

The Deuel County Zoning Board met on Monday May 9, 2016 at 7:00 P.M., in the Commissioner's room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, Jerry Durfee, Paul Brandt, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the May 9, 2016 meeting were discussed. Motion by Jaeger, seconded by Brandt to approve the May 9, 2016 minutes. All voted in favor and motion carried.

Motion by Durfee, seconded by Dahl to approve the amended June 13, 2016 Agenda. All voted in favor and motion carried.

1. Mike Crinion came and talked to the board and stated that he applied for the State Permit for the Heifer Barn in the SW1/4 Section 21-113-49 for 375 diary heifers on June 1, 2016. On July 1, 2016, DENR will make a ruling so he would like to start building before then because the builders are available now and they will be busy until the fall. Motion Brandt, seconded by Dahl, to amend the special exception by allowing an issuance of a building permit to Michael Crinion, Sherman Dairy, with the restriction of no cattle until they obtain a state permit from DNER.
2. Motion by Dahl, seconded by Brandt to remove from the table the Norgaard Special Exception permit. The request, if granted, would permit the applicant to use the following property: Lot 10 & 11 & E1/2 of Lot 12A replat of OutLot 34 Agnes Place in Gov Lot 8 & Lake Cochrane of Section 5-114-47 Norden Township in the following manner to alter the shoreline within 35 feet from the high water mark in the Lake Park District by removing some trees and adding some rock to stabilize the shoreline and steps. Norgaard then discussed their plans along the shoreline. They would like to pull the rocks up that are in the water and place more rocks along the shoreline to help stabilize the shoreline. They would like to remove some of the trees and shrubs within the 35 feet from the high water mark and build a flat area with retaining walls. They would like to plant annuals and perennials plants with 35 feet from the high water mark. Motion Brandt, seconded by Durfee to table the Special Exception to alter the shoreline within 35 feet from the high water mark until June 22, 2016. The board will meet at Lake Cochrane and visit the Norgaard lot and talk to their landscaper about the detailed plan to explain how much dirt will be removed and how they are going to stabilize the hill and the shoreline.
3. Motion by Dahl, seconded by Brandt, to approve Fieber First Addition in the NW1/4 Section 17-116-50, Goodwin Township. All voted in favor and motion carried.
4. Cindy Findling applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lot 3, Tobins Thokola (Replat of Lots 49 -60 Thokola Beach) in Gov Lot 2 in Section 8-11-47, Lake Cochrane, in the following manner

to build a fence closer than 50 feet from the high water mark in the Lake Park District. Per telephone conference, Findling stated she would like a fence on the south side of her property 45 feet from the high water for security issues and privacy. Motion by Dahl, seconded by Durfee, to approve the variance to build a 6 foot tall fence 45 feet from the high water mark in the Lake Park District. All voted in favor and motion carried. The findings for this variance are that the fence doesn't affect the use or enjoyment of the neighbor's properties.

5. Philip Rogness applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: Outlot 1 in the E1/2NW1/4 in Section 30-113-49, Blom Township to have a vehicle display lot for dealership and an onsite sign in a C1 zoned district. Rogness stated that he would fix up the existing building and park some trucks on the property. He would have a sign for contact information and do the sales on the farm. Motion by Dahl, seconded by Durfee, to approve the special exception to have a vehicle display lot for a dealership and to have a 3' x 4' onsite sign on Outlot 1 in the E1/2NW1/4 in Section 30-113-49, Blom Township which is zoned C1. All voted in favor and motion carried.
6. Ken & Barb Berg applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: Lots 16-17 & N25' Lot 18, Thokola Beach in Gov Lot 1, Lake Cochrane of Section 8-114-47, Norden Township, in the following manner to alter the shoreline within 35 feet of the high water mark by replacing the existing retaining wall, stairs, and to replace existing pavers in the Lake Park District. Berg stated that the pavers were settling and they would like to extend the pavers to the new retaining wall that is staying in the same location, but will be built out of the blocks, not cement wall, which will be 6 feet tall for safety of the grandchildren. They would like to replace the steps because they are shifting. The steps and the new wall would be 13 feet from the high water mark. Motion by Jaeger, seconded by Dahl to approve the special exception to replace the existing retaining wall with a new wall that is 6 feet tall, stairs, and to replace existing pavers in the Lake Park District that are within 35 feet from the high water mark. All voted in favor and motion carried.
7. Sheldon & Robyn Rasmussen applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: SE 50' Lot 9 & all Lot 10 & NW 100' Lot 17, Clear Water Beach, in Gov Lot 6, Lake Cochrane, of Section 4-114-47, Norden Township, in the following manner to stabilize the existing retaining wall and to remove a tree within 35 feet of the high water mark in a Lake Park District. Rasmussen and his landscaper Steve Bachar told the board that the rock retaining wall was washed away and the dirt was exposed. They believe the roots from the tree that is located between the house and lake are causing the retaining wall to fall apart. Rasmussen also stated that the tree blocks the view from the upstairs. The board looked at the pictures of the wall and they thought the damage was caused by the ice and not the tree. Bachar stated that he would put mesh up behind the rocks to help stabilize the retaining wall.

Rasmussen stated that he would like to remove the tree and put a concrete patio in its place and put some shrubs around the patio. The board discussed if the tree removal was because of cosmetics and view, or if it was for the erosion problem. The board would like to keep the shrubbery and the natural look of the lake. Rasmussen stated they replaced the pavers that were outside of the 35 feet from the high water mark, and they also placed 2 pillars that are 3 feet tall at the end of the walk way toward the lake. The pillars are located right at the high water mark. Motion by Brandt, seconded by Jaeger, to approve the special exception to stabilize the existing retaining wall, replace the pavers and build a patio, and pillars and not remove a tree within 35 feet of the high water mark in a Lake Park District. They are to use a silt fence during the construction phase. Kanengieter called a roll call vote Dahl-no, Brandt-yes, Durfee-yes, Jaeger-yes, Kanengieter-yes Motion carried.

8. Brent & Toni Merritt & Robert & Bonnie Merritt applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: Lot 8A, Agnes Place in Gov Lot 8, Lake Cochrane, of Section 5-114-47 Norden Township in the following manner to operate a private campground and to build a storage shed in a Lake Park District. Robert & Bonnie Merritt stated that they would like to place one camper on the back lot so they could have extra room for family since the mobile on the lot toward the lake is a single wide. Merritt's stated that they will hook up to the Lake Cochrane Sanitary District and have been in contact with them. They also would like to build a 12' x 12' shed to have for storage. They would like to pour a concrete pad for the camper that will be more than 30 feet from the road and more than 10 feet from the side lot. Motion by Brandt, seconded by Durfee, to grant the Special Exception to permit a private campground on Lot 8A, Agnes Place, Section 5-114-47, Norden Township to pour a 12' x 40' concrete pad where one camper can be placed on the lot in the spring and must be removed in the fall. It will follow the Lake Cochrane Sanitary requirements. The Special Exception permit is nontransferable and the applicant has to reapply in two years which is the year of 2018; and to build a 12' x 12' shed for storage. All voted in favor and motion carried.
9. Robert & Bonnie Merritt also talked to the board about their Lot 8 in Agnes Place Addition, in, Gov Lot 8, Section 5-114-47, Norden Township. Merritt's stated that they trimmed the Buckthorn that was on the hill side. They stated that they didn't remove any roots and they left the stumps. Merritt's stated that the hill side was overgrown and wanted to remove the brush because it was noxious weed and they didn't want their grandchild near it. Merritt's stated that they talked to some landscapers and they came up with a plan to place Grow Low Sumac along the hill side and to put Round Up on the buck thorn to kill it. They don't want to kill all of the hill side because there is grass growing and wild flowers growing. The board stated that any removal of vegetation and any dirt work within the 35 feet from the high water mark requires a special exception. The board stated that the brush helps stabilize the hill side from erosion and helps with the screening of the lot. The

Merritt's are going to apply for this special exception July 11, 2016. Motion by Durfee, seconded by Jaeger, to waive the fee of \$200 for Special Exception to permit to alter the shoreline with shrubbery within 35 feet from the high water mark that will be applied for on July 11, 2016. All voted in favor and motion carried.

10. Richard Bartz applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lot 17, Bostic Beach, in Gov Lot 5, in Section 4-11-47, Lake Cochrane, in the following manner to replace and build a new deck and patio closer than 50 feet from the high water mark in the Lake Park District. Bartzs stated that the old deck was very dangerous and was a safety issue. The boards were very rotten and he almost fell through. The existing house is 21 feet from the high water mark, and the existing deck is 12 feet wide, so it is 9 feet from the high water mark. The patio below the deck is very cracked and buckled so they would like to replace the concrete with pavers. They would not go any closer than the existing patio. Motion by Brandt, seconded by Jaeger to approve the variance to replace and build a 12' x 24' new deck that is identically to the old deck and patio that is 9 feet from the high water mark on Lot 17, Bostic Beach, in Gov Lot 5, Section 4-114-47, Lake Cochrane, in the Lake Park District. Findings for this variance is that the deck is exactly the same as what they took down, it was a safety issue and it doesn't obstruct any of the neighbor's view. All voted in favor and motion carried.
11. Todd Swenson applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: N1/2 in Section 20-117-50, Rome Township, in the following manner to build a deck closer than 150 feet from the road right-of- way in the AG District. The existing house is 124 feet from the center of the road, so it is 74 feet from the road right-of-way. They would like to build a landing that is 8' x 8' in front of the house so the existing door can be used. The landing will be 66 feet from the road right-of-way. Motion by Dahl, seconded by Brandt to approve the variance to build an 8' x 8' deck 66 feet from the road right-of- way in the AG District. All voted in favor and motion carried.
12. Mark Ries applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SE1/4 in section 19-117-50, Rome Township, in the following manner to build a House and Basement closer than 150 feet from the road right-of- way in the AG District. Ries stated that they want to remove the old house and build a new house 128 feet from the road right-of-way. Ries stated that the farm site is very tight and he couldn't push the house further back because of buildings and access to these buildings. Motion by Dahl, seconded by Jaeger, to approve the variance to build a 28' x 56' house and basement & 40' x 28' Garage 128 feet from the road right-of- way in the AG District. All voted in favor and motion carried. Findings for this variance are that there are bins and buildings closer to the right-of-way then the new house. The new house is not a safety and will not cause a snow problem.

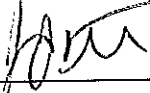
13. Homan Farms applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: S960' N1595' W545' in NW1/4 in Section 14-116-48, Glenwood Township, in the following manner to build 50' x 150' calf barn closer than 200 feet from the road right-of-way in the AG District. Bryan Homan stated that they would like to keep the new 50' x 150' calf barn in line with the existing pole shed that is 150 feet from the road right-of-way so they could have more room behind the barn. Motion by Brandt, seconded by Dahl to approve the variance to build a 50' x 150' calf barn 150 feet from the road right-of-way on the S960' N1595' W545' in NW1/4 section 14-116-48, Glenwood Township. All voted in favor and motion carried.
14. Homan Farms applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: E1/2 in Section 15-116-48, Glenwood Township, in the following manner to have existing shelterbelts that were planted within 150 feet from the road right-of-way in an AG District. Bryan stated that they didn't know they needed a tree planting variance when they planted the trees a couple of years ago. Motion by Brandt, seconded by Dahl, to approve the variance to keep the existing shelterbelts that were planted within 44 feet from the road right-of-way in an AG District to the south and 88 feet from the road right-of-way in an AG District to the south in the E1/2 2 section 15-116-48, Glenwood Township. All voted in favor and motion carried. Findings for this variance is that the road is a county road and it has a 50 feet road right-of-way. The evergreen trees won't cause a snow or visual problem and won't seed out and creep closer to the road right-of-way.
15. Craig Magedanz applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: Gov Lots 3 & 4 & S1/2NW1/4 Section 5-116-48, Altamont Township, in the following manner to irrigate using the waste water from the evaporation pond closer than 300 feet from the road right-of-way in an AG District. Criag Magedanz came and talk to the board about using irrigation from his evaporation pond for manure application. He would apply to the field to the south of the CAFO which is separated by a county highway. He was concerned about the 300 feet setback from the right of way for irrigation applied ordinance. Magedanz stated that he would have the end guns turned off when it went by the highway. The PSI would be 20 and the drop down nozzles would be 7 to 8 feet off the ground. They have a 10 foot radius so the pattern would be 28 feet from the fence line and the road has a 50 feet road right-of-way. Magedanz stated that they have a valve on the nozzles so they could adjust if the spay did hit the road. Motion by Dahl, seconded by Brandt, to approve the amendment to the existing manure management plan to allow the application of irrigation within 300 feet from the road right-of-way that will be 28 feet from the road right-of-way. The application is with low pressure nozzles that are 8 feet from the ground, and the end nozzle will be shut off by the road. All voted in favor and motion carried.
16. Robin Miller came and talked to the board about the campers at Lake Cochrane. He is a resident of the lake and they were concerned about allowing campers on the lake lots and

across the road in Grabow Addition. The board stated that private campground permits that have been permitted in the last couple of years have been for one camper for private use. However there is a permit for a private campground for a couple of campers that was grandfathered in. Miller stated that the ordinance states for single family home. The board stated that some people have a camper for a couple of years and then build. The board stated to Miller that they encourage people to come and talk to the board if they have questions or concerns.

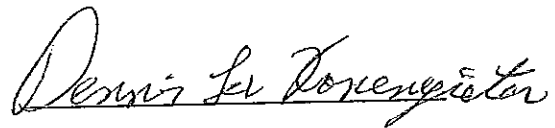
17. Mark Junker came and talked to the board about the wind towers. Junker stated that there has been some wind tower people coming around his area and signing up easements for wind towers on people's land. The small acreage property owners have no say about the wind towers. He showed a video and supplied some letters from concerned property owners. He stated that the noise and shadow flicker are the most concerns. Junker stated that he thinks that a 1 mile set back from residents would be better than county's current set back of 1000 feet. The board stated that he would have to come to the board and have the board review the ordinance. The board would have to publish it in the local paper so the public would have a chance to state their inputs or have a petition to have the ordinance changed.

18. Motion by Dahl, seconded by Brandt to approve Plat Lot 2C & 2D, Rhea Fourth Addition, Gov Lot 7, Section 4-114-47, Lake Cochrane, Norden Township, contingent that the ownership sheet is signed by the Cochrane's. All voted in favor and motion carried.

19. Kanengieter called the meeting.



Jodi Theisen
Zoning Office



Dennis Kanengieter
Chairman, Zoning Board