

Monday December 9, 2024

The Deuel County Zoning Board met on Monday, December 9, 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, Kevin DeBoer, Mike Dahl, and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the November 12, 2024 meeting were discussed. Motion by Dahl, seconded by Grabow, to approve the amended November 12, 2024 minutes. All voted in favor and motion carried.

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 DeBoer, seconded by Grabow, to approve the December 9, 2024, Agenda. All voted in favor and motion carried.

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

ITEM ONE

Jerae Wire - East River Electric Power Coop, applicant/land owner is requesting an Extension for Expiration Date for a Conditional Uses Permit to construct electrical switch yard to connect the Toronto Substation to the existing WAPA line and to erect 95' to 115' (to amend the height) private internal communication tower that was granted on January 22, 2024 on the property described as Tract 1 of Deuel Switchyard Addition in the N1/2NW1/4 of Section 34-113-50, Grange Township, Deuel County, South Dakota.

Jerae could not attend the meeting in person so via telephone Theisen explained the extension requests:

- Reason for Extension Request: East River's project was delayed due to unforeseen personal events. The original purchase agreement for the land was signed in July 2023, but was impacted by the deaths of the original signatories, Jeffrey and Christine Watt. After several delays, the property was successfully closed on September 25, 2024, making it impossible for the applicant to start the project before the current expiration date of January 1, 2025.
- Request to Amend Tower Height: Additionally, East River requests to amend the height of the previously approved 95' communication tower to 115'. This change is necessary due to the construction of a new bin site between the proposed tower and the Arlington Substation, which now obstructs the line of communication. The 115' tower will meet all setback requirements from residences and public right-of-ways, exceeding the required 1,000 feet distance from residences and 115 feet from property lines.

Electrical transmission and communication systems are permitted as conditional uses in the Agricultural District (AG District), as specified in the Deuel County Ordinance. Towers over 100' in height are conditional uses and must comply with Section 1216, including:

- A 1000' setback from off-site residences, businesses, and public buildings (the proposed tower is 1200' from the nearest residence).
- Setbacks from public right-of-way and property lines must equal the height of the tower.

The plan aims to accommodate growth while minimizing disturbance to agricultural land. The property is out of the floodplain and has efficient access, parking, utilities, and setbacks.

Screening is not necessary due to the location, and the site will have a chain-link fence and a 2x4 sign. The proposed use is compatible with adjacent agricultural properties. The nearest residence (Watt's house) is 1200' from the proposed tower.

Motion by Grabow, seconded by DeBoer to approve the extension for the expiration date of January 22, 2025 to January 22, 2026 for the Conditional Uses Permits to construct an electrical switch yard (Deuel Switchyard Addition) and to erect and Amend the height from 95' to 115' private internal communication tower in AG District. Motion passed unanimously. Please see Findings of Fact and Conclusions of Law on file with this application

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

ITEM TWO

Motion by Grabow, seconded by DeBoer, to recommend approval to the Board of County Commissioners the Uckert Second Addition in NW1/4 of Section 19, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously.

ITEM THREE

Motion by Dahl, second by Grabow, to recommend approval to the Board of County Commissioners the Milton Addition in NW1/4 of Section 26, Township 114 North, Range 48 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously.

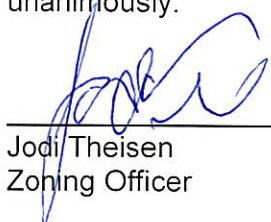
ITEM FOUR

Motion by Grabow, second by Dahl, to recommend approval to the Board of County Commissioners the Rogness Addition in SE1/4 of Section 26, Township 113 North, Range 48 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously.

ITEM FIVE

Motion by Dahl, second by Grabow, to recommend approval to the Board of County Commissioners the Blum Homestead Addition in SW1/4 of Section 10, Township 114 North, Range 50 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously.

Motion by DeBoer, seconded by Dahl to adjourn the meeting at 7:30 p.m. Motion passed unanimously.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board