

The Deuel County Board of Adjustment and Planning Commission met at 9:45 a.m. on Tuesday November 21, 2023, at the Deuel County Commissioners' Meeting Room, Deuel County Courthouse. Deuel County Board of Adjustment and Planning Commission members present included Mike Dahl, Kevin DeBoer, Jay Grabow, alternate Scott Fieber, and Paul Brandt. Also present were Zoning Officer Jodi Theisen, States Attorney Craig Evenson.

Vice Chairman Kevin DeBoer called the meeting to order.

The minutes from the of October 16, 2023 meeting were discussed. Motion by Grabow, seconded by Brandt, to approve the October 16, 2023 minutes as corrected. Motion passed unanimously

Motion by Dahl, seconded by Brandt to approve the agenda. Motion passed unanimously.

Motion by Dahl, seconded by Grabow to approve a Variance by Cody & Baily Mack for the date of a Type B Manufactured Home. Mack stated that they would like to move in a 24-year old mobile home onto property that they purchased in 2021 located in Ash Grove Addition in SE1/4 Less E85' S137' & Less W20' E105' S48 of Section 20-115-49 Clear Lake Township, Deuel County, South Dakota. The proposed manufactured home is a 1999 model that is 16' x 80', a single wide, which is a type B MH and will be placed in a manner that meets all required setbacks (approx. 113' from the ROW and more than 25' from the side and rear yard). There were no objections. This Variance does not apply to any new structures that are built on the property. Please see Findings of Fact and Conclusions of Law on file with this application. Motion passed unanimously.

Motion by Brandt, second by Grabow, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

DeBoer stated for the record that the Deuel County Planning Commission and Deuel County Board of Commissioners are meeting jointly.

County Commission Chair Homan called the Deuel County Board of County Commissioners to order.

Second agenda item was a joint public hearing on Ordinance #B2022-01-05, An Ordinance to amend

- Article XI, "Zoning Districts," Section 1103 "LP" Lake Park, Section 1103.06. Minimum Lot Area and Yard Regulations, 4. Each building shall be set back not less than fifty (50) feet from the established normal high-water mark ~~and or have a rear yard of fifty (50) feet.~~ **On lots not adjacent to the lake each building shall** have a rear yard **set back** of fifty ~~(50)~~ **25** feet.
- Article XII, "GENERAL REGULATIONS" Section 1208 Shelterbelt Setback Requirements, 7. Shade trees, ornamental trees or shrubs generally used for landscaping and windbreak are allowed in a controlled area. The controlled area is defined as the area within one hundred (100) feet of homes or farm buildings, but not closer to the right-of-way than fifty (50) feet. Except for the following, plantings within the controlled area are exempt from this regulation. ~~Six or more trees in a row are not allowed with the controlled area~~ **The maximum number of trees in the controlled area is six (6) in a row.** Deciduous trees which are spotted or staggered within the controlled area can be no closer than twenty (20) feet. Conifer trees which are spotted or staggered within the controlled area can be no closer than twenty-five (25) feet. The distance between trees shall be determined by measuring distance between tree trunks. See Figure 1208.3.
- Article XI, "Zoning Districts," Section 1103 "LP" Lake Park, Section 1103.04. Special Permitted Uses, 1. Camper on a lot with or without a principal structure for a specific time period, ~~subject to~~

~~receiving permission from adjoining landowners~~ must have permission of sixty-six (66) percent of the adjoining landowners.

- Article XI, "Zoning Districts" Section 1101. "A" Agricultural District, Section 1101.03. Special Permitted Uses, 1. Camper on a lot with or without a principal structure for a specific time period, ~~subject to receiving permission from adjoining landowners~~ must have permission of sixty-six (66) percent of the adjoining landowners.

DeBoer and Homan each opened the public hearing for their respective boards.

DeBoer chaired the public hearing and began by asking Theisen to provide an overview of the proposed ordinance. Theisen stated that the Planning Commission had been working on the comprehensive review of the zoning ordinance for a couple of years, with public hearings on amendments in the last year. There were some oversights that were discussed which are provided to each board member.

DeBoer and Homan each closed the public hearing for their respective boards.

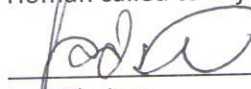
DeBoer asked for a motion and a 2nd to recommend approval of Ordinance #B2022-01-05 to the Board of County Commissioners. Motion by Dahl, Seconded by Brandt and the the motion passed unanimously.

Motion to adjourn made by Grabow, second by Dahl. Motion passed unanimously

The County Commission held the first reading of ordinance #B2022-01-05, as amended by the Planning Commission, by title. Homan asked Theisen to conduct first reading.

Homan asked for a motion to set the date for the 2nd reading to be December 5, 2023 at 10:15 a.m. Motion by Grabow, seconded by Rhody. Motion approved unanimously.

Homan called to adjourn the Board of County Commissioners.



Jodi Theisen
Deuel County Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board