

**February 14, 2022 BOARD OF ADJUSTMENT/ PLANNING COMMISSION
DEUEL COUNTY
STAFF REPORT**

Monday – February 14, 2022 – 6:30 p.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

ITEM #1 SPECIAL EXCEPTION

**Applicant: East River Electric Power Coop., Inc
Owner: East River Electric Power Coop., Inc**

Property Description: on certain property situated in Portland, Lowe, and Glenwood Townships

Action Items – Special Exception – (Section 1101.03.12 – Essential Services)

Zoning Designation: A – Agricultural District

Request: Applicant/Owner requesting a Special Exception to construct and operated an overhead electrical transmission line including poles and wires in AG District.

History/Issue(s):

Specifics of Request

1. East River Electric Power Coop., Inc is requesting a to construct and operated an overhead electrical transmission line including poles and wires in AG District.
2. In 2004 Deuel County Commissioners granted a franchise to construct, maintain , and operate poles and wires for the purpose of transmitting electricity and electric energy for lighting, heating and power purposes over, upon, along, and across certain public highways in Deuel County. The resolution was 04-06 grant by the Deuel County Commissioners on March 2 ,2004.
3. They are retiring an one of the existing lines that was described in the 04-06 resolution and construction a new overhead line.
4. I could not find a Special Exception in the files or minutes in 2004 from the Zoning Board.
5. They have existing and new property easements for the private property owners in the new overhead line.
6. They will be in contact with the Deuel County Hwy Dept for road right-of-way permits.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Essential services is listed use in the A – Agricultural District.
 12. Essential services – Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures used by public for protection of the public health, safety or general welfare, including towers, poles, wires, mains drains, sewers, pipes, conduits, cables satellite dishes, and accessories in connection therewith. The Board attached the specific condition in accordance with its ability to add conditions to a conditional use permit.
2. The Deuel County Comprehensive Land Use Plan states that the main goal is to accommodate growth and to minimize the disturbance of agricultural land.
3. Conditions I suggest adding to the permit is to have East Rive have haul roads agreements with the Deuel County Hwy Dep, Lowe Township, Glenwood Township and Portland Township.

Staff Summary

Conditional Use Permit – Essential Services: The application may be approved, postponed, or denied.

Staff recommendation:

Approval would be based on the applicant's ability to meet the requirements for a special exception described in ordinance - To grant the Special Exception to construct and operated an overhead electrical transmission line including poles and wires in AG District in the townships of Portland, Lowe and Glenwood with the following conditions that have haul road agreement with the townships in the project and with Deuel County Hight Department.

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. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM # 2 DISCUSSION: about the 2022 building permit fees and decided to increase the Special Exception fee from \$200 to \$250, increase the Variance fee from \$200 to \$250, to increase the Rezoning fee from \$200 to \$250 and to add Appeal to the Board of Adjustment fee of \$250. To make a Motion to refer the 2022 building permit fees to the County Commissioners.

ITEM # 3 PLAT

Applicant/Owner: James & Merry Roelofs

Property Description: Roelofs Pasture Addition in S1/2 of Section 32, Township 113 North, Range 50 West of the 5th P.M., Deuel County, South Dakota.

Request: Plat a 40.79 acre irregularly shaped parcel for transfer purposes.

Action Item –Plat approval.