing a letter of assurance agreeing to maintain in accordance with information provided to the Board at this meeting and any conditions applied by the Board. Specifically, the following:
   1. No vehicles will be allowed to park in the US Highway 81 Right of Way
   2. If allowed by SDDOT, applicant will provide signage at the edge of Highway R.O.W to represent the areas where parking is not allowed.
   3. Construct cement structure to serve as storm shelter.

**Board Action: Private Park & Campground: The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.**