

Hamlin County Board of Adjustment Staff Report
Monday, August 25, 2025 – 7PM

ISSUE #1 Variance/ Conditional Use

Applicant/Owner: Arlington Rental Storage/ John Hurley/ Robert Jenkins

Property Description: Block 1, Petersen 2nd Addition in East ½ of the Southeast ¼ in Section 36, Township 113N, Range 53W of the 5th P.M.

Action Items:

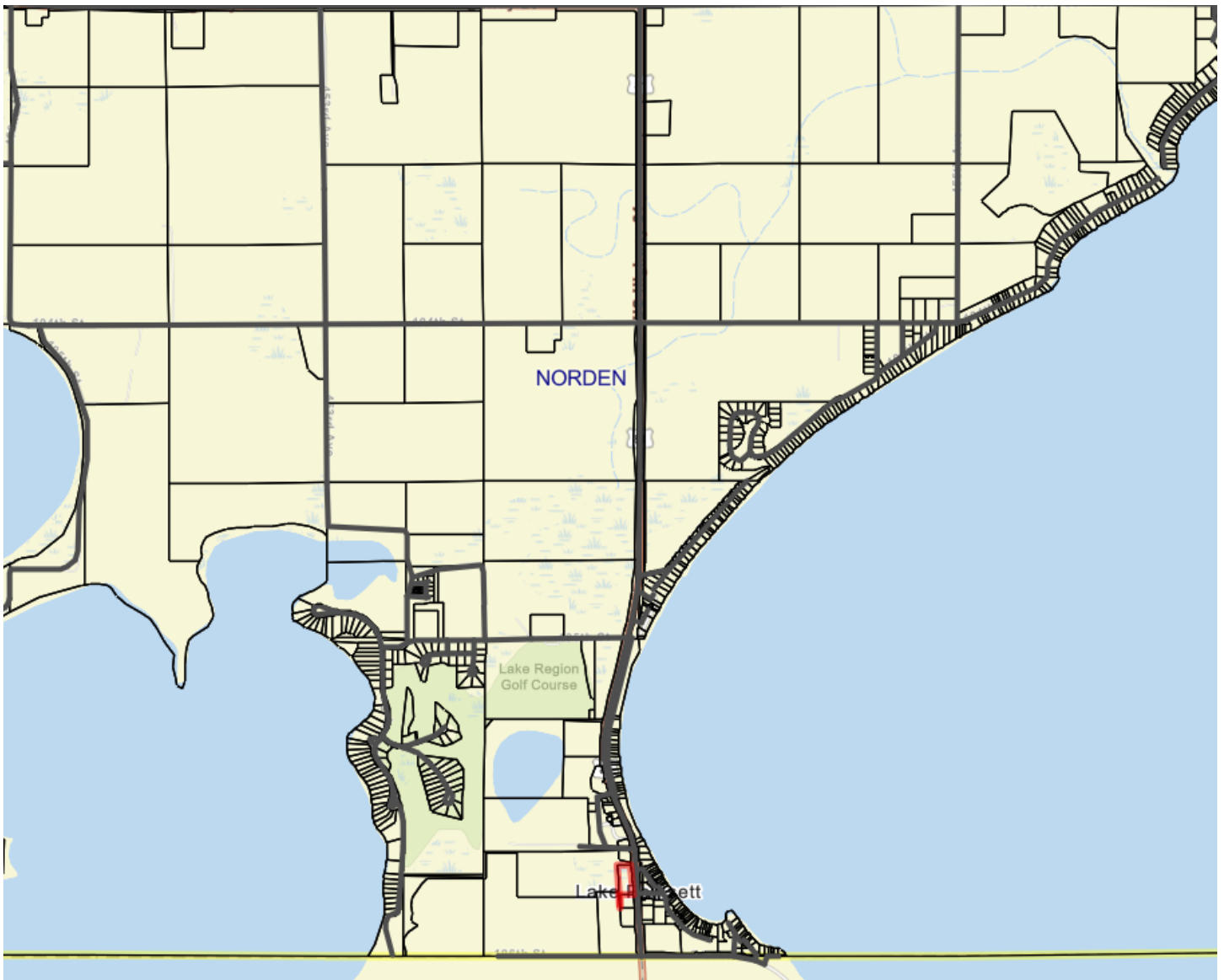
Variance – Minimum Lot Area

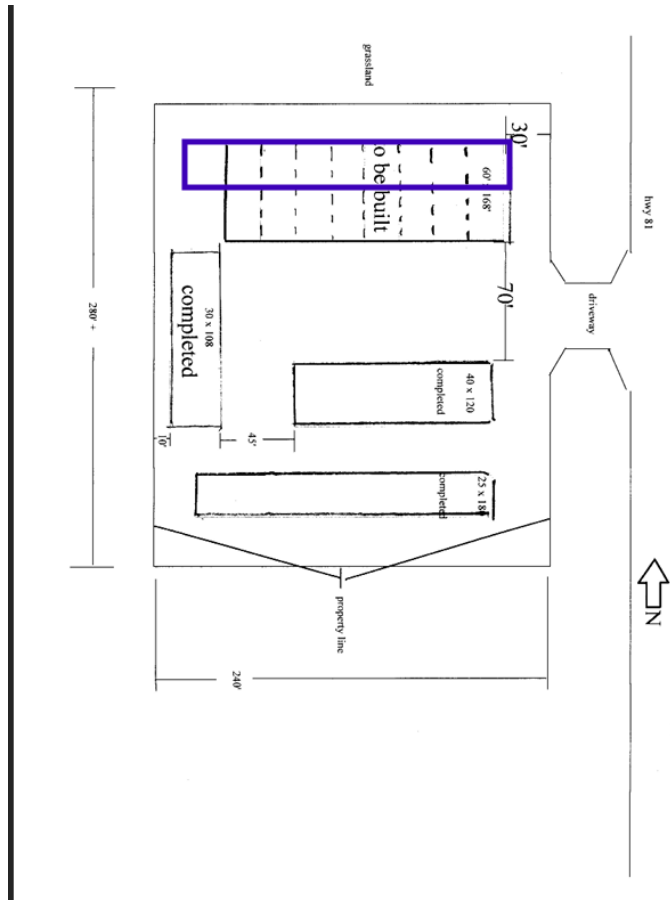
Conditional Use Amendments – Commercial Storage Permit – Legal Description and Maximum Size of Structures

Zoning Designation: Lake Park Commercial District

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

Location:





Request:

1. The applicant seeks a variance to construct a commercial storage garage on less than 3 acres.
2. The applicant also seeks to amend a permit approved and issued June 24, 2019 to change the legal description from a previous plat (approved November 25, 2024) and allow structure maximum increased from previously permitted 4,500 square feet to 10,100 square feet.
3. The applicant proposes to build a taller/ larger commercial storage structure on the North end of the property.

Specifics of Property/ History

1. Conditional Use Permit was previously approved and issued on June 24, 2019.
2. Acres are the same as when originally approved and issued.
 - a. Board has a history of allowing variance/ conditional use on lots permitted for commercial storage by the Board of Adjustment prior to establishment of LP-C District despite having less than a 3-acre lot. (Fred Pahl – 08/2023)
3. Legal description changed when a revised plat was approved November 25, 2024.
4. Structures shown on proposed CUP in 2019 showed 25'x180', proposed would be 60' x 168', 19' side wall on door, 14' on back of each unit.

Ordinance/History regarding this request:

Ordinance requires 3 acres for Commercial Storage Garages. Conditional Use permit issued for Commercial Storage Garages previously approved and issued June 24, 2019, on the same acres as current request.

The proposed structure size change and height would be permissible under permitted use, if variance is granted.

Staff Summary & Recommendation:

The request for variance probably should have been considered when approving the plat of Hurley's in November 2024. Even if it is NOT the intent to allow additional storage buildings on the site, staff recommends approval of the variance to allow for the reconstruction of the buildings in the event of catastrophic loss since the lot size has not changed from the original approval and establishment of minimum lot area.

Staff is unable to identify any specific reason the size was limited in review of the original minutes, applicant, and report other than the fact that the Board approved the number and size requested at the time. Typically the approval of the use (Commercial Storage Garages) would not require an amendment to allow the size of the buildings to change, however the original permit specified the number and size of structures; so the amendment is necessary this time. The applicant has provided documentation of the ability to meet all other requirements of the zoning ordinance in reference to Commercial Storage Garages. The Board may approve, deny, or postpone the request.

Board Action:

The Variance request could be approved based upon:

- a. Previously approved CUP established 2.83 acres as an adequate lot area for the commercial storage business.
- b. The request reconfigures the lot rather than re-sizes it.
- c. The board has a history of honoring CUP's for storage businesses granted prior to the adoption of the LP-C District.

Conditional Use Permit: Commercial Storage Garage

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.

Regardless of the decision to amend the permit today, Mr. Jenkins still has a valid conditional use permit to operate the Commercial Storage Garages.

- A “No” vote would allow him to construct the structure on the property and continue to utilize the property as previously approved
- A “Yes” vote would allow him to place the proposed larger structure on the property and continue to utilize the property as previously approved.

Staff Recommendations:

Amendment of a Condition of Approval of Conditional use Permit – Commercial Storage Garages (June 24, 2019): The Board may 1) Postpone the request 2) Deny the request 3) Approve the request.

If approved, staff recommends the following condition:

Continue compliance with regulations regarding Commercial Storage Garages.

(Staff has included the original report from 6/24/19 below for reference information)

Issue #3: Conditional Use

Applicant: Arlington Rental Property LLC (Robert Jenkins)

Owner: John Hurley

Property Description: Block 1, Petersen Second Edition in the E ½ of the SE ¼ of Section 36, Township 113N, Range 53W of the 5th P.M., Hamlin County, South Dakota (Norden Township).

Action Item: Conditional Use – Commercial Storage Garages (3.07.05.10)

Zoning Designation: LP1 – Lake Park District

Request: Applicant requests to construct commercial storage garages for private use on property adjacent to US HWY 81.

Update: Since the Board postponed the decision after the public hearing was closed and the findings questions were read, the item will be brought up back at Board Discussion with no additional testimony taken from the public, the Board may ask questions of the applicant.

Location:



History/Issues:

1. Applicant is requesting to construct 4 storage unit buildings for private personal use on property owned by Mr. Hurley.
 - a. If proposal is approved, Mr. Jenkins will purchase the land and oversee management of the facility.
2. Proposal is for four storage buildings on the property
 - a. Building #1: 25' x 180' with 33 units
 - b. Building #2: 30' x 120' with 16 units
 - c. Building #3: 25' x 180' with 18 units
 - d. Building # 4: 40' x 120' with 30 units
3. Entrance and Exit access will be directly onto US Highway 81. They have received a Highway Access Permit to construct a new approach for this property from SD DOT. Building #4 is offset from the center of the 3 buildings to accommodate for incoming vehicles to the property.
4. No designated off-street parking is defined on the site plans, there is adequate space for movement of vehicles between buildings when loading and unloading into a unit.
5. Utilities and Security room will be located on the east side of Building #1
6. No screening or buffering were proposed in the submitted plans.
7. No signs were proposed in the submitted plans.
8. Lighting and security cameras will be located throughout the property. No specification on the type of lighting was listed.
9. Layout of buildings meets the required setbacks from ROW (30 feet) and side yards (10 feet for commercially used properties)
10. General Compatibility: There are no other storage units within the immediate area where this is proposed (Excluding Spilde Proposal) so one may see this as filling a need for personal storage of boats, campers or similar items in the most "commercially" developed area of Lake Poinsett. The proposal will also be adjacent to two campgrounds (Grunewaldt and Spilde).
11. Staff Recommendation: If approved – Staff recommends the following conditions:
 - a. The commercial storage garages will only be used for personal storage and no other commercial activities will operate on the property.
 - b. Proposed commercial storage buildings are required to be built to IBC 2015. Documentation verifying compliance with 2015 Code is required.
 - c. Applicant sign a letter of assurance agreeing to the submitted plans and conditions to be recorded with the Register of Deeds.

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

Issue #2 Conditional Use

Applicant/Owner: Travis Popham/ Robert & Cathy Popham

Property Description: East 120 Acres of Northwest ¼ of Section 2, Township 113N, Range 54W of the 5th P.M., Hamlin County, South Dakota.

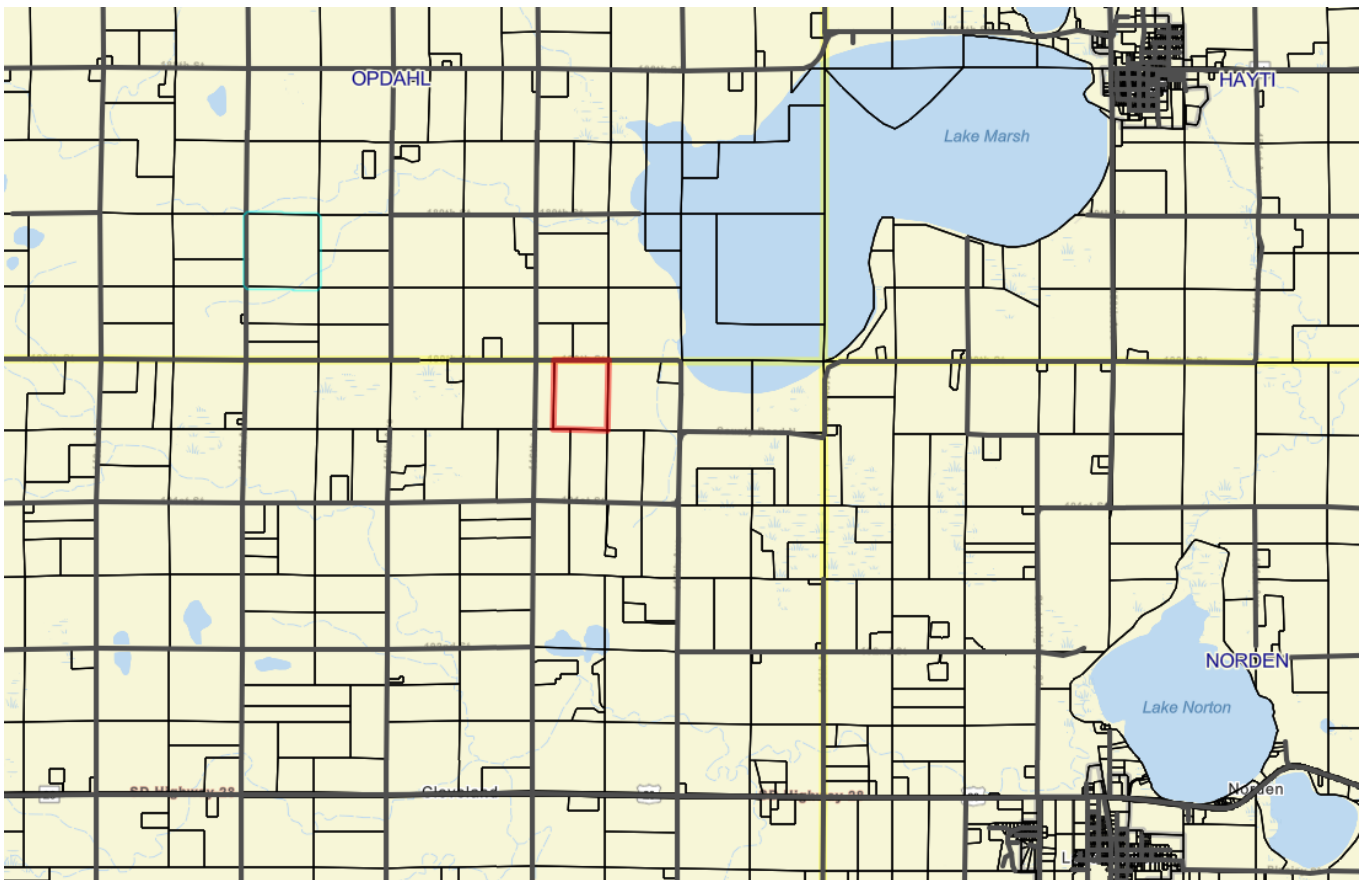
Action Item:

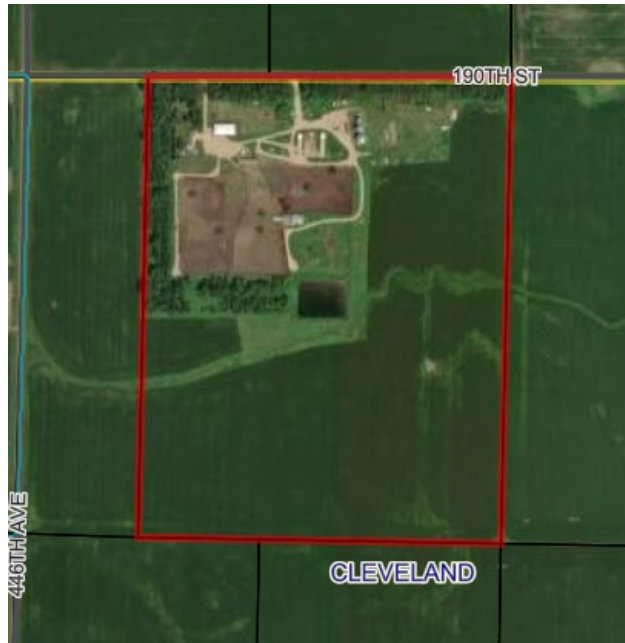
Conditional Use – Class A Concentrated Animal Feeding Operation (Section 3.04.04.09).

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 is seeking to increase their existing Class B CAFO (Feeder/ Slaughter Cattle) operation from 999-head (999 animal units) to 5,000-head (5,000 animal units).
 - a. The proposed increase will require 1 new west or north of the existing lagoon for expansion.

Ordinance/Board History regarding this request:

1. The current site is a non-conforming lot of record.
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 center of the section containing this property, but containment has and is intended to keep process water from reaching the area.
 - c. Means of conveyance of manure and process wastewater into waters of the state.
 - i. See items a. and b.
 - iii. 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 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 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.
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 will be 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.
 - 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 as needed or recommended.
 - 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 stored on site 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 lagoon does meet all required setbacks with either option.
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 DANR, or similar applicable agency in other states.
12. Applicant notified all property owners within one-mile. No correspondence was received.

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 Agriculture 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 (feeder/ slaughter cattle) consisting of five thousand (5,000) feeder/ slaughter cattle. Expansion of over five thousand (5,000) animal units will require a new conditional use permit action.
 - a. In no case shall it be implied that this permit authorizes greater than five thousand (5,000) 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 agreements with Cleveland Township and Hamlin County Highway Superintendent 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 August 25, 2025 7:00 PM

Issue #1 Plat

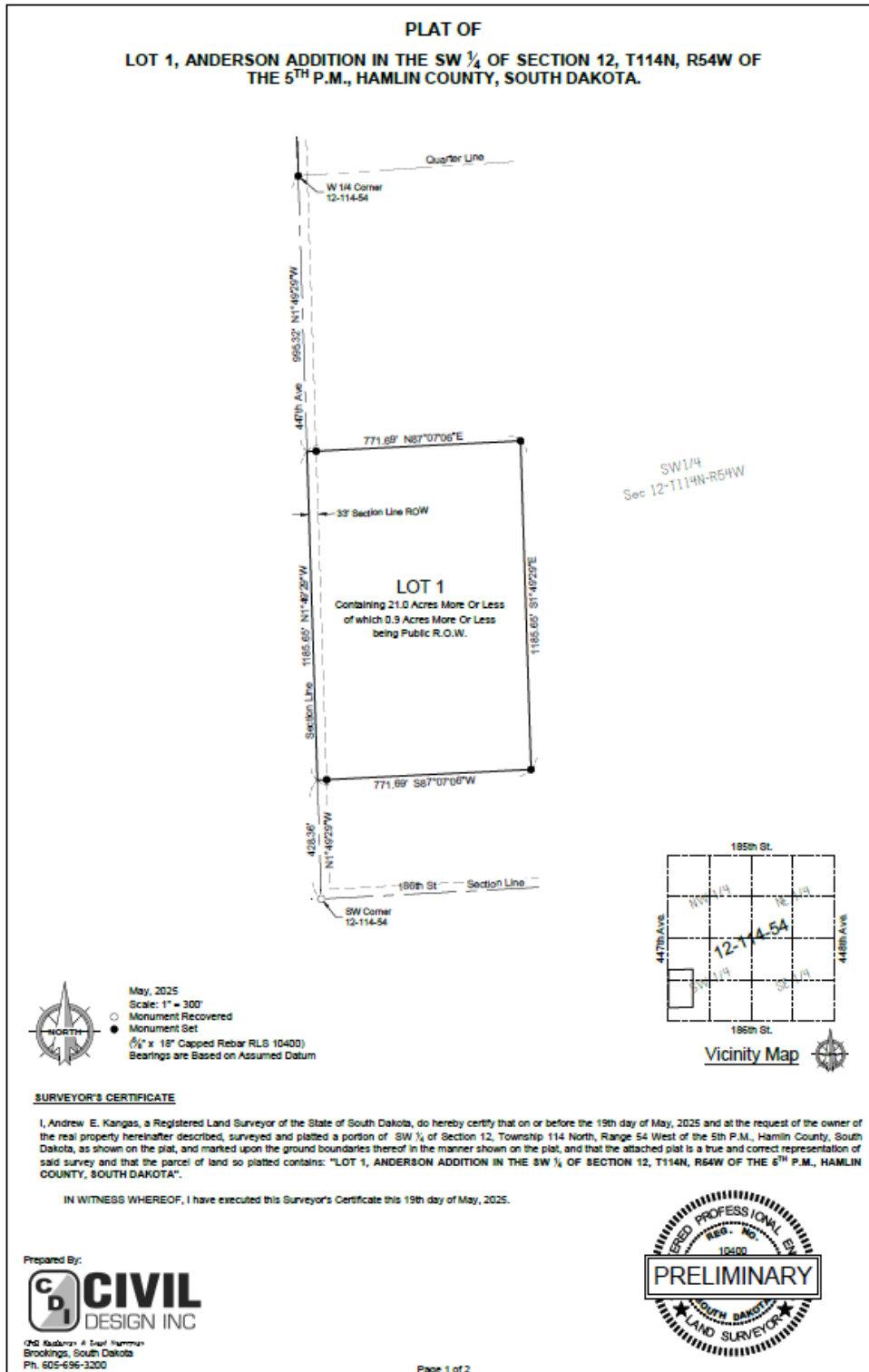
Applicant/Owner: Michael Anderson

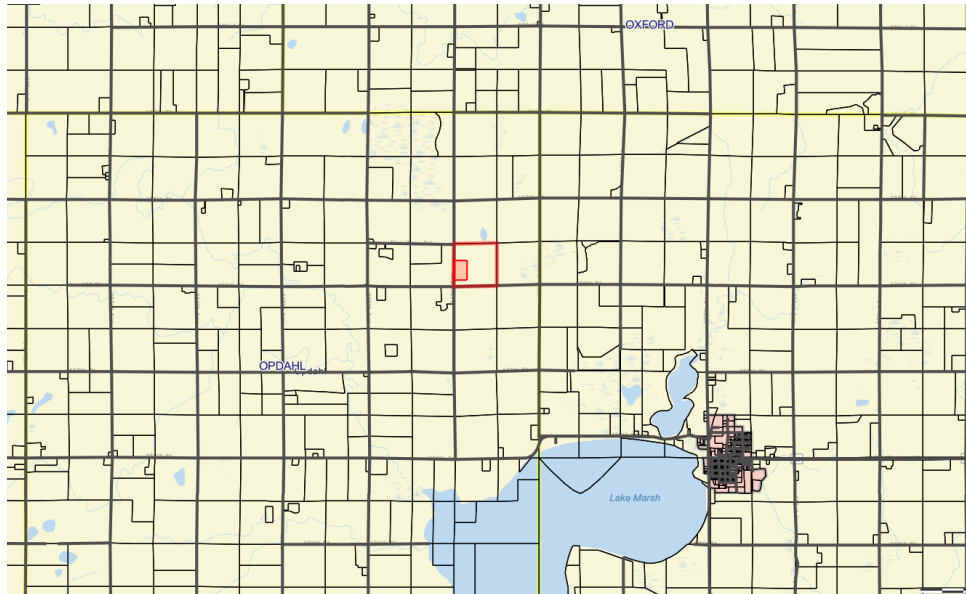
Property Description: Lot 1, Anderson Addition in the Southwest ¼ of Section 12, Township 114 N, Range 54 W of the 5th Prime Meridian, Hamlin County, South Dakota.

Action Item: Plat

Zoning Designation: Agricultural District

Location:





Specifics of Property/Request:

1. The applicant seeks to plat 1 lot with area of approximate 21 acres as shown above.

Ordinance regarding this request:

1. Applicant meets the requirements for the administrative approval of permits; however, they need to plat this in accordance with the subdivision ordinance.
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 #2 Plat

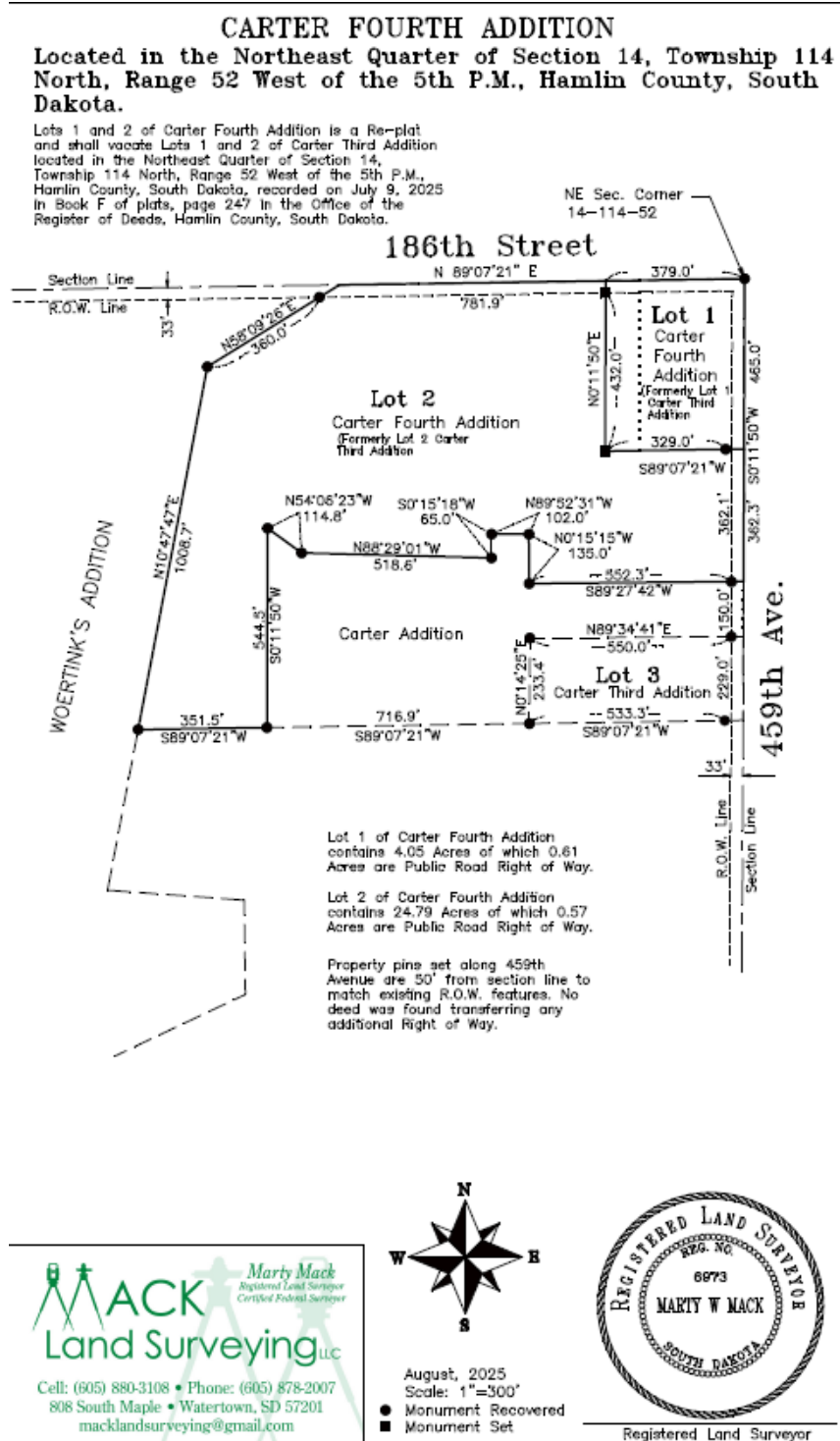
Applicant/Owner: Charles & Jennifer Carter

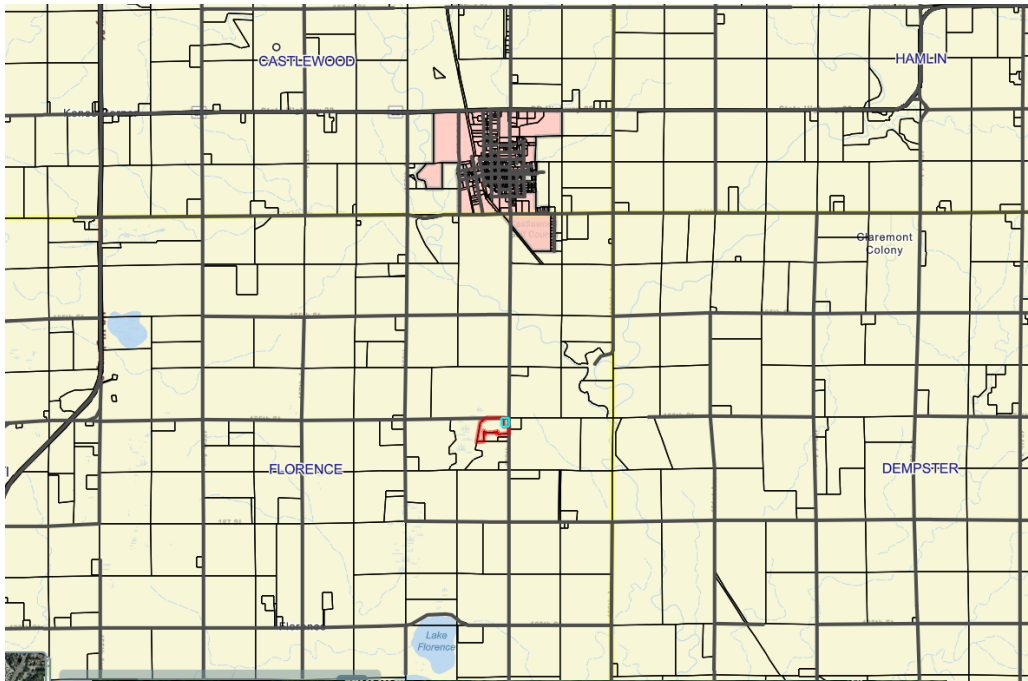
Property Description: Carter Fourth Addition -Northeast ¼ of Section 14, Township 114 N, Range 52 W of the 5th Prime Meridian, Hamlin County, South Dakota.

Action Item: Plat

Zoning Designation: Agricultural District

Location:





Specifics of Property/Request:

1. The applicant seeks to replat 2 lots with area of approximately 4.05 and 24.79 acres, as shown above.

Ordinance regarding this request:

1. Applicants meet the requirements for the administrative approval of permits; however, they need to plat this in accordance with the subdivision ordinance.
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/ Preliminary Plan

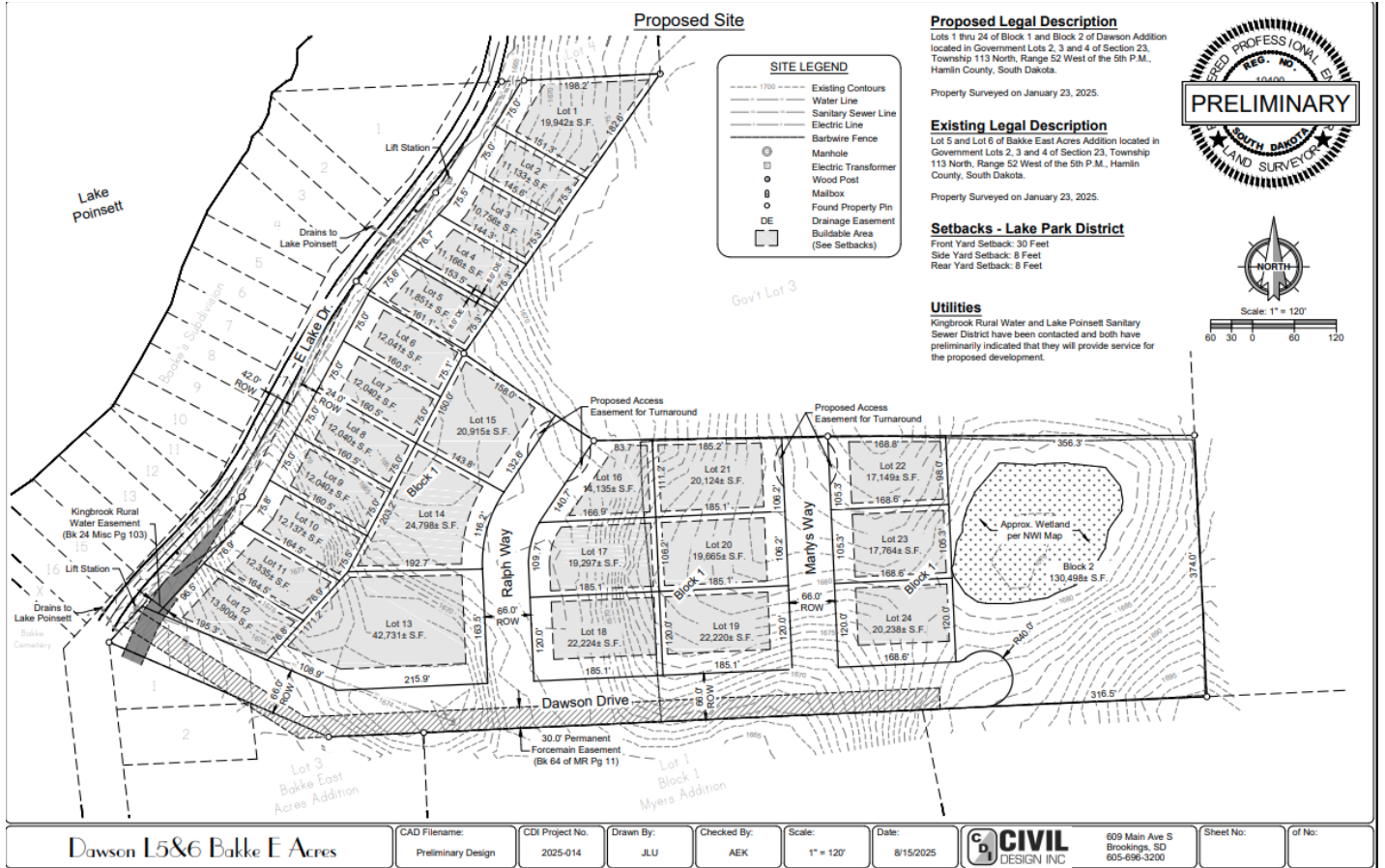
Applicant/Owner: Jacob Dawson

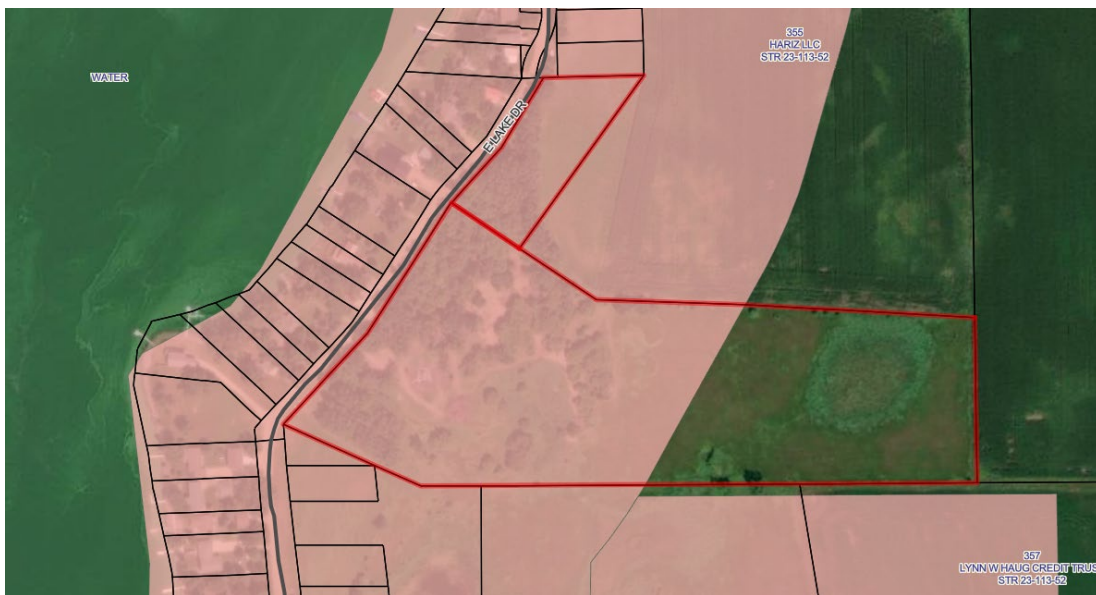
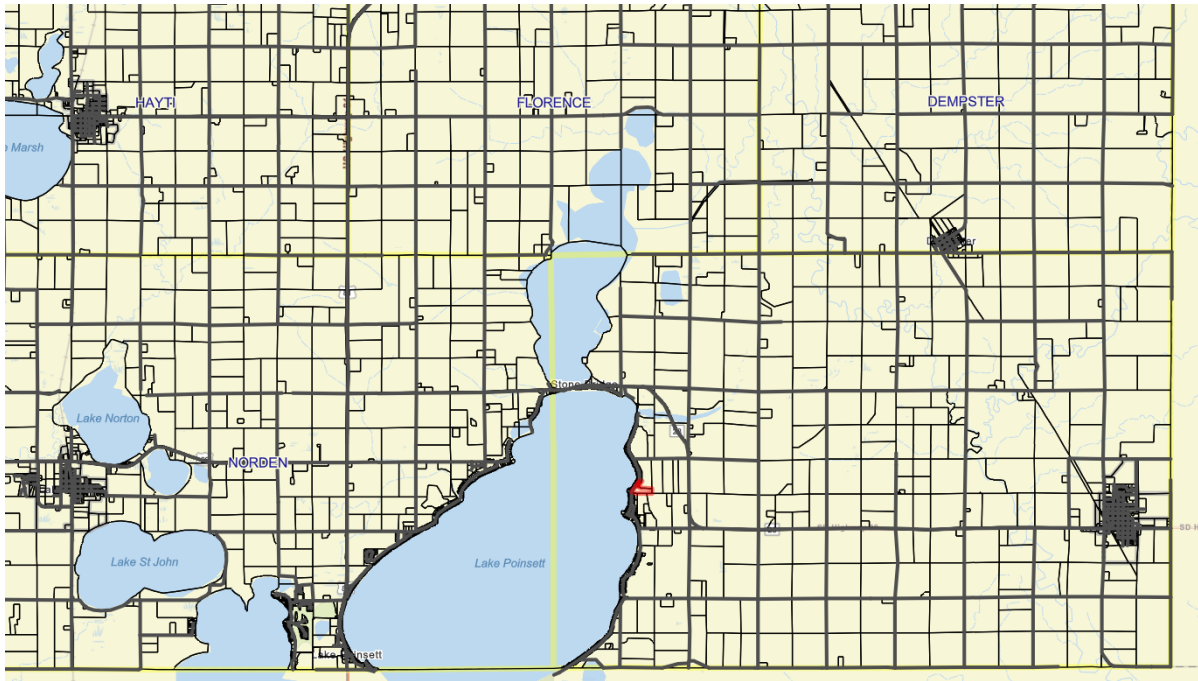
Property Description: Lots 1 thru 25 of Dawson Addition located in Government Lots 2, 3 and 4 of Section 23, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.

Action Item: Plat

Zoning Designation: Lake Park District and Agricultural District

Location:





Specifics of Property/Request:

1. The applicant seeks to plat 25 lots. 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.
3. The plat includes enough right-of-way to create a 66' right-of-way (should the 33' prescriptive easement upon which the present road sits be dedicated as right-of-way).
4. This plat does not dedicate the right-of-way to the township, though it is shown as a "dashed line" on the plat (similar to a section line right-of-way.)

Ordinances 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 owner/ developer has provided a concept plan in accordance with the process established by the new 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.	Dawson L5 & 6 Bakke East Acres
202.3.a.2	Names, addresses, and telephone numbers of the owner(s), subdivider(s) and engineer(s).	Jacob Dawson (Owner), CDI - Andrew Kangas (Surveyor)
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.	No vicinity map; used GIS Mapnet
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.	Lake Park 1 and Agricultural
202.3.a.6	A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.	As Shown Above
202.3.a.7	Locations and widths of all existing and proposed easements.	As Shown Above
202.3.a.8	Locations and sizes of all public facilities, schools, libraries, fire stations, parks, tree masses, wetlands and other significant natural features.	None shown
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	Access off of existing East Lake Drive; New roads shown above: Dawson Drive, Ralph Way and Marlys Way.
202.3.b.2	The general layout of pedestrian connectivity.	No pedestrian system to connect to.
202.3.b.3	Rights-of-way widths.	66' Street W-O-W shown
202.3.b.4	Street names.	Access off of existing East Lake Drive; New roads shown above: Dawson Drive, Ralph Way and Marlys Way.
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
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
General Comments: East portion will need to be rezoned.		
General Concerns: 1) No drainage shown on plan causes concern for how water will get to existing drainage patter/how to avoid blocking drainage pattern without easements.		
General Recommendations: 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
202.3.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	Dawson L5 & 6 Bakke East Acres, Jacob Dawson (Contact/ Owner) , Andrew Kangas (Surveyor)
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	Shown
202.3.g	Lot lines, lot numbers, and minimum building setback lines.	Shown
202.3.h	Location of proposed culverts and other drainage provisions.	None noted
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	None proposed
202.3.k	Names of new streets	None – Existing- East Lake Drive, New – Dawson Drive, Ralph Way and Marlys Way
202.3.l	Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plan	None provided
Updates From Concept Plan: 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.		

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 plan uses, density, lot layout, provision of infrastructure, etc. If there are any “deal breakers” that need to be addressed before the applicant performs detailed engineering study in furtherance of approval and provide applicant and staff of consensus regarding suggested solution 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 as approved with the following conditions:

- Any portions of proposed lots 1 thru 24 currently zoned Agricultural be rezoned to Lake Park 1 prior to plat approval.
- Block 2 remain zoned Agricultural
- Applicant to prepare development agreement indicating no building rights on Block 2 to be recorded upon any subsequent approval of plat including Block 2.
- Applicant shall provide documentation of approval or lack of jurisdiction by SDDANR for any wetlands intended to be disturbed, upon request.