

Monday March 13, 2017

The Deuel County Zoning Board met on Monday, March 13, 2017, at 6:30 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, Steve Rhody, Paul Brandt, and Kevin Deboer. Also present were States Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the March 7, 2017, were discussed. Motion by Jaeger, seconded by Brandt, to approve the March 7, 2017, minutes. All voted in favor and motion carried.

Motion by Brandt, seconded by Rhody, to approve the February 13, 2017, minutes. All voted in favor and motion carried.

Motion by Jaeger, seconded by Deboer, to approve the March 13, 2017, Agenda. All voted in favor and motion carried.

1. Knife River Midwest, LLC applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: SE1/4 less E140' S778' of Section 31-117-50, Rome Township, to operate a temporary concrete batch plant for construction of Hwy 212 in an Ag zoning district. Brooke Muhlack and Danny Volkert were the representatives for Knife River Midwest, LLC. Muhlack stated that project they will be working on is the repair of Hwy 212 from Watertown to 7 miles east of Goodwin. Volkert stated that they project will hopefully take 2 months. Leon and Paula Mack have land in section 31-117-50, Rome Township and they agreed to lease 12 acres for a temporary concrete batch plant site. Volkert stated that this site is on a slight hill so the visibility would not be a problem. Volkert stated that they will lay a fiber mesh over the original road it will be 7 inches of new concrete. Volkert stated that they will strip the 12 acre site of the topsoil and use that soil as a berm around the project site. Volkert stated that they will have a project board on site with all the contact information about the company. They will use the existing approach and maybe apply for a temporary approach with the South Dakota DOT. Then they will have an exit and entrance approach because of their semi's and that will help on safety. Muhlack stated that their company has done numerous projects around the Watertown area and the State of South Dakota. Volkert stated that they hope to get 1 mile done a day. They will have on site parking for all their equipment. They will provide their own generator for their utilities and they will provide their own porta potties for their workers. Volkert stated that the generator will run about 14 hours a day from about 6 am to about 8 p.m. everyday. The board mentioned that proposed site is less than 1000 feet from the nearest residence. The board suggested that the company contact the property owner to the east that has the residence, apply for a variance for the April 10, 2017 meeting and the Board agreed to reduce the \$200 variance fee to \$100. The Board determined that it is empowered under the section of the ordinance described in the application to

grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504 subparagraph 5(a-h) of the ordinance. Motion by Brandt, seconded by Deboer, to grant the Special Exception permit Knife River Midwest, LLC to operate a temporary concrete batch plant for construction of Hwy 212 in SE1/4 less E140' S778' of Section 31-117-50, Rome Township. Contingent on applying for and receiving a variance to have the concrete batch plant closer than 1000 feet from a residence. All voted in favor and motion carried.

- a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Applicants has sufficient access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.
- d. Screening and buffering with reference to type, dimensions, and character. The lot provides adequate screening and buffering for the proposed use.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There are no signs or exterior lighting.
- f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
- g. General compatibility with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the ag district.
- h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property.

2. Constance Moen applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lots 100-101 & Lots 52, 53, & 54 Shady Beach in Gov Lot 7 in SE1/4, Lake Cochrane, of section 4-114-47, Norden Township, to operate a private campground in a Lake Park District. Moen stated that they have 115 feet of shoreline and they do not have a permeant structure on this property. They live in Marshall MN and they use the camper during the day and hardly sleep in the camper. Moen stated that they have the camper more than 20 feet from the side lot and they are 30 feet from the high water mark. Jaeger asked if they have had any complaints about the camper. Moen stated that Fuhrs, which are the neighbors to the north, were unhappy about the camper being 5 feet from the property line in the past and that is why the board made them move the camper away from the lot line last year. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504 subparagraph 5(a-h) of the ordinance. Motion by Brandt, seconded by Deboer, to grant the Special Exception to permit a private campground. One camper can be placed 20 feet from the side lot line and 30 feet from the high water mark on May 15 and must be removed at the end of the Labor Day Weekend. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2018. All voted in favor and motion carried. A friendly amendment was made to the Motion by Brandt, seconded by Jaeger, to grant the Special Exception to permit a private campground. One camper cannot be any closer than 20 feet from the side lot line and 30 feet from the high water mark on April 1 and must be removed by October 31. The Special Exception permit is nontransferable and the applicant has to reapply in two years before March 13, 2019. All voted in favor and motion carried.

a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Applicants has sufficient access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.

- d. Screening and buffering with reference to type, dimensions, and character. The lot provides adequate screening and buffering for the proposed use.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There are no signs or exterior lighting.
- f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
- g. General compatibility with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the lake park district.
- h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property.

3. Steven Hauswedell applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 18, Grabow Addition, Lake Cochrane, of Section 5-114-47 Norden Township, to operate a private campground in a Lake Park District. Haswedell stated that they would like to place one camper on the lot until they can build which hopefully will be this year or the next. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504 subparagraph 5(a-h) of the ordinance. Motion by Rhody, seconded by Deboer, to grant the Special Exception to permit a private campground on Lot 18, Grabow Addition, Section 5-114-47, one camper can be placed on the lot on April 1 and must be removed by October 31. The Special Exception permit is nontransferable and the applicant has to reapply in two years before March 13, 2019. All voted in favor and motion carried.

- a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Applicants has sufficient access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally

in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.

d. Screening and buffering with reference to type, dimensions, and character. The lot provides adequate screening and buffering for the proposed use.

e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There are no signs or exterior lighting.

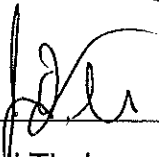
f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.

g. General compatibility with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the lake park district.

h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property.

4. Motion by Jaeger, seconded by Rhody to approve Plat of Engelstad Farms Bin Site Addition in NW1/4 Section 24-113-48 Scandinavia Township contingent that the 2017 taxes are paid. All voted in favor and motion carried.

5. Kanengieter called the meeting.



Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board