

Tuesday July 19, 2022

The Deuel County Zoning Board met on Tuesday July 19, 2022 at 11:00 a.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were board members Judith Homan, Kevin DeBoer, Paul Brandt, Mike Dahl and Dennis Kanengieter. Also, present was Zoning Officer Jodi Theisen and Marc Macy, CFM with the SD Office of Emergency Management and Blaire Jonas with the SD Office of Emergency Management. Also present through Zoom was Marijo Brady Flood plain Engineer with FEMA Region 8.

Kanengieter called the Zoning Board meeting to order.

DeBoer moved, seconded by Dahl to convene with the Commissioners for the purpose of holding a public hearing on the proposed Flood Plain Ordinance B2004-01-40B. All voted yes and motion carried.

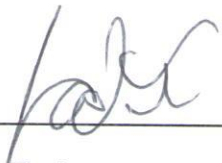
Therewith a joint public hearing with the Deuel County Planning Commission was held for Ordinance #B2004-01-40B an Ordinance to amend Section 301, Districts to include "FP – Floodplain Protection District" [Article III: Establishment of Districts]; and establishing "Section 1107. FP Floodplain Protection District" and All Amendments Thereto, in Accordance with the Provision of Chapter 11-2, 1967 SDCL, and Amendments Thereof and for the Repeal of all Resolutions and Ordinances in Conflict Therewith.

Marc Macy stated that Deuel County has been mapped for flood risk for the very first time this year. He said the county needs to adopt the maps and Ordinance in order to be eligible for federal funds. Macy stated that federal flood insurance could be required in the flood plain areas. He said 59 counties participate in the program; Sept 1 flood maps will go into effect for Deuel County even if the Ordinance isn't adopted. The flood plain maps will be to be pulled into the GIS System. Brandt had questions about the rates of flood insurance. Brady from FEMA said adopting the ordinance will not hang up a home sale; insurance policy can be transferred when or if property is sold; owner insurance rating is more of a waterfall approach; property near outside of the flood plain may be at higher risk; different factors of insurance involved in graduated scale; also depends on a mortgage. The proposed ordinance is just rural areas of Deuel County. Brandt had questions on how drainage or placing drain tile would affect the regulations of the Ordinance; He asked about section 1107.05 Permit Procedures and how that would affect needing a permit when draining in an affected area. Brady said it shouldn't apply to field based tile and later sent an email to Zoning Officer Theisen stating that floodplain permits are only required for proposed activities that are wholly or partially in the Special Flood Hazard Areas on the FEMA Flood Insurance Rate Maps. Floodplain development permits are issued by the Floodplain Administrator, which would be Zoning Officer in Deuel County. She also stated the purpose of the floodplain permit is to ensure the "picture" in the property owners mind is the same as the Floodplain Administrator for proposed activity in the Special Hazard Area; not that a project can't be done in the SFHA but that there may be some additional conditions required. Commissioner DeJong left the meeting at 12:10 p.m. Theisen stated the ordinance can be amended after adoption.

Zoning Board member Dahl motioned, seconded by Homan to recommend to the Commissioners: Ordinance #B2004-01-40B an Ordinance to amend Section 301, Districts to include "FP – Floodplain Protection District" [Article III: Establishment of Districts]; and establishing "Section 1107. FP Floodplain Protection District" and All Amendments Thereto, in Accordance with the Provision of Chapter 11-2, 1967 SDCL, and Amendments Thereof and for the Repeal of all Resolutions and Ordinances in Conflict Therewith. Kanengatier then called for a vote of the Zoning Board to recommend to county commission for adoption; Homan-yes; Dahl-yes; Brandt-no; DeBoer-no; Kanengatier-yes; motion carried.


Motion to adjourn by Brandt, second by DeBoer. Motion passed unanimously.

The Commissioners then held the first reading of Ordinance Ordinance #B2004-01-40B an Ordinance to amend Section 301, Districts to include "FP – Floodplain Protection District" [Article III: Establishment of Districts]; and establishing "Section 1107. FP Floodplain Protection District" and All Amendments Thereto, in Accordance with the Provision of Chapter 11-2, 1967 SDCL, and Amendments Thereof and for the Repeal of all Resolutions and Ordinances in Conflict Therewith. The second reading will be held at the August 2nd regular Commission meeting at 11:00 a.m.



---

Jodi Theisen  
Zoning Officer



---

Kevin DeBoer  
Vice Chairman, Zoning Board