

Monday May 13, 2024

The Deuel County Zoning Board met on Monday May 13 2024 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members, Dennis Kanengieter, Jay Grabow, Mike Dahl, Mike Lammers, Kevin DeBoer, States Attorney Craig Evenson, Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

Kanengieter asked if the board, or any staff member, had anything to add to the agenda with none being offered.

Kanengieter asked for any seated board member if they think they need to recuse themselves from any discussion topics on the agenda, or from voting on an agenda item with no board member responding.

Motion by Grabow, seconded by Lammers to approve the May 10, 2024, Agenda. All voted in favor and motion carried.

The minutes from April 8, 2024 meeting were discussed. Motion by Grabow, seconded by DeBoer, to approve the amended April 8, 2024 minutes. All voted in favor and motion carried.

Motion by DeBoer, seconded by Grabow to adjourn as the Deuel County Planning Commission and convene as the Deuel County Board of Adjustment. Motion passed unanimously.

#### ITEM ONE

Chad & Valynn Appelhof, applicant/owners, are requesting variance request to Section 1101.05 Area Regulations to build a building for the extended home occupation within the 65' front yard setback. Property is located in Gov Lots 1-2 Less N241' W296' of Gov Lot 1 in Section 18-116-50, Goodwin Township, Deuel County, South Dakota.

Appelhof's stated they would like to build a building for the extended home occupation within the 65' front yard setback. Appelhof's explained that their request is to build a 60' x 80' building for a livestock sorting sticks assembly business which they are applying for a CUP. They would like to place the building approximately 38' from the 33' township road right-of-way. Approximately 71' from the center of the township gravel road that has a 33' right-of-way. The proposed site of the new shed would be approximately 15' north of the existing pole shed which is located approximately 111' from the ROW. There is an existing row of trees north of the proposed site and 174th St. There is an existing grove of trees closer to the ROW on the east side of the proposed building site.

There were no objections.

Motion by Dahl, seconded by DeBoer to approve a Variance to build a building for the extended home occupation no closer than 38' from the road right-of-way. This Variance does not apply to any new structures that are built on the property. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM TWO

Chad & Valynn Appelhof, applicant/owners, are requesting a Conditional Use Permit Pursuant to Section 1101.04.16 – (Section 1210) Extended Home Occupation. The request, if granted, would permit the applicant to use Gov Lots 1-2 Less N241' W296' of Gov Lot 1 and N241' W296' IN NW1/4 in Section 18-116-50, Goodwin Township, Deuel County, South Dakota, to operate an extended home Occupation (to operate a livestock sorting sticks assembly business) in the Agricultural District.

Theisen stated Chad & Valynn Appelhof owns the N241' W296' IN NW1/4 (1.64 acres) which is where the house is located and Gov Lots 1-2 Less N241' W296' of Gov Lot 1 in Section 18-116-50, Goodwin Township, Deuel County, South Dakota (63.36 acres) which is the location of the farm and the outbuildings.

Appelhof stated the work would include receiving the product and assembling livestock sorting paddles, sticks and flags. The employees are Valynn, her son and her father. The access to this property is 174th St which is a township gravel road and they will have efficient parking, they will park on the west side of the building however they would like to pour concrete north of the proposed shed. They are going to have

an on-site Sign – on the building. They would like to have a 5' x 5' wall sign. They have efficient utilities; water is provided by Sioux Rural Water; they have a dumpster for the trash service and they will take the cardboard to IC School in Watertown for them to use as a fundraiser and would burn the other papers. They have electricity provided by Northwestern Energy.

Theisen reviewed the Staff Report and all the regulations, applicant must follow and Timothy and Rebecca will sign a Letter of Assurance agreeing to the following conditions:

- a. An extended home occupation may not be changed to another home occupation except by the issuance of a separate conditional use permit.
- b. Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- c. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign, not to exceed eighty (80) square feet in area, non-illuminated.
- d. Off premise signage for extended home occupations shall be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "TOD Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.
- e. The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity. Exception: Seed Sales.
- f. Extended home occupations should be agriculturally related and be conducted in an accessory building.
- g. No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- h. No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

There was no public comment.

Motion by Grabow, seconded by DeBoer, to grant the Conditional Use Permit to operate an Extended Home Occupation (to operate a livestock sorting sticks assembly business) in the Agricultural District. Approval will be subject to the applicant and owner signing a Letter of Assurance. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

### ITEM THREE

Clear Lake Vet Clinic PC, applicant, Andrew & Kenzie Rathbun, land owners, are requesting variance request to Section 1101.05 Area Regulations to place storage containers less than 25' from the side property line. Property is located in Lot 2 Bader Addition in SE1/4SE1/4 in Section 15-115-49, Clear Lake Township, Deuel County, South Dakota.

Theisen stated the property is located on Zone A & B – Aquifer Protection Overlay District (wellhead & shallow aquifer). Which this request is not prohibited and is not applicable for the performance standards for aquifer protection overlay zones. Theisen also stated part of the property is located over Floodplain District.

Theisen stated in April she noticed that the Clear Lake Vet Clinic PC moved in two metal storage containers 8' x 20'. Mark Appelhof the president, stated that "the metal storage containers are for livestock mineral and lick tubs." Clear Lake Vet Clinic PC is requesting a variance to have two metal

storage containers 8' x 20' less than 25' from the road right-of-way. They would like to keep the two metal storage containers up to or on the property line (adjoining property owner is Marlin Bjerke) and is more than 25' from the rear property line and more than 65' from the road right-of-way. The office has a letter from adjoining property owner, Marlin Bjerke and he is acceptable with the location.

Theisen stated the location of the two metal storage containers are located outside the Floodplain District. Appelhof stated this location will not interfere with snow removal, not to interfere with livestock trailers coming into the facilities and the neighbor was ok with the location.

There were no objections.

Motion by Grabow, seconded by DeBoer to approve a Variance - two metal storage container up to or on the property line. This Variance does not apply to any new structures that are built on the property. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

Motion by DeBoer, seconded by Grabow, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

#### ITEM FOUR

Motion by Dahl, seconded by DeBoer, to remove from the table the Plat of Tristen and Mara Kwasniewski Addition in Government lot 3 of Section 3, Township 114 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

Motion by DeBoer, seconded by Dahl, to recommend approval to the Board of County Commissioners the Plat of Tristen and Mara Kwasniewski Addition in Government lot 3 of Section 3, Township 114 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

Motion by Lammers, seconded by Grabow, to recess the Planning Commission and reconvene as Board of Adjustment . Motion passed unanimously.

Kanengieter opened the meeting for public comment there was none.

Brent Moeller from Missouri River Energy discussed with the Board about an upcoming project. Moeller stated they are looking at evaluating a natural gas plant near Toronto, South Dakota. This would provide the region with a fast generation ramp up to help maintain local and regional grid reliability. Missouri River Energy Services is made of 61 member municipalities that own and operate their own electric distribution systems. Moeller stated they are going to have public meetings for feedback in the future and would like to have discussions with the Deuel County Commissioners also.

Theisen stated that when she was out visiting sites, she notices some new construction without a permit and she will contact them next week. She updated the board on some of the building permits she granted. Theisen discussed with the board about the upcoming meeting on June 10, 2024.

Motion by Grabow, seconded by Lammers to adjourn the meeting at 8:40 p.m. All voted in favor and motion carried.

  
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Jodi Theisen  
Zoning Officer

  
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Appointed ~~Dennis Kanengieter~~ Mike Dahl  
Chairman, Zoning Board