

**Hamlin County Board of Adjustment Staff Report  
Monday, April 22, 2024 – 6 PM**

**ISSUE #1 Conditional Use**

**Applicant / Owner: Miranda Ribstein**

**Property Description:** Blocks 1, 2 and 3 Lake Poinsett Addition located in Outlots 1 & 3 of Government Lot 6 and Outlots 1 & 2 of Government Lot 7 all in Section 36, Township 113 North, Range 53 West of the 5th Prime Meridian, Hamlin County, South Dakota.

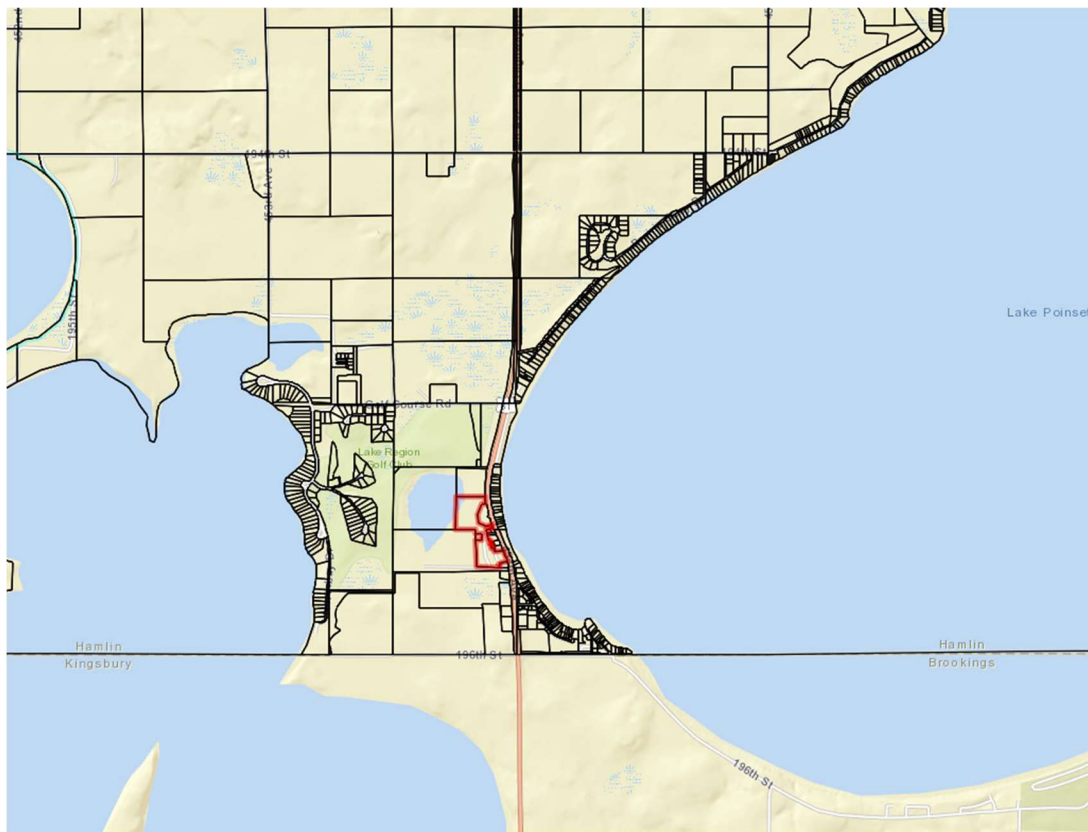
**Zoning Designation:** LP1 -Lake Park

**Action Item(s):**

Conditional Use – Type B Manufactured Home (Section 3.07.05.9)

Variance Exception–Section 5.10.03.1(a)- Manufactured Home Park Standards

*(Make Motion to Approve the Request Subject to the Conditions in the Staff Report)*







Specifics of Property/Request:

1. Miranda Ribstein is requesting to place a used 2008 16' x 80' Type B Manufactured home into an existing mobile home estates.

Ordinance/History regarding this request:

Conditional Use – Type B Manufactured Home

1. The structure has approximately 1,280 sqft of occupied space.
2. The applicant will utilize the existing lot and intends to support and anchor in accordance with manufacturer's specifications.
3. The proposed construction meets all setbacks and lot area requirements.
4. Notice was published in reference to the age requirement, however upon further research it was found manufactured homes with in an established Manufactured Home Park are allowed to be up to 25 years old.
  - a. This structure is 16 years old.
5. The applicant has provided photographs of the manufactured home's exterior and interior.
6. That it shall have been shown to the satisfaction of the Board of Adjustment that the said manufactured home complies with the gas, plumbing, electrical, and construction requirements of Hamlin County.

Staff Summary & Recommendation:

The applicant has provided documentation of the ability to meet the requirements of the zoning ordinance in reference to a Type B manufactured home. The Board may attach conditions to this request provided there is a logical reason to do so. Any conditions recommended by staff are primarily references to conditions placed on similar requests.

**Board Action:**

Conditional Use Permit: Type B Manufactured Home

The Board may choose to approve this conditional use permit based on the following:

- a. The applicant has provided all documentation necessary to meet the requirements of the ordinance to obtain a conditional use permit.
- b. History of the Board granting similar conditional use permits in this manufactured home park under similar circumstances.

The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.

If approved, staff recommends the following conditions:

Continue compliance with regulations regarding Type B Manufactured Home.



**Issue #2 Conditional Use**

**Applicant/Owner:** Bobbers LLC/VW Ent LLC

**Property Description:** Block 1 of Lemme Addition in Outlot 1 of Government Lot 7 in Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota; and Lots 9, 10, 11, and 12 of Nesson’s Subdivision of Outlot 1 of Government Lot 7 and Lot A of Outlot 1 of Government Lot 6 in Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.

**Action Item:** RENEWAL/ REVIEW Conditional Use – Outdoor music event (Section 3.12.03.1).

**Zoning Designation:** Lake Park Commercial District

*(Make Motion to Approve the Request Subject to the Conditions in the Staff Report)*

Location:



Specifics of Property/Request:

1. The applicant is seeking to continue to hold several outdoor concerts events through the summer months at Bobbers bar.
2. The applicant has submitted a building permit application for 30’ x 20’ covered porch addition to existing building in place of the tent, previously utilized, in order to create more outdoor usable space and “limit noise pollution” year round.
3. Additionally, the applicant has availability to continue to put up an approximately 60’ x 40’ tent (approximately 20’ in height) that they would like to keep up from May through September in order to create more outdoor usable space and “limit noise pollution”.

Ordinance/Board History regarding this request:

1. The lot in this proposal is a non-conforming lot of record, meaning it is a buildable/usable lot. The lot is approximately 24,000 sqft in area and 110' in width along the roadside.
2. The Lake Park District was amended to allow more than one commercial use on the same lot in 2022.
3. The property is adjacent to SD Highway 81. There is an existing approach off this road for entrance and exit to the property.
  - a. The property (when combined with the two lots north of Bobbers that hosts a firework stand 10 days of the year) has enough area for approximately 45-50 customer parking spaces.
  - b. The applicant was unable to provide estimates for the average number of people attending concerts each weekend since they do not charge a cover fee.
4. The applicant installed a fence along the south, west and north sides of the property enclosing the west lot.
  - a. General Compatibility: Adjacent property to the north, east, and south are commercial uses (bar, convenience store, and firework stand). All adjacent property to the west is residential (manufactured home park).
5. Hours of Operation – The applicant intends to have the bands play from 8pm to 12:30pm.
6. Utilities – The applicant has two temporary port-pots set up in the west parking area. These restrooms will only be there May through September.
7. The applicant expressed that additional lighting would be installed after the bar building addition is complete.
8. The original CUP was approved in 2020.
9. At the time of this report, staff has not received any correspondence from adjoining landowners.



Staff Summary & Recommendation:

The applicant has provided all information to meet the requirements of the zoning ordinance in reference to the proposed Outdoor Music Event. The Board may attach conditions to this request provided there is a logical reason to do so.

**Board Action:** Conditional Use: Outdoor Music Events

The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.

If approved, staff recommends the following conditions.

1. The applicant is responsible for keeping the site clean and ensuring no trash is transferred onto neighboring property. All trash and refuse shall be picked up at least two days after the conclusion of the individual concert event.
2. The applicant shall ensure that no parking occurs on the private property located in between the lot with the bar (Block 1 of Lemme Addition in Outlot 1 of Government Lot 7) and the lots associated with the firework stand (Lots 9, 10, 11 and 12 of Nesson's Subdivision of Outlot 1 of Government Lot 7 and Lot A of Outlot 1 of Government Lot 6).
3. Outdoor music shall strictly adhere to occurring only during the hours of 8pm and 12:30pm.
4. The applicant shall submit a building permit application for the tent for the summer. The applicant will only need to submit this permit once unless the size of the tent increases or the location changes. Payment of a building permit will only be necessary if the size of the tent changes.
5. All outdoor music events shall have security or parking attendants to assist with traffic control and direct parking to open lots.
6. The applicant shall come before the Board of Adjustment prior to starting any outdoor music events in 2025 to review the success of the previous year and provide dates and a plan for how safety will be handled for the upcoming events.

**Issue #3 Conditional Use**

**Applicant/Owner: Sunrise Dairy LLC/ Sietse & Aafke Andringa**

**Property Description:** North 1320' Of East 1320' Of Northeast 1/4 of Section 36, Township 115 North, Range 51 West of the 5th P.M., Hamlin County, South Dakota; and North 330' Of Southeast ¼ of the Northeast ¼ of Section 36, Township 115 North, Range 51 West of the 5th P.M., Hamlin County, South Dakota.

**Action Item:**

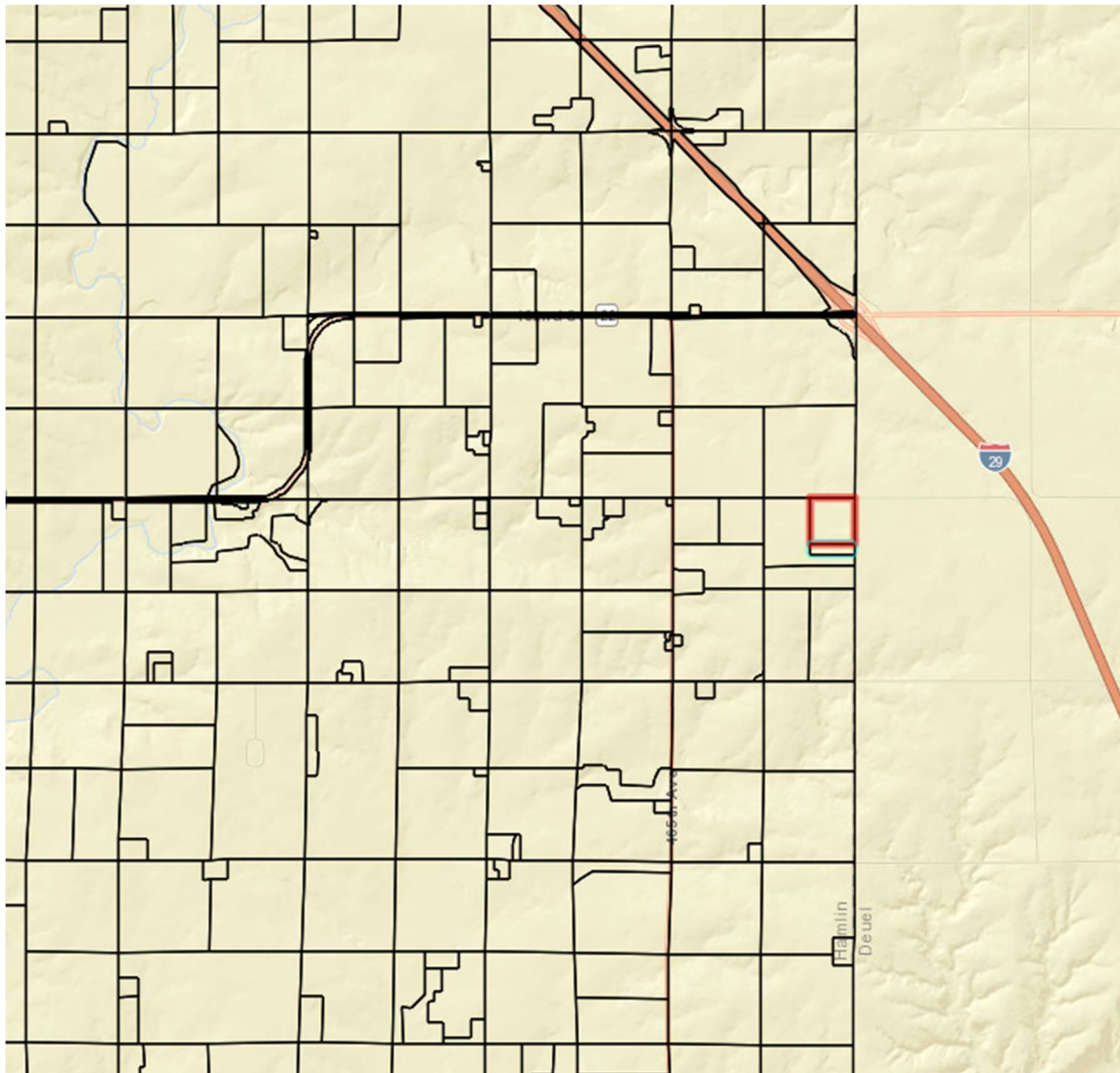
Conditional Use – Class A Concentrated Animal Feeding Operation (Section 3.04.04.09).

Variance – Reduced Setbacks and Separation Distance for New Concentrated Animal Feeding Operations and those expanding by 500 or More Animal Units after September 8, 1997. Township Road ROW Confinement 150 feet (Section 5.25.05.6) pursuant to Section 5.25.05.7.e.ii

**Zoning Designation:** Agricultural District

*(Make Motion to Approve the Request Subject to the Conditions in the Staff Report)*

Location:





Specifics of Property/Request:

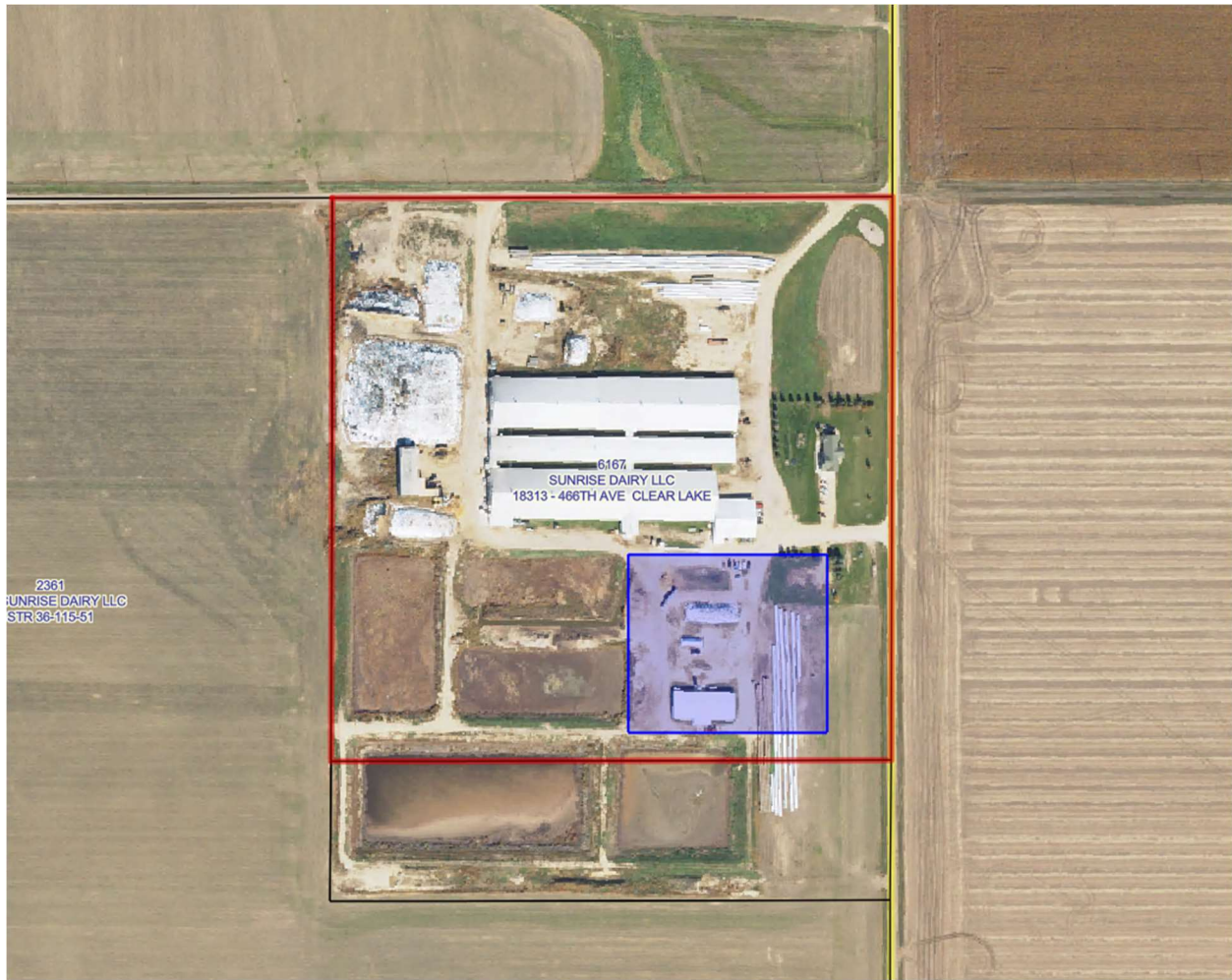
1. The applicant (Sunrise Dairy) is seeking to increase their existing Class A CAFO (Dairy) operation from 1,700 mature dairy cattle (2,431 animal units) to 3,400 dairy cattle (4,862 animal units).
  - a. The proposed increase will require 1 new freestall barn to the east of the existing ponds for expansion of existing animal holding areas.
    - i. The existing site has 3 freestall barns, milking parlor, 2 outbuildings, 1 employee house, 2 settling ponds, and stormwater lagoon/basins/ponds.
  - b. The applicant is seeking to add to the North 1320' of East 1320' of Northeast 1/4 and North 330' of Southeast 1/4 of the Northeast 1/4 of 36-115N-51W, in order to install a new freestall barn with attached calf barn.
2. The milking herd will continue to be wholly confined within the freestall barns.

Ordinance/Board History regarding this request:

1. On June 10, 2013 Sunrise Dairy was granted a conditional use permit for a Class A CAFO (Dairy) for 1,700 mature dairy cattle (2,431 animal units).
2. The site is not within the adopted floodplain, nor located over the shallow aquifer protection district.
3. The Board shall consider the following in determining whether the proposed CAFO will create a significant contribution of pollution:
  - a. Size of feeding operation and amount of manure reaching waters of the state.
    - i. Historically the Board has relied in determination of SDDANR in reference to this question since waters of the state are under their jurisdiction.
    - ii. No changes - The project engineer certifies that zero manure from the operation will leave the site.
  - b. Location of feeding operation in relation to waters of the state.
    - i. No changes.
    - ii. The nearest USGS "Blue-line" (waters of the state) cuts through the southwest corner of the section containing this property, but containment has and is intended to keep process water from reaching the area.
    - iii. The additional structure will be further away from the blue-line.
  - c. Means of conveyance of manure and process wastewater into waters of the state.
    - i. See items a. and b.
    - iv. Typically, the Boards rely on determination of SDDANR in reference to this question since waters of the state are under their jurisdiction and this is a component of the State General Permit review.
  - d. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state.
    - i. Property in all directions of the site is used for either crops or pasture.
    - ii. Finished grading is intended to contain process water in lagoons and allow stormwater to pass by the property in similar volumes to pre-development conditions.
    - iii. Rainfall for this area is similar to the rest of the county.
    - iv. Property slopes so that it would be unlikely for overland flow to get to the blue-line areas.
    - v. Historically the Board has relied in determination of SDDANR in reference to this question since waters of the state are under their jurisdiction and this is a component of the State General Permit review.

4. Class A CAFO shall obtain an updated State General Permit.
  - a. The applicant will submit engineered manure and nutrient management plans and to SD DANR for State General Permit pending the decision of the Board.
5. Nutrient Management Plan
  - a. There were no changes to the existing Nutrient management plan, but the applicant did submit the plans with the application. The NMP will be submitted to SDDANR for review. It describes practices and management activities on how best to utilize manure as a fertilizer resource while protecting surface and ground water, as well as soil sampling, record keeping, inspections, and annual reporting.
  - b. Fields in the existing nutrient management plan are not expected to change, but could change per the applicant or based upon the zoning ordinance.
  - c. The SDDANR will determine whether the NMP meets regulatory standards in review of the updated State General Permit.
  - d. The applicant agrees to follow all manure application setback requirements.
6. Manure Management and Operation Plan
  - a. An engineered site plan detailing location of manure management facilities was provided.
  - b. The applicant provided and intends to follow best management practices for operation procedures and maintenance of manure facilities.
  - c. Applicant will not be authorized to store manure for more than 2 years. Applicant intends to store manure onsite for about a year.
  - e. The applicant stated they intend to keep records on manure application and document that acceptable manure and nutrient management practices have been followed.
  - f. SDDANR has more technical expertise to specifically address manure management facilities and operations and will review these as a part of the State general permit.
7. Management Plan for Fly and Odor Control
  - a. Applicant intends to reduce odors by creating a cleaning schedule, removing manure from the pens as soon as possible, cleaning feed spills swiftly, and addition of chemicals to manure.
  - b. Liquid manure will be stored in engineered earthen storage ponds. The ponds are positioned in a way to be the furthest distance possible from the closest neighbors.
  - c. Facility will remove solids from manure prior to sending it to the storage ponds to further reduce odor.
  - d. Final disposal of the manure will be by land application, generally injection, at rates that allow beneficial utilization of the manure nutrient content.
  - e. Dead animals will be temporarily stores in an enclosed structure prior to rendering. Disposal of dead animals will be handled by one or more methods, approved by the State Animal Industry Board.
8. The proposed barn does not meet all required setbacks. It is within one road setback (less than 150' from 466<sup>th</sup> Avenue).
  - a. The ordinance does allow the Board to increase or decrease the setbacks and/or separation distances for an operation this size that is expanding.
  - b. However, with waivers, no change to animal holding areas, and installation of anaerobic digesters to decrease odor, there seems to be little justification to do so.
9. The existing operation meets all other required setbacks and separation distances.
10. Applicant did not request any additional employee housing.
11. Staff is not aware of any current or past violations, documented by the EPA, SD DENR, or similar applicable agency in other states.
12. Staff notified all property owners within one-mile. No correspondence was received.

SETBACK - A Variance Request to Section 5.25.05.6: Required Setbacks and Separation Distance for New Concentrated Animal Feeding Operations. Applicant request to operate this Class A Concentrated Animal Feeding Operation less than 150 feet from Township Road ROW pursuant to Section 5.25.05.7(e)(ii): Exemptions to Separation Distance Requirements.



Staff Summary & Recommendation:

The applicant has provided all materials required by the zoning ordinance, other than the updated State General Permit. If the conditional use permit is approved, the Board may attach conditions to this request provided there is a logical reason to do so. Any conditions recommended by staff are primarily references to similar requests.

**Board Action:** Conditional Use: Class A Concentrated Animal Feeding Operation.

The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.

If approved, staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant:

1. Conditional Use Permit shall become effective upon issuance of State General Permit by South Dakota Department of Environment and Natural Resources.
2. The Conditional Use permit is transferable. Subsequent owner/operators shall agree to the terms of this permit.
3. This Conditional Use Permit authorizes the use of this property for a Concentrated Animal Feeding Operation (dairy cattle) consisting of four thousand eight hundred and sixty two (4,862) mature dairy cattle and three hundred calves. Expansion over four thousand eight hundred and sixty two (4,862) animal units will require a new conditional use permit action.
  - a. In no case shall it be implied that this permit authorizes greater than four thousand eight hundred sixty two (4,862) animal units.
4. The applicant agrees to comply with the SDDANR approved nutrient management plan and manure management and operation plan.
5. The applicant agrees to comply with the County approved fly and odor management plan.
6. Prior to additional stocking, documentation of SDDANR approval of minimum manure storage plan and nutrient management plan shall be submitted to the Zoning Officer.
7. The conditional use shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are adhered to.
8. Applicant shall provide updated information regarding fields included in the nutrient management plans upon request by the Zoning Officer.
9. Haul road agreement with Dempster/ Hamlin Township shall be maintained for the use of the primary haul routes. Unless otherwise agreed to between the Road Authorities the applicant, Hamlin County requires the Grantor to abide by the following terms to be included in the Agreement:
  - a. Unless otherwise agreed upon between the Applicant and the Road Authority, the Applicant shall be responsible for any costs associated with extraordinary maintenance on the portion of the primary streets used during the construction and operation of the proposed use.
  - b. Unless otherwise agreed upon between the Applicant and the Road Authority, all road work whether customary or extraordinary shall be done under the authority and supervision of the County and meet their specifications. The work shall be done through the applicable contractor unless the Applicant receives prior authorization from the Road Authority to conduct its own repairs or maintenance.
  - c. The Road Authority shall be responsible for all ordinary snow removal on the same basis as provided to the remainder of the roads maintained by the Road Authority. Any additional snow removal deemed necessary for the Applicant to continue its operations is hereby authorized to be done at Applicant's expense.
  - d. In the event the haul road agreements hereinbefore described are not executed, the Applicant, his heirs, assigns or successors in interest of the Applicant agree that all of the terms and conditions of Item "9" are to be deemed a covenant running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of Item "9".
10. The Applicant shall comply with established minimum manure application setbacks when spreading manure generated from the CAFO.
11. Violation of the terms of this conditional use permit will be determined by the Hamlin County Zoning Officer.



- a. The first violation substantiated by the Zoning Officer of this conditional use permit may result in a notification letter stating the violation and a prescribed period of time to remove the violation. A second violation occurring within one calendar year of the previous violation may result in a review of the validity of the conditional use permit and potential revocation of said permit. A third violation within one calendar year of the initial violation may result in revocation of the conditional use permit and cessation of all contractor operations within forty-five days (45) of notice of revocation.
  - b. The applicant may appeal the decision of the Zoning Officer within twenty-one (21) days to the Hamlin County Board of Adjustment. The applicant shall file with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such appeal shall be heard within sixty (60) days. Appeals from the Board of Adjustment shall be taken to Circuit Court.
  - c. Failure to comply with the decision of the Zoning Officer or other agent of the Hamlin County Board of Adjustment may be deemed a separate violation.
12. All of the terms and conditions herein shall extend to and be binding upon the heirs, assigns, or successors in interest of the Applicant, and are to be deemed a covenant running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of this agreement.

Hamlin County Planning Commission Staff Report  
Monday, March 25, 2024

**Issue #1 Plat**

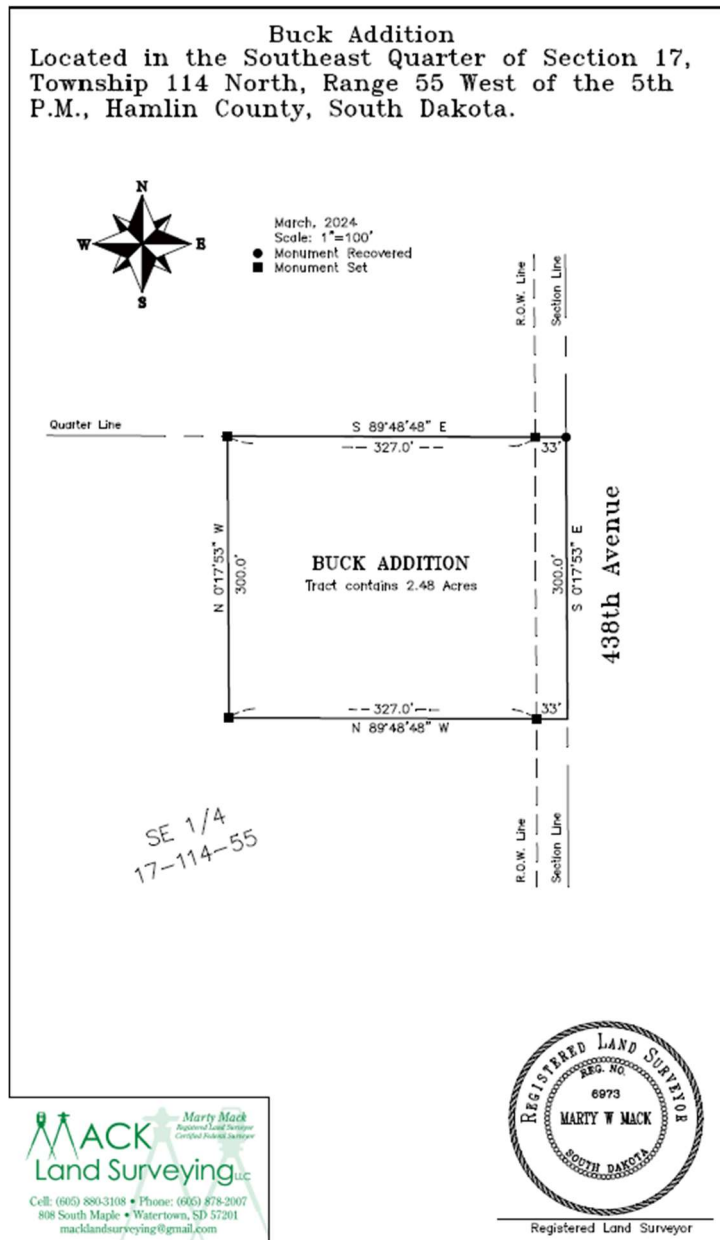
**Applicant/Owner:** Brady Buck

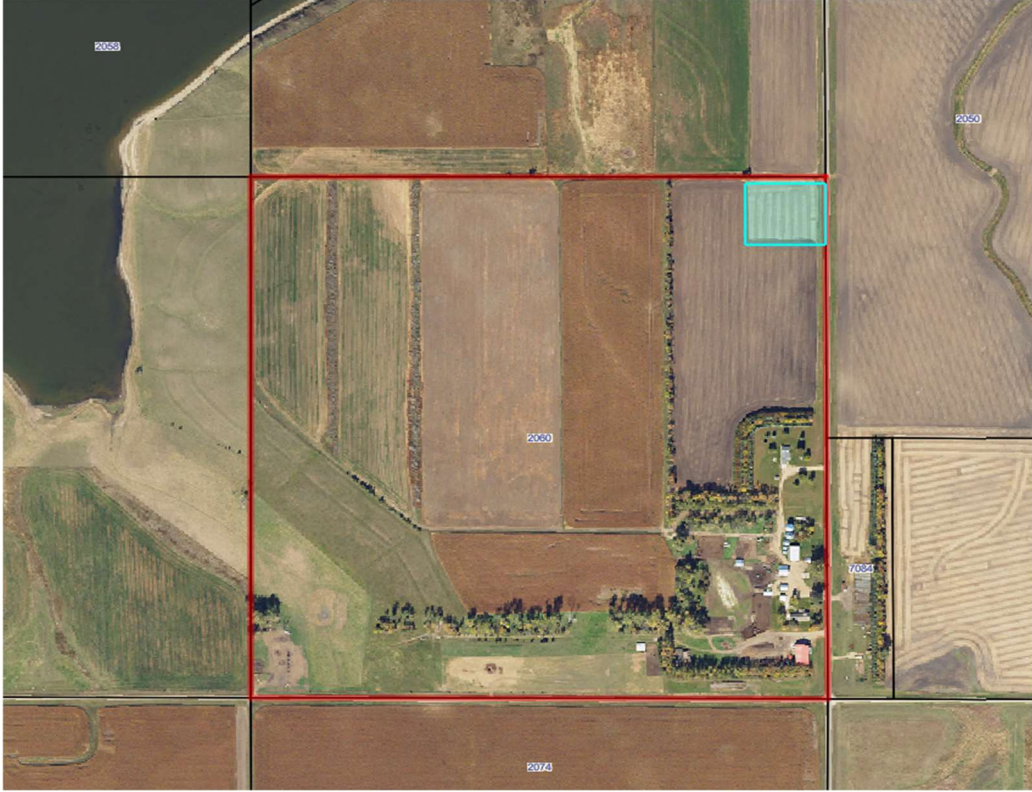
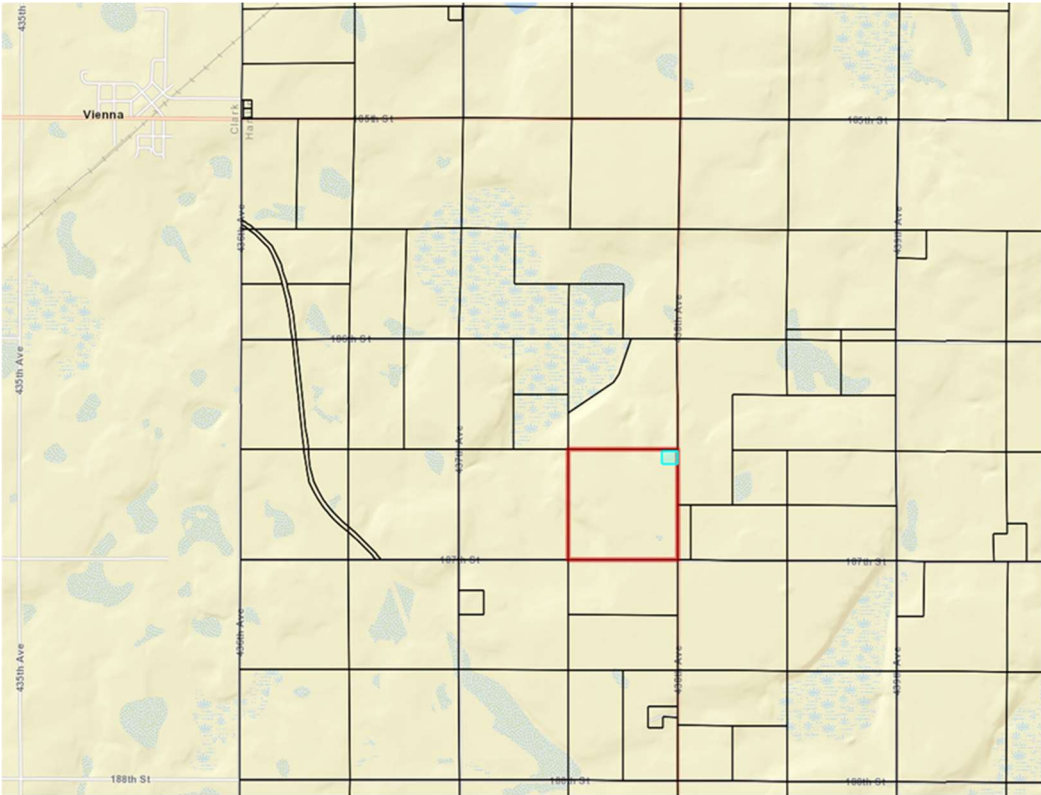
**Property Description:** Buck Addition located in the Southeast Quarter of Section 17, Township 114 North, Range 55 West of the 5th Prime Meridian, Hamlin County, South Dakota.

**Action Item: Plat**

**Zoning Designation:** Agricultural District

Location:





Specifics of Property/Request:

1. The applicant seeks to plat 1 lot with area of approximately 2.48 acres each as shown above, in order to construct new home.

Ordinance regarding this request:

1. Ordinance permits use for single family dwellings used as farm or non-farm dwellings.
2. Applicant meets the requirements for the administrative approval of permits, however they need to plat this in accordance with the subdivision ordinance.
3. This plat meets the requirements to skip the Concept Plan and Preliminary Plan process.

Staff Summary & Recommendation

The applicant has provided documentation of its ability to meet the requirements of the Subdivision Ordinance. Staff recommends this plat be forwarded to the commissioners.

**Planning Commission Action:**

The Commission may: 1) Postpone the decision 2) Recommend conditional approval or denial to County Commission.



**Issue #2 Plat**

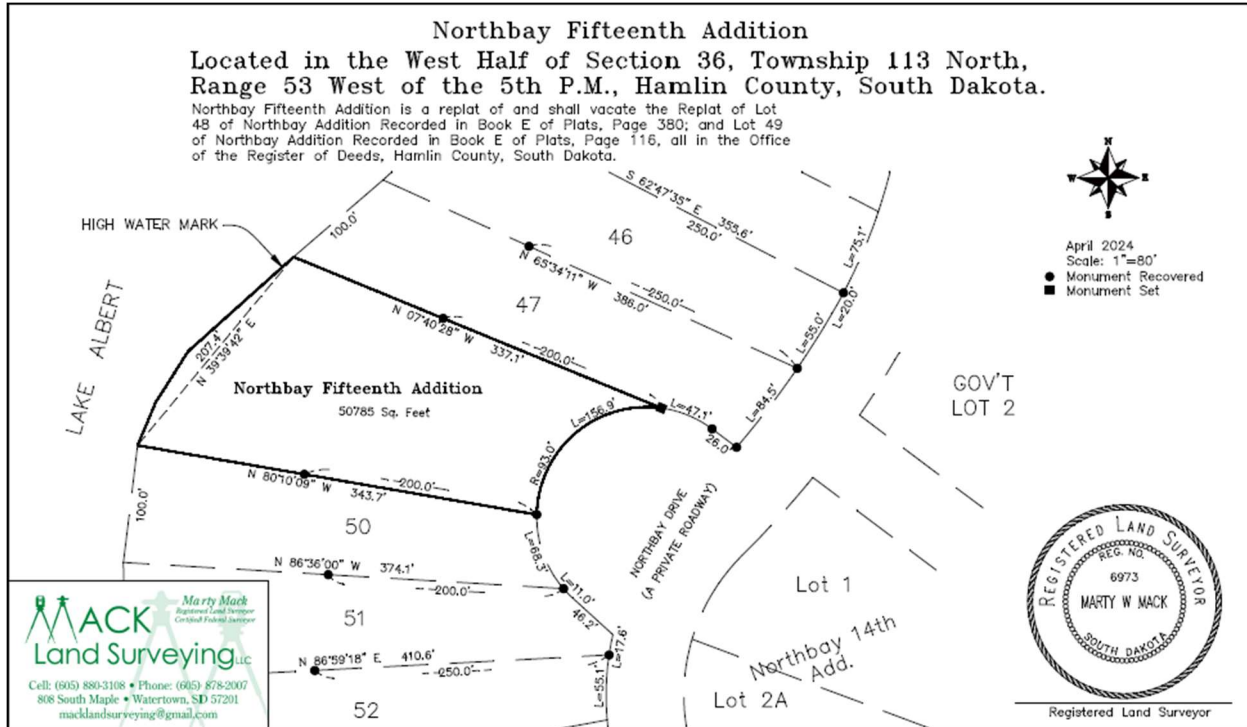
**Applicant/Owner:** LYLE DALE & HOLLY LYNN HAWKINSON REV LIV TRST

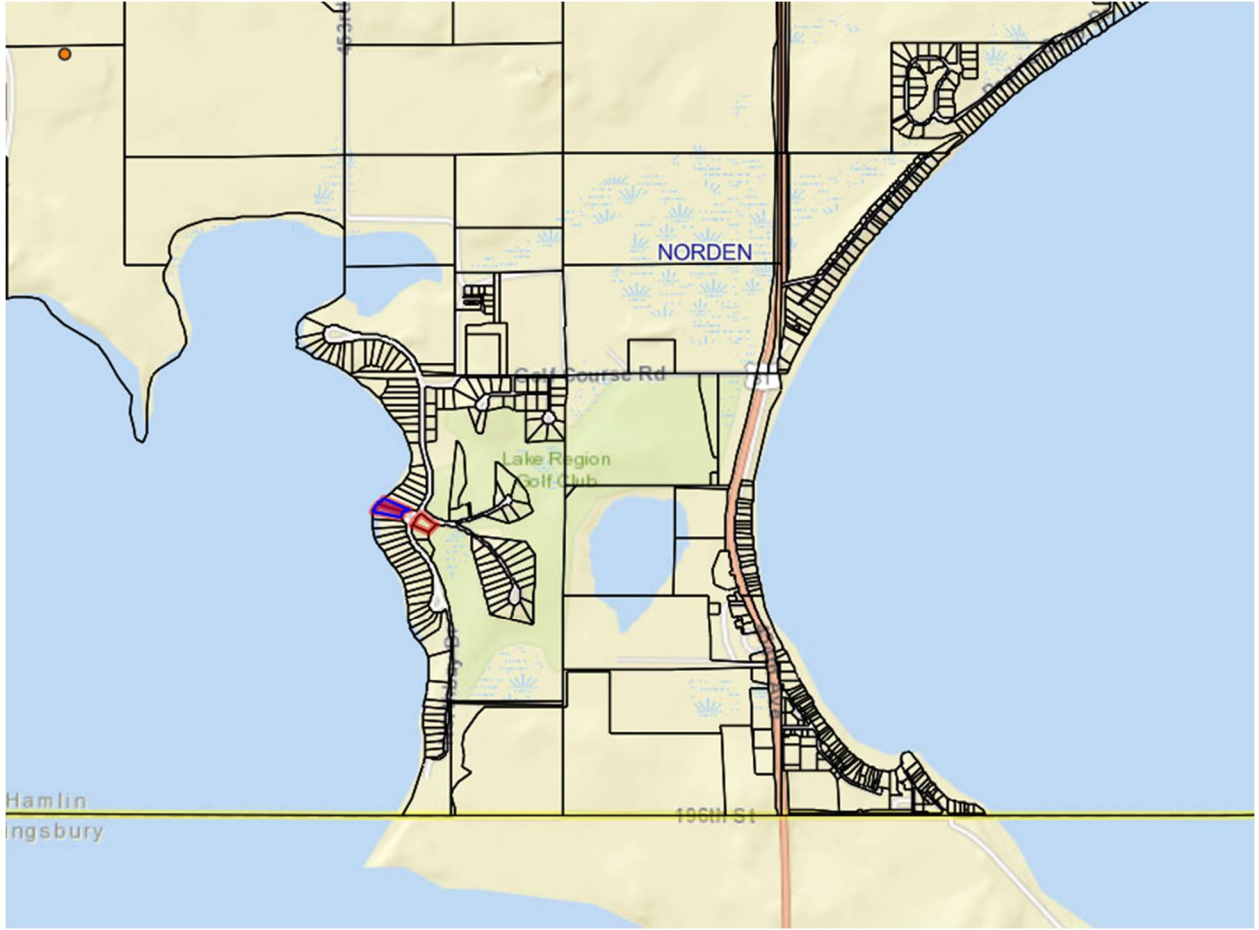
**Property Description:** Northbay Fifteenth Addition located in the West Half of Section 36, Township 113 North, Range 53 West of the 5th Prime Meridian, Hamlin County, South Dakota.

**Action Item:** Plat

**Zoning Designation:** Lake Park District

Location:





Specifics of Property/Request:

The applicant seeks to combine two(2) existing parcels into plat 1 lot with area of approximately 50,785 square feet as shown above..

Ordinance regarding this request:

1. Applicant meets the requirements for the administrative approval of permits.
2. This plat meets the requirements to skip the Concept Plan and Preliminary Plan process.

Staff Summary & Recommendation

The applicant has provided documentation of its ability to meet the requirements of the Subdivision Ordinance. Staff recommends this plat be forwarded to the commissioners.

**Planning Commission Action:**

The Commission may: 1) Postpone the decision 2) Recommend conditional approval or denial to County Commission.

**Issue #3 Concept and Preliminary Plan**

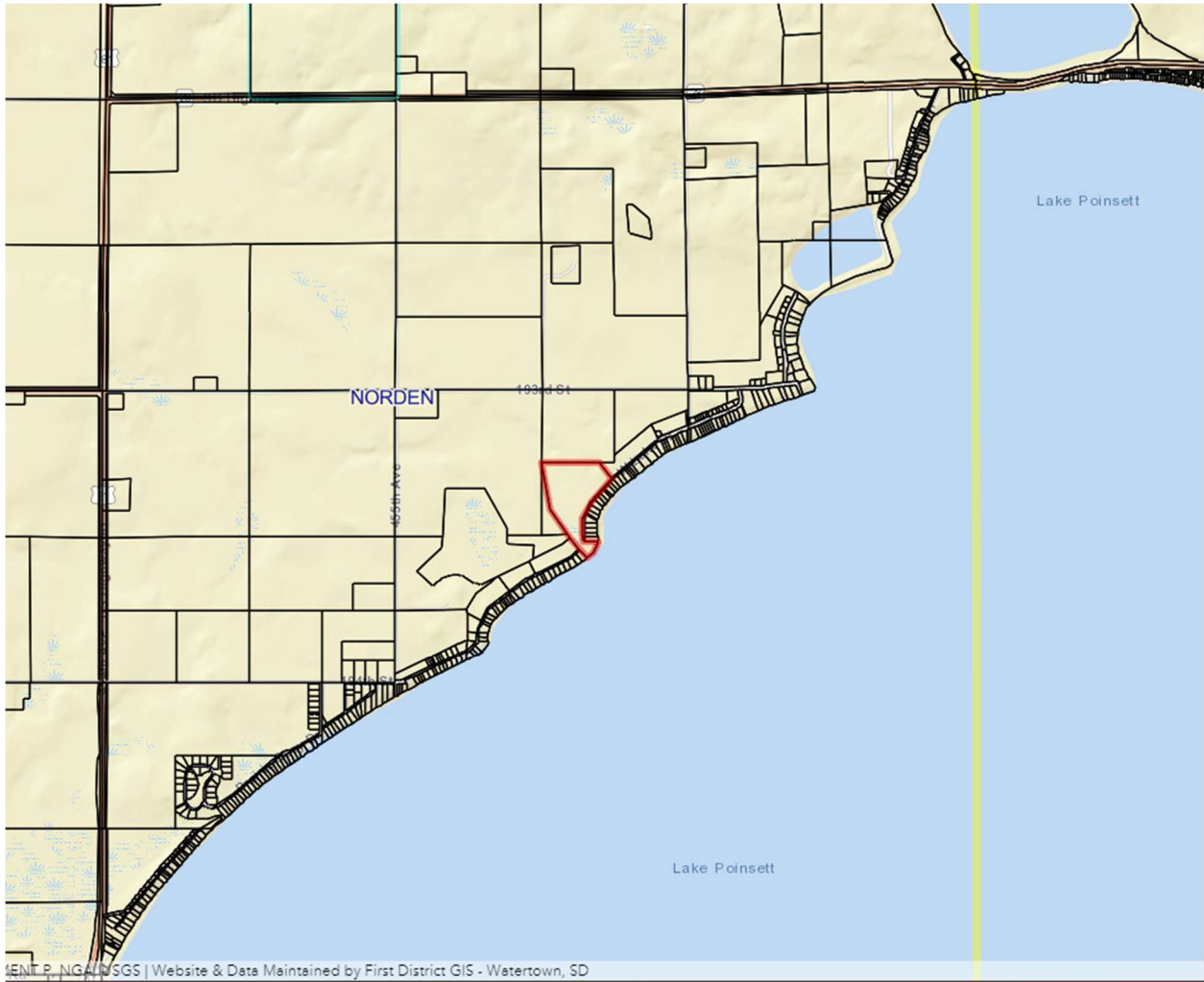
**Applicant/Owner:** Casey Witt

**Property Description:** Kangas third Addition: Lot 2 of Section 20, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota

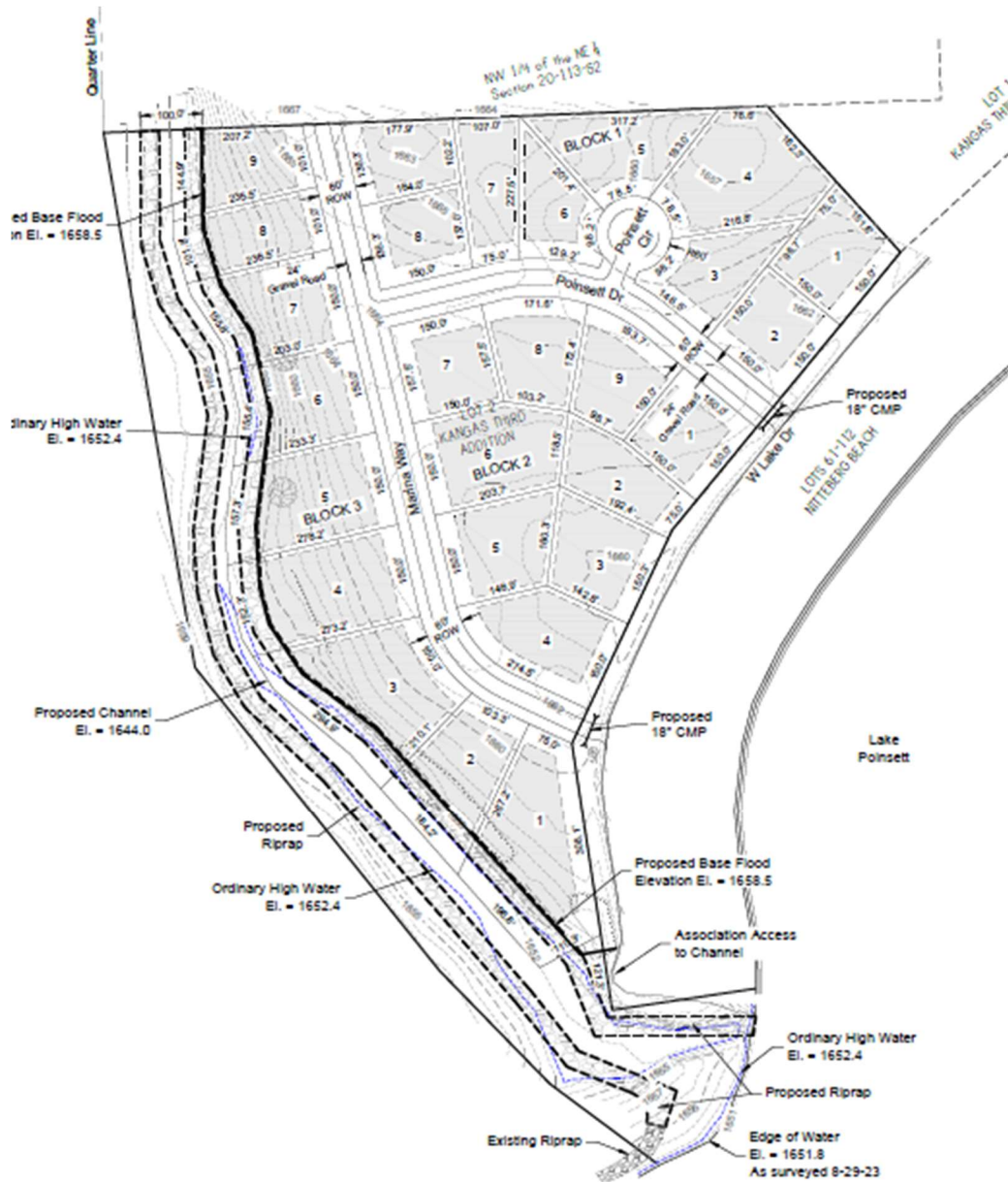
**Action Item:** Review only – No formal action necessary

**Zoning Designation:** Lake Park District

Location:









<u>Lot Areas</u>	<u>Block 2</u>	<u>Block 3</u>
<u>Block 1</u>	Lot 1 = 22,500 S.F.	Lot 1 = 53,055 S.F.
Lot 1 = 24,125 S.F.	Lot 2 = 21,436 S.F.	Lot 2 = 32,839 S.F.
Lot 2 = 22,500 S.F.	Lot 3 = 25,317 S.F.	Lot 3 = 49,408 S.F.
Lot 3 = 23,812 S.F.	Lot 4 = 31,079 S.F.	Lot 4 = 42,347 S.F.
Lot 4 = 39,513 S.F.	Lot 5 = 26,306 S.F.	Lot 5 = 38,902 S.F.
Lot 5 = 28,127 S.F.	Lot 6 = 32,639 S.F.	Lot 6 = 31,677 S.F.
Lot 6 = 20,348 S.F.	Lot 7 = 23,625 S.F.	Lot 7 = 32,519 S.F.
Lot 7 = 21,025 S.F.	Lot 8 = 23,301 S.F.	Lot 8 = 24,101 S.F.
Lot 8 = 21,397 S.F.	Lot 9 = 22,816 S.F.	Lot 9 = 26,898 S.F.
Lot 9 = 20,228 S.F.		

Specifics of Property/Request:

1. The applicant seeks to plat 27 lots for transfer. The lots will have area as shown above:
2. All lots meet minimum lot area, regardless of whether they are connected to the sanitary sewer district, have a holding tank, or septic tank.

Comprehensive Plan and Subdivision Ordinance regarding this request:

The Comprehensive Plan accounts for extension of existing residential development within the LP District, similar to this development following a site specific review. The developer has provided a concept and preliminary plan in accordance with the process established by the Subdivision Ordinance.

Below is a review of the Concept Plan Section of the subdivision ordinance in reference to this Concept Plan:

Section	Description	Notes
202.3.a.1	The proposed name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.	Marina Estates
202.3.a.2	Names, addresses, and telephone numbers of the owner(s), subdivider(s) and engineer(s).	Casey Witt (Contact) Prairie Properties (Owner); CDI Civil Design Inc (Engineer)
202.3.a.3	Vicinity map to scale, showing the locations of the proposed subdivision and other property for at least three hundred thirty (330) feet in every direction.	Provided
202.3.a.4	The legal description(s) and notations stating acreage, scale, north arrow and date of survey.	Provided
202.3.a.5	The proposed zoning districts.	Provided in other documents
202.3.a.6	A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.	Has (shown above)
202.3.a.7	Locations and widths of all existing and proposed easements.	None shown

202.3.a.8	Locations and sizes of all public facilities, schools, libraries, fire stations, parks, tree masses, wetlands and other significant natural features.	Wetland shown: no fill should be allowed without USACE 404 permit in wetland; Applicant working with Corp of Engineers and Game Fish & Parks on marina requirements
202.3.a.9	Any expectations for County reimbursements.	None cited
202.3.a.10	Proposed phasing for development with estimated timelines.	No phasing - staff assumes all will be installed at same time
202.3.a.11	Disclosure of proposed variances.	None requested
202.3.b.1	The general layouts of streets and access points to adjacent street systems	As shown above
202.3.b.2	The general layout of pedestrian connectivity.	No pedestrian system to connect to. Property below OHM is public access
202.3.b.3	Rights-of-way widths.	60' Street R-O-W to west edge, 60' cul-de-sac radius
202.3.b.4	Street names.	Marina Way, Poinsett Drive and Poinsett Circle
202.3.b.5	Type of street section.	None shown - presumed to meet established standards
202.3.c	The general layout of the proposed sanitary sewer system including locations of gravity sewers and force mains, lift stations, and connection points to the existing system.	Septic tanks PLANNED with the understanding that they will connect to sanitary district when it becomes available; buildable portions of lots vary from 8 - 18' above OHM/depth to water table may be an issue
<b>Section</b>	<b>Description</b>	<b>Notes</b>
202.3.d	The general layout of the proposed water main system including connection points to the existing system.	None provided - presumed to follow street
202.3.e	The Concept drainage and grading plan shall include and provide information regarding significant changes to grading, drainage, and proposed manner of controlling stormwater runoff to preconstruction/subdivision volumes.	none provided - presumed to follow current drainage
<b>General Comments:</b> Shape of lots is unorthodox but designed to provide marina access for each lot within Block 3. This avoids the need for future owners to travel past existing houses (to the south) for boat/lake access. Roads and marina to be maintained by HOA/ MOA.		
<b>General Concerns:</b> 1) No drainage shown on plan causes concern for how water will get to existing drainage pattern/how to avoid blocking drainage pattern without easements		
<b>General Recommendations:</b> 1). Maintenance agreement and covenants may be necessary to ensure minimum property and access standards		

Below is a review of the Preliminary Plan Section of the subdivision ordinance in reference to this Preliminary Plan:

Section	Description (Red text is missing information)	Notes
203.3.a	Names of subdivision, names and addresses of the owners, and engineer or surveyor, and the names of adjoining property owners within 500 feet of any perimeter boundary of the subdivision. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision	Marina Estates, Casey Witt (Contact) Prairie Properties (Owner); CDI Civil Design Inc (Engineer)
202.3.b	Date, north point and scale. Scale shall not be less than one - (1) inch equals one hundred (100) feet	Provided
202.3.c	Location of property lines, roads, existing utilities with size of lines, and other underground installations	shown
202.3.d	Acreage of land to be subdivided	shown
202.3.e	Proposed utility system	None provided - presumed to follow street
202.3.f	Contours at an interval of not greater than five (5) feet; also, the locations of watercourses, bridges, wooded areas, and such other topographic features as may be pertinent to the subdivision	
202.3.g	Lot lines, lot numbers, and minimum building setback lines.	Shown
202.3.h	Location of proposed culverts and other drainage provisions.	Shown
202.3.i	Proposed improvements and grading	None provided
202.3.j	Proposed easements, dedications, and reservations of land to be considered for sale or dedication to public use	Shown
202.3.k	Names of new streets	Shown: Marina Way, Poinsett Drive, Poinsett Circle
202.3.l	Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plan	To be provided
<p><b>Updates From Concept Plan:</b> 1) Email and discussion on drainage: same rules apply for overland drainage as on farmland. The property owner is liable for any damages resulting from actions taken to impede or expedite drainage as a civil matter. The county does not have a drainage ordinance.</p>		



### Staff Summary & Recommendation

#### Planning Commission Action:

##### Concept Plan

No formal action is required. The goal of the concept plan is for the Planning Commission to note specific concerns it has regarding the planned uses, density, lot layout, provision of infrastructure, etc. If there are any “deal breakers” that need to be addressed before the applicant performs a detailed engineering study in furtherance of approval and provide applicant and staff of consensus regarding suggested solutions to review/concerns/recommendations provided by staff; or any other recommendations/concerns by the Planning Commission.

##### Preliminary Plan

The Preliminary Plan requires formal approval by the Planning Commission. The Planning Commission can approve, deny, or postpone action on the Preliminary Plan and cite specific expectations before they will consider it. Staff recommends any approval authorize the Planning Commission chair to sign plats that are consistent with this preliminary plan provided:

- No building permits will be issued upon any lots unless and until the entire street/ road system upon which said lot fronts has been installed in accordance with the specifications of the Preliminary Plan and/or Subdivision Ordinance.
- An association shall be established for the maintenance of the marina, rip-rap, weed control, access maintenance, etc.
- An association shall be established for the purpose of maintaining Marina Way, Poinsett Drive and Poinsett Circle. Said association shall assume all responsibility for the condition and maintenance of those streets.
- *Standard language regarding agreement to connect to sanitary sewer if it is extended.*