

July 21, 2009

Regular Meeting

11:00 Joint Hearing planning & Zoning Board and Commissioners on Request to Rezone

Chairman of the Planning & Zoning Board Dennis Kanengieter called their meeting to order. Those in attendance were: Zoning Board members Kanengieter, Darwin Mack, Paul Brandt, Gary Jaeger and Ray VanLiere along with State's Attorney Greg Stoltenburg and Zoning Officer Jodi Theisen. Others in attendance were Bill Moe, Vicki Miller, Marjorie Jackson, John Foley and Mike Pfister for Secluded Land Company. The purpose of the meeting was to discuss the request of Secluded Land Co., LLC to rezone from Natural Resource District to Lake Park District on Lake Alice 25 Acres in Gov't Lots 4, 5, 7 and 8 in Section 7-116-48 for the purpose of creating a subdivision plat for residential homes. The adjoining property owners had been notified by registered mail of the public hearing. The rezoning would be on the west side of Lake Alice. The proponents of the rezoning spoke first., Mike Pfister of Secluded Land Co. stated that he works for the Secluded Land Co. and they create lake lots on the lakes, make sure there is road access to the property, meet with DENR on drainage, rural water and also meet with an engineer that will survey the property for a subdivision plat. He said they (Secluded Land Co.) buy the land, create the lots, but do not build the homes and said this is what he does for a living and has done this throughout the Midwest. He inquired about the setback for a Lake Park District and the ordinary high water mark for Lake Alice. He stated that the size of the lots will vary; some may be 90 to 95 feet and several at 100ft. width. They are not sure at this time of the total lots, but he stated there would be around 20. He stated that the smallest lake front would be about 90 ft. and that they do put protective covenants on the lots. The question of allowing campers was asked and the county zoning ordinance presently does not allow them in the LP district.

Those in opposition to the rezoning then spoke. John Foley, attorney for Marjorie Jackson and her daughter Vicki Miller, said that the Jackson family opposed the rezoning as they have owned the land for 36 years and think it should remain NR district. He said they were concerned about drainage off the platted lots onto their property and that the rezoning could affect the quality of Lake Alice. They have used the property for 36 years for hunting and want it to remain a wildlife habitat. Paul Brandt, Zoning Board member, stepped down from the Zoning Board as he is related to Mrs. Jackson.

Bill Moe, area land owner, said that on the north end lot 1 will be owned by him and stated that he has lived in the area for 50 plus years and said that septic tanks will be put in according to DENR state regulations.

Mr. Pfister stated that he will have to prepare a preliminary subdivision plat that will meet the county and state requirements, with a licensed engineer doing a study to make sure there are no sediment or erosion problems going into the lake. There were several additional comments made by Zoning Board members. Chairman Kanengieter then asked for a motion from the Zoning Board.

Van Liere moved, seconded by Jaeger to recommend to the Board of County Commissioners that 25 acres more or less adjoining Lake Alice Gov't Lots 4, 5, 7 & 8 in Section 7-116-48 be classified as LP Lake Park Distract from NR Natural Resources District. Kanengieter asked if there was any further discussion. Jaeger stated that he understands their concerns on the wildlife and hunting and Mack said he does too, but stated it would promote economic development in the area. A roll call vote was had: Van Liere – yes; Mack – yes; Jaeger – yes; Kanengater – yes; Motion carried. Mack moved, seconded by Van Liere to adjourn as Zoning Board and all voted in favor of.

It was the recommendation of the Planning & Zoning Board to the County Commission, to rezone the above described property in section 7-116-48 to Lake Park District. The Commissioners then held the first reading of Ordinance B2004-01-10A An Ordinance Entitled, An Ordinance to Amend Article III Section 302 Adopted by Ordinance B2004-01, July 6th, 2004 as amended, of the Zoning Ordinance of Deuel County. The second reading will be held August 4 at 11:00 a.m. in the Commission Room.

Jodi Theisen
Deuel County Zoning Office

Dennis Kanengieter
Chairman, Zoning Board