

Monday January 11, 2021

The Deuel County Zoning Board met on Monday, January 11, 2021, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Judith Homan, Gary Jaeger, Kevin DeBoer and Mike Dahl. Also present were States Attorney Jared Gass and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the December 14, 2020, meetings were discussed. Motion by DeBoer, seconded by Homan, to approve the December 14, 2020, minutes. All voted in favor and motion carried.

The minutes from the December 15, 2020, meetings were discussed. Motion by Jaeger, seconded by DeBoer, to approve the December 15, 2020, minutes. All voted in favor and motion carried.

Motion by Jaeger, to nominate Kanengieter as 2021 Chairman, that nominations cease, and an unanimous ballot be cast for Kanengieter. Dahl seconded the motion. Roll call vote; DeBoer-yes, Jaeger-yes, Homan-yes, Dahl-yes, and Kanengieter-no and the motion carried.

Motion by Kanengieter, to nominate DeBoer as 2021 Vice Chairman, that nominations cease, and an unanimous ballot be cast for DeBoer. Homan seconded the motion. All present voting yes and motion carried.

Motion by Dahl, seconded by DeBoer, to approve the January 11, 2021, Agenda. All voted in favor and motion carried.

The board discussed the 2021 building permit fees and decided not to change any of the fees. Motion by Dahl, seconded by DeBoer, to refer the 2021 building permit fees to the County Commissioners. All present voting yes and motion carried.

ITEM ONE

1103.4.5 ST motion to correct May 10 2021

Rod & Julie Fieldsend applied for a Variance of Section ~~4-105.5~~ Area Regulations. The request, if granted, would permit the applicant to use the following property: W20' Lot 1 & All Lot 2 & E20' Lot 3 The Elms in Gov Lot 6 in NE1/4 of the Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build a house with decks within 50' from the high-water-mark and attached garage 30' from the existing easement on their property.

Fieldsend's stated they went back to the site and reevaluated; they would like to build a deck approximately 35' from the high-water-mark. The house would be approximately 47' from the high-water-mark. The attached garage will be approximately 30' from the road easement. Fieldsend's stated that they would like the decks and the house closer than 50' from the high-water-mark so they would not encroach on the easement toward the back of the lot. They share the driveway with the Jelen's and this is the access for the the easement. Fieldsend's stated that they have visited with the two neighbors and have emails stating they are ok with the plans with the deck being 24' from the high-water-mark. DeBoer and Theisen visited the sight prior to the December 14, 2020 meeting and stated he was ok with the location of the house and decks.

Theisen visited the site with Dahl and they did some measuring. Theisen showed Dahl the plat maps that show the easement is located on Jelen's property however the driveway is located on Fieldsend's property.

Discussion was held on the contour of the lake, line of site toward the lake, and the line of site from the garage. There was also discussion on the boards authority to grant variances and other permits.

Motion by Dahl, seconded by Kanengieter, to grant the Variance to build decks approximately 38' and house approximately 50' from the high-water-mark, and attached garage approximately 25' from existing road easement. Kanengieter called for a roll call vote; DeBoer-yes, Jaeger-yes, Homan-yes, Dahl-yes, and Kanengieter-no and the motion carried. Please refer to the Findings of Fact and Conclusions of Law on file with this application.

Theisen stated she received an email from Keith B. Miller, SD DENR – Livestock Services Program, about Mike Kellen egg farm. Miller stated that Kellen's operation is still depopulated as he hasn't been able to obtain an new egg contract. Kellen state all the manure was cleaned out of the barns when they were depopulated in early 2020. At this time, Kellen hasn't made a decision regarding the future of his operation.

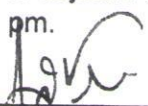
If Kellen decides to continue operating as a CAFO, by April 15, 2021, he is scheduled to submit his application to DENR to obtain updated coverage under the new general CAFO permit which became effective on April 15, 2017 (which we refer to as the 2017 general permit).

After Miller spoke with DENR staff in Pierre, it was decided DENR will suspend our requirement for the annual sampling of the monitoring wells while the facility is depopulated and the barns are not being used to store manure. In the event Kellen re-populates the barns and resumes operation, sampling of the monitoring wells will be required to resume. Miller will continue to keep in touch with Kellen and with Theisen about Kellen's plans for the operation and his DENR permit coverage.

The February meeting date has been changed to February 10 at 6:30 pm due to a conflict.

The Board of Adjustment and First District Association of Local Governments staff will be reviewing and discussing portions of an updated draft ordinance throughout the next couple months and meeting on various Wednesdays in the Commissioner's Room of the Courthouse in Clear Lake, SD.

Motion to adjourn by Dahl, second by DeBoer. Motion passed unanimously. Meeting adjourned at 8:30 pm.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board