

Monday October 17, 2022

The Deuel County Zoning Board met on Monday October 17, 2022 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Judith Homan, Paul Brandt, Kevin DeBoer, Mike Dahl, Zoning Officer Jodi Theisen. Also present representing Invenergy were Monica Monterrosa, Robert Young and Lisa Agrimonti Invenergy lawyer.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the September 19, 2022 and September 28, 2022 meetings were discussed. Motion by Dahl, seconded by Brandt, to approve the September 19, 2022 and September 28, 2022 minutes with the corrections. All voted in favor and motion carried.

Motion by Dahl, seconded by Brandt, to approve the October 17, 2022, Agenda. All voted in favor and motion carried.

ITEM ONE

Invenergy (the application was inadvertently noticed under Invenergy though the intent is for their affiliate, Deuel Harvest Wind Energy South LLC, applicant, Clark & Kimberly Rogness, owner applied for a Special Exception Permit Pursuant to Section 1101.03.13 – Wireless Telecommunications. The request, if granted, would permit the applicant to use the following property: E1/2NE1/4 of Section 2-113-48, Scandinavia Township, Deuel County, South Dakota, to erect a meteorological tower which is used to collect wind data in an Ag Zoned District.

Invenergy (the application was inadvertently noticed under Invenergy though the intent is for their affiliate, Deuel Harvest Wind Energy South LLC) is requesting to erect a meteorological tower which is used to collect wind data in an Ag Zoned District. Robert Young, representing Deuel Harvest Wind Energy South LLC, stated that they are working on putting up two met towers one in Scandinavia Township and one in Norden. The information generated from these met towers will be collected and study the wind conditions in the area of the Deuel Harvest South Wind Project. Robert Young also presented the board with a brief overview of the upcoming Deuel Harvest Wind Energy South LLC project.

The tower includes a steel tube construction and reinforced steel base plate so that no concrete foundation is required. The tower heights are below Federal Aviation Administration requirements and therefore no lighting is required, the height is 196.85'. The towers are temporary and will only be up for 4 to 5 years. The towers meet the setback regulations. Theisen reviewed the staff report and all the regulations.

Motion by Dahl, seconded by Brandt, to grant the Special Exception to erect a meteorological tower which is used to collect wind data in an Ag Zoned District. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM TWO

Invenergy (the application was inadvertently noticed under Invenergy though the intent is for their affiliate, Deuel Harvest Wind Energy South LLC, applicant, LC Olson LLP, owner applied for a Special Exception Permit Pursuant to Section 1101.03.13 – Wireless Telecommunications. The request, if granted, would permit the applicant to use the following property: NE1/4 of Section 16-114-48, Norden Township, Deuel County, South Dakota, to erect a meteorological tower which is used to collect wind data in an Ag Zoned District.

Invenergy (the application was inadvertently noticed under Invenergy though the intent is for their affiliate, Deuel Harvest Wind Energy South LLC) is requesting to to erect a meteorological tower which is used to collect wind data in an Ag Zoned District. Robert Young, representing Deuel Harvest Wind Energy South LLC, stated that they are working on putting up two met towers one in Scandinavia Township and one in Norden.

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Motion by DeBoer, seconded by Homan, to grant the Special Exception to erect a meteorological tower which is used to collect wind data in an Ag Zoned District. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM THREE

Rusty Brandsrud Trust, applicant/owner, applied for a Variance Permit Pursuant to Section Section 1101.04 Rear Yard. The request, if granted, would permit the applicant to use the following property: Brandsrud Addition in Section 18-113-50, Grange Township, Deuel County, South Dakota, to have existing house less than 50' from the rear yard.

Rusty Brandsrud Trust is requesting to have existing house less than 50' from the rear yard. He moved in an older house less than 50' from the rear yard in 2014. This was discovered when they applied this year to move in an older house on the land adjoining this parcel and the zoning officer noticed the existing house didn't meet the rear setbacks. The Zoning Officer went out to the site to measure and the house is approximately 5' to 6' from the rear lot line. The Zoning officer found one pin in the pasture but couldn't find the other pins but used the KMZ file that the surveyor sent with the aerial to locate the approximate property lines. Theisen reviewed the staff report and all the regulations.

Motion by Dahl, seconded by DeBoer, to grant the Variance to allow the existing house approximately 5' from the rear lot line. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Homan-yes, Dahl-yes, and Kanengieter - no and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

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

ITEM FOUR

Motion by DeBoer, seconded by Brandt, to approve the Plat of Goens and Hansen Addition in SE1/4 of the Section 22, Township 116 North, Range 50 West of the 5th P.M., Deuel County, South Dakota. All voted in favor and motion carried.

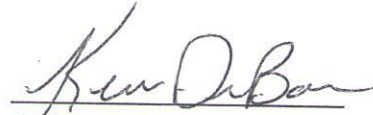
ITEM FIVE

Theisen stated that the Deuel County Planning Commission and the Commissioners will have a joint meeting on Monday, October 24, 2022 at 6:30 p.m. to discuss cannabis cultivation.

Motion by Homan, seconded by Brandt to adjourn the meeting. All voted in favor and motion carried.



Jodi Theisen
Zoning Officer



Kevin DeBoer
Vice Chairman, Zoning Board