

August 1, 2023  
Special Meeting

The Deuel County Board of Adjustment and Planning Commission met at 10:15 p.m. on Tuesday August 1, 2023, at the Deuel County Commissioners' Meeting Room, Deuel County Courthouse. Deuel County Board of Adjustment and Planning Commission members present included Dennis Kanengieter, Mike Dahl, Kevin DeBoer, Jay Grabow and Paul Brandt. Also present were Zoning Officer Jodi Theisen, States Attorney Craig Evenson.

Kanengieter called the meeting to order.

First agenda item was a variance from Joe Mamer to move existing shed less than 50' from the rear lot line on property described as Lot 16 Grabow Addition in NE1/4 of the Section 5-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota. Board members discussed the variance request and the front lots the property has. The board discussed the distance set back of 50' from the high-water-mark and the rear lot line. The board had discussion about side yard verses rear yard. Motion by DeBoer seconded by Grabow to place shed no closer than 10' from the west property line and waive the variance fee. Motion passed unanimously.

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

Motion by Dahl, second by DeBoer, to recommend approval to the Board of County Commissioners the Plat of Peterson addition in SE1/4 of Section 32, T114N, R48W. Motion passed unanimously.

Kanengieter 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.

Third agenda item was a joint public hearing on Ordinance #B2022-01-04, An Ordinance to amend that Article XI, "Zoning Districts," Section 1103 "LP" Lake Park, Section 1103.04. <sup>05 JT</sup>  
19. Private storage facilities provided they meet the requirements of Section 1245;

Conditional Uses, Article XI, "Zoning Districts," Section 1103 "LP" Lake Park District, Section 1103.07. Shoreline Stabilization, Filling, Grading, Lagooning and Dredging,

- i. Approval from adjoining lake-front property owners

Article XII, "GENERAL REGULATIONS" Section 1236.02 Modular Homes,

- b. Modular homes will include all prefab off-site constructed homes, which may be transported to the site in ~~one or more sections.~~ multiple sections called modules and put together on site by your builder.

Article XI, "Zoning Districts" Section 1101. "A" Agricultural District, Section 1101.02 Permitted Uses,

3. Site-built single-family residences; and Moved in single-family residences provided that they meet the requirements of Section 1205

Section 1103. "LP" Lake-park District, Section 1103.03 Permitted Uses, Section 1106.

1. Site-built single-family residences usage; and Moved in single-family residences provided that they meet the requirements of Section 1205

"TD" Town District, Section 1106.02 Permitted Uses, Section 1101 "A" Agriculture District, Section 1101.05  
1. Single-family residential usage, including Type A and Type B Manufactured Homes, provided that provisions of Section 1236 are met. Also including Moved in single-family residences provided that they meet the requirements of Section 1205

Article XII, "GENERAL REGULATIONS" Section 1238 Accessory Buildings  
Table 1238-1

1.c. Unattached garages shall be limited to maximum sidewalls of fourteen (14) feet; and a ~~maximum~~  
minimum of 4/12 roof pitch or to conform to the design of the house.

2. Buildings or structures for customary residential storage purposes not over ten (10) feet in height and not exceeding ~~one hundred fifty (150)~~ **two hundred forty (240)** square feet in gross floor area **with a door opening no wider than seven (7) feet.**

Article XI, "Zoning Districts," Section 1101 "A" Agriculture District, Section 1101.05 Area Regulations

1. Lot Size: All residential lots shall be a minimum of three (3) acres, except as provided in item 7 ~~6~~ below. All other permitted uses and conditional use permits shall have a minimum area and setback regulations as determined by the Board of Adjustment.

Article XIII, "Concentrated Animal Feeding Operations Regulations," Section 1303. Concentrated Animal Feeding Operation Permit Requirements

8. Notwithstanding ~~1103.4~~ **1303.4** (above) a change in ownership of a Class A or Class B concentrated animal feeding operation which does not have a previously issued county-permit.

Article XIII, "Concentrated Animal Feeding Operations Regulations," Section 1304. Concentrated Animal Feeding Operation Control Requirements

New Class A, B, C, and D (with more than five hundred (500) animal units) Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis, The following procedures to control flies and odors shall be considered in a management control plan:

~~New Class A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis. The following procedures to control flies and odors shall be considered in a management control plan:~~

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. ~~Four~~ **Six** or more trees in a row are not allowed with the controlled area. 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.

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

Kanengieter 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 September 28 and November 15. There were some oversights and cleanup with some advertent mistakes that were found which are provided to each board member. Theisen also stated there were some scrivener's errors.

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

Kanengieter asked for a motion and a 2nd to recommend approval of Ordinance #B2022-01-04 to the Board of County Commissioners. Motion by Dahl, Seconded by Kanengieter and the the motion passed unanimously.

Kanengieter called to adjourn the Planning Commission.

The County Commission held the first reading of ordinance #B2022-01-04, 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 2<sup>nd</sup> reading to be August 15, 2023 at 10:15 a.m. Motion by Grabow, seconded by Rhody. Motion approved unanimously.

Homan called to adjourn the Board of County Commissioners.

  
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Jody Theisen  
Deuel County Zoning Officer

  
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Dennis Kanengieter  
Chairman, Zoning Board