

Monday August 13, 2018

The Deuel County Zoning Board met on Monday, August 13, 2018, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Mike Dahl, 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.

Motion by Dahl, seconded by DeBoer, to approve the Agenda for August 13, 2018. All voted in favor and motion carried.

Motion by Dahl, seconded by Rhody, to approve the July 9, 2018, minutes. All voted in favor and motion carried.

Will Stone applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 19 & 20 Grabow 2nd Addition in Gov Lot 2 in NE1/4 & SW1/4NE1/4, Lake Cochrane, in Section 5-114-47, Norden Township, Deuel County, South Dakota, to operate a resort or a specialty lodge in an Ag Zoned District. Stone stated that he would live in the upper floor and rent out the basement to interested parties. The board discussed permitted uses and the special exceptions in the AG Zoned District and a resort was not a special exception. However, a bed and breakfast is a special exception in the Ag Zoning District. 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 Dahl, to grant the Special Exception to operate a bed and breakfast in an AG Zoned District. 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: Applicant has preexisting 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: Applicant has adequate utilities.

d) Screening and buffering with reference to type, dimensions, and character: Does not apply.

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: Does not apply.

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

g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Agricultural 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 has met the Lake Cochrane Sanitary District requirements and there are no concerns regarding refuse or service areas.

City of Clear Lake applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 1-23 in Blocks 1-2 Ulvens Summer Resort & Outlot 2 & Lots 1-26 Sunset beach in replat Outlot 1 Ulvens Summer Resort in Gov Lots 2-3 in Section 24-115-49, Clear Lake Township, Deuel County, South Dakota, to make improvements to existing campground with a bathhouse in a Natural Resource District. Ellen Schmahl & Don Ebbers discussed that they the city would like to build a 7' x 12' vaulted bathroom near the south picnic area, using the current structure for storage. The new bathroom would not have any water and the waste would be pumped out regularly. 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 Dahl, seconded by DeBoer, to grant the Special Exception to make improvements to existing campground with a new bathroom in a Natural Resource District. 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: Applicant has preexisting 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. The speed limit is 5 mph in the campground.

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: Does not apply.

- c) Utilities, with reference to locations, availability, and compatibility: Does not apply.
- d) Screening and buffering with reference to type, dimensions, and character: Applicant has adequate screening and buffering.
- 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: Does not apply.
- f) Required yards and other open spaces: Applicant has adequate yard and other open spaces.
- g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Natural Resource 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. Applicant has a sealed tank that will be pumped and there are no concerns regarding refuse or service areas.

Motion by Brandt, seconded by Dahl to waive the \$200 Special Exception fee for another governmental entity. All voted in favor and motion carried.

Neal Ruhd applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: NW1/4 in Section 12-114-49 & SE1/4SW1/4 & S1/2SE1/4 in Section 1-114-49, Brandt Township, Deuel County, South Dakota and S1/2 in Section 6-114-48, Norden Township, Deuel County, South Dakota, to operate a private shooting preserve in an AG Zoned District. Ruhd stated that he has hunters come and hunt on his land and having a shooting preserve they would be able to hunt earlier and later in the season. This gives Ruhd more opportunities for hunting. Ruhd stated that he has applied and was granted a permit with the South Dakota Game and Fish and there are many regulations that he has to conform to. Ruhd stated that he rents some of the land that is in the application, and he has permission from the land owner. 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 Brandt, to grant the Special Exception to operate a private shooting preserve in an AG Zoned District. 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: Does not apply.
- 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: Does not apply.

d) Screening and buffering with reference to type, dimensions, and character: Does not apply.

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: Does not apply.

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

g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Agricultural 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. Does not apply.

Case Wiarda representing Donald & Helen Hardy Living Trust applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 16-17 Severson Bay in Gov Lot 5 in NE1/4 in Section 5-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to replace stairs within the 35' from the high water mark in a Lake Park District. Travis Trupe representing Case Wirarda stated that they would like to remove the old wooden stairs and replace them with 4' x 18" stone steps. They would cut the existing wood posts at ground level, remove some of the existing rock and dirt and replace it with fabric and stones steps. The slope of the land will not cause a lot of dirt removal. They will be placing 25 steps and approximately 3 yards of dirt excavation. Trupe stated that they will be setting these steps by hand. Motion by Dahl, seconded by DeBoer, to grant the Special Exception to replace stairs within the 35' from the high water mark in a Lake Park District and to use a silt fence during construction. All voted in favor of and the motion carried.

Ronald Golden from East River Electric Coop., Inc. and H-D Electric Cooperative, Inc. applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Block 3 of Ridgeview Estates Addition in W1/2 of the NW1/4 in Section 26-115-49, Clear Lake Township, Deuel County, South Dakota, for a public & private utilities to construct a 60' self-supporting lattice tower to provide H-D Electric with communication with their electrical system in a Commercial District. Golden stated that they would like to build a 60' tower for H-D Electric for voice communications for H-D Electric. This tower will be built by East River Electric Coop Inc. but will be owned by H-D Electric. 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 Brandt, to grant the Special Exception for public & private utilities to construct a 60' self-supporting lattice tower to provide H-D Electric with communication with their electrical system in a Commercial District. Kevin DeBoer abstained from the voting. 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: Does not apply.

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: Applicant has adequate utilities.

d) Screening and buffering with reference to type, dimensions, and character: Applicant has adequate screening with the location near the existing building.

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: Does not apply.

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

g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Commercial 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. Does not apply.

Golden talked to the board about a tower located south of Clear Lake in their substation located along South Dakota State Hwy 22. The tower is currently 40' and the signal going to Bemis is getting interrupted by trees. Golden stated that they would like to add 20' to the existing tower to help stop the interruption. This tower is a data tower that communicates between the substations; if this tower went down it would be a safety issue. The board stated that they could do the construction as long as they apply for a special exception, a variance at the next meeting, and they talk to the neighbors.

Andy Schmitt applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 17 & 18 Lake Alice Shores in Section 7-116-48, Altamont Township, Deuel County, South Dakota, to put a drain tile and add sand within 35 feet of the high water mark and to move in a storage shed in a Lake Park District. Jane Schmitt stated that they are getting seepage into their basement and that they are getting erosion along their house. They would like to place tile along their retaining wall and their house to go underground toward the lake and have it discharge above the high water mark. They also would like to move in a 14' x 24' storage shed that will be more than 10' from the side lot line, more than 50' from the high water mark, and more than 30' from the edge of the road. 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 Dahl, seconded by Brandt, to put a drain tile within 35 feet of the high water mark, to use a silt fence during construction and to move in storage shed in a Lake Park District. 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: Applicant has preexisting 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: Does not apply.

c) Utilities, with reference to locations, availability, and compatibility: Does not apply.

d) Screening and buffering with reference to type, dimensions, and character: Applicant has adequate screening and buffering with the existing trees.

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: Does not apply.

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

g) General compatibility with adjacent properties and other property: Applicant's 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. Does not apply.

Schmitt talked about having some sand between their house and the lake. The board asked where the sand would be located and what is the distance from the lake. Schmitt stated that they didn't have exact plans for the sand. Motion by Dahl, seconded by DeBoer to table the request to add sand within 35 feet of the high water mark until they have a more defined plan. All voted in favor and motion carried.

David & Donna Miller applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 44 & E1/2 Lot 45 of Thokola Beach in Gov Lot 2 in Section 8-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to remove existing grass and replace with sod within the 35' from the high water mark in a Lake Park District. Shane Mack, the Miller's landscaper, couldn't attend the meeting however, he sent an email explaining the project. They would like to remove ½ to 1 inch of old weeds and sod to make room for the new sod to put down. They will not be removing any loose soil. The new sod will also be better for runoff. Motion by Dahl, seconded by DeBoer, to grant the Special Exception to remove existing grass and replace with sod within the 35' from the high water mark in a Lake Park District and to use a silt fence during construction. All voted in favor of and the motion carried.

Kenneth Tekrony applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 20 Bostic Beach Gov Lots 3-5 in NW1/4 in Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to replace stairs within the 35' from the high water mark in a Lake Park District. Tekrony stated that his shoreline was being washed away by the lake. Tekrony stated that he would like to lay fabric and field rock along the shoreline to help stop the erosion. Tekrony stated that he would be doing the work himself. Tekrony stated that he won't be removing any dirt, just squaring up the shoreline. Motion by Dahl, seconded by Rhody to grant the Special Exception to alter the shoreline within the 35' from the high water mark with fabric and field rock to help stop erosion in a Lake Park District. All voted in favor of and the motion carried.

Tom Flicek came and talked to the board about his property at Lake Cochrane. They have 3 lots and they would like to split the lots into 2 lots. Flicek stated that they could sell the 2 lots instead of the 3 lots because of the campers next door. Jon Gorder, his realtor, stated that he has been trying to sell the 3 lots together the last year and have not gotten them sold. The board stated that Tom could apply for a variance to split the lots in the future meetings.

Jason Toben came and talked to the board about the variance that was granted at the March meeting. The variance that was granted was for 67' from the road right-of-way, however Toben stated that there is an old house foundation behind the location of the new structure. Toben stated his father, Greg, thought the road right-of-way was 27' instead of 33' so when they set the stakes they were off 6'. Motion by Deboer, seconded by Brandt, to amend the Variance to build a shed with living quarters that is 80' x 60' and approximately 61' from the road right-of-way in an AG Zoned District.

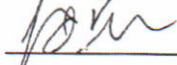
The Deuel County Board of Adjustment recessed and convened as the Deuel County Planning Commission.

Motion by DeBoer, seconded by Rhody, to approve the Plat of Gabrielson Second Addition in Section 27-115-47, Herrick Township. All voted in favor and motion carried.

Motion by DeBoer, seconded by Brandt, to approve the Plat of Lot 1C & lot 7 of Outlot 3 in the NE1/4 of the SE1/4 in Section 4-114-47, Norden Township. All voted in favor and motion carried.

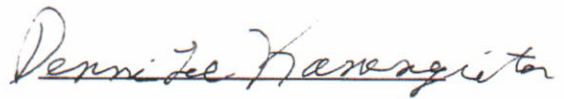
Jim Moes and Jacob Moes came and talked to the board about building a CAFO in Deuel County. They would like to build a 2000 to 3000 head barn that would contain calves to heifers. The board looked at the 2 proposed sites and listened to the Moes.

Kanengieter called the meeting.



Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board