

Monday April 10, 2017

The Deuel County Zoning Board met on Monday, April 10, 2017, at 6:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Mike Dahl, Steve Rhody, Paul Brandt, and Kevin Deboer. Also present were States Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the March 13, 2017, were discussed.

Motion by Deboer, seconded by Brandt, to approve the March 13, 2017, minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by Rhody, to approve the April 10, 2017, Agenda. All voted in favor and motion carried.

1. Motion by Dahl, seconded by Brandt, to approve Plat Grabow Third Addition in Gov Lot 1 in the NE1/4 Section 5-114-47 Norden Township. All voted in favor and motion carried.

2. Motion by Dahl, seconded by Brandt, to approve Plat Lot 1 Grabow Fourth Addition in Gov Lot 1 in the NE1/4 Section 5-114-47 Norden Township. All voted in favor and motion carried.

3. Mike Wengler came and talked to the Zoning Board about building a garage on his Lot 21 Bostic Beach in Gov Lot 3-5 in the NW1/4 Section 4-114-47, Norden Township. Wengler stated that he has an existing house on the lot and would like to build the garage for extra storage. The garage will have a bathroom and a loft upstairs. The loft would be used as storage and sometimes for extra sleeping room for family members. The garage would be a stick built structure and wood siding to match the house. The garage would be located more than 50 feet from the high water mark, more than 30 feet from the platted road, and more than 5 feet from the side lot. The board has concerns about garages with living quarters at Lake Cochrane. Some of these garages are more like a house than a garage. The Zoning Board approved to have the zoning officer grant a building permit for the garage as long as it is not going to be used as additional living space on a regular basis.

4. Lyndon Limberg applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SE1/4 of Section 30-117-47, Antelope Valley Township, to build a 36' x 72' machine shed closer than 150 feet from the road right-of-way in an AG zoned district. Limberg stated that he would like to remove an old granary that is north of existing pole shed now and build a machine shed for a shop there. The new shop would be approximately 90 feet from the center of the road so it

would be 57 feet from the road right-of-way. Motion by Brandt, seconded by Deboer, to grant a Variance to use the following property: SE1/4 of Section 30-117-47, Antelope Valley Township, to build a 36' x 72' machine shed 75 feet from the road right-of-way in an AG zoned district. The new shed is not a safety issue and will not cause a snow problem. There are trees located to the west and to the south and it is a minimum maintenance road. The property owner removes the snow. All voted in favor of and the motion carried.

5. Knife River Midwest, LLC applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SE1/4 less E140' S778' of Section 31-117-50, Rome Township, to operate a temporary concrete batch plant for construction of Hwy 212 that is within 1000 feet of a residence in an Ag zoning district. Robert Sopher was the representative for Knife River Midwest, LLC. Sopher stated that the resident that is within the 1000 feet is ok with the project. The resident Stephen Hulscher sign a letter that he is fully aware of the project with Knife River. Sopher stated the project they will be working on is the repair of Hwy 212 from Watertown to 7 miles east of Goodwin. Sopher stated that the actual physical plant will be more than 1200 feet from the actual residence. Motion by Brandt, seconded by Deboer, to grant the Variance permit Knife River Midwest, to use the following property: SE1/4 less E140' S778' of Section 31-117-50, Rome Township, to operate a temporary concrete batch plant for construction of Hwy 212 that is within 1000 feet of a residence in an Ag zoning district. All voted in favor and motion carried. The actual physical plant will be more than 1200 feet from the actual residence and the property owner is aware of the project. There will be a berm around the site to help with sound and contamination. The trees to the east will help buffer the sound. Also this project has a main access of Hwy 212, and this project is temporary for the summer.

6. Motion by Dahl, seconded by Deboer, to approve Plat of Tract 1 Lake Cochrane Substation Addition in the SE1/4 of Section 23-114-48, Norden Township. All voted in favor and motion carried.

7. East River Electric Power Coop applied for a Special Exception and a Variance Permit. The request, if granted, would permit the applicant to use the following property: Plat of Tract 1 Lake Cochrane Substation Addition in the SE1/4 of Section 23-114-48, Norden Township, to construct a distribution substation that is closer than 150 feet from the road right-of-way and a 60' lattice tower for electrical service to local Cooperative that is in an Ag zoning district. East River was contracted by HD Electric Cooperative (a member of East River Electric Power Cooperative) to provide additional electrical load in the area of Lake Cochrane. The increase of electrical load HD Electric had identified is due to the increase usage of existing customers and for future growth in the area. The substation will consist of a high side (69 kV) structure to support the incoming lines, various electrical equipment, and a low side (12.47 kV) structure to support the outgoing lines and various electrical equipment. One three phase transformers will also be required. A building to protect the metering and testing

equipment from the elements will be necessary. A high chain link fence will enclose the equipment in the substation area. The proposed substation is in a zoned agricultural area. The parcel of land to be purchase will have minimal impact to the farming operation. 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. The Board then made written findings as required by Section 504 subparagraph 5(a-h) of the ordinance. Motion by Deboer, seconded by Paul, to grant the Special Exception to use the following property: Plat of Tract 1 Lake Cochrane Substation Addition in the SE1/4 of Section 23-114-48, Norden Township, to construct a distribution substation and a 60' lattice tower for electrical service to local Cooperative that is in an Ag zoning district. All voted in favor and motion carried.

- a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Applicants has sufficient access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c. Utilities, with reference to locations, availability, and compatibility: Does not apply.
- d. Screening and buffering with reference to type, dimensions, and character. There is no buffering and it has adequate screening adequate for public safety.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There will be a sign but no lighting and there will be a pole light on site.
- f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
- g. General compatibility with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the ag district.

h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicants use involves common household garbage. Does not apply.

8. Motion by Brandt, seconded by Deboer, to grant a Variance to use the following property: Plat of Tract 1 Lake Cochrane Substation Addition in the SE1/4 of Section 23-114-48, Norden Township, to construct a distribution sub-station that 75 feet from the road right-of-way to provide service to local Cooperative that is in an Ag zoning district. The substation is not a solid structure, it is not a safety issue, and will not cause a snow problem. It will provide an essential service to the area. All voted in favor of and the motion carried.

9. Arlen Klamm applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lot 20 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township, to build a 24' x 36' pole frame storage shed in a Lake Park District. Klamm stated that he is going to remove the garage door on the existing cabin and convert that all to living. He would like to build this storage shed for storage. The shed will be approximately 33 feet from the side lot to the south, 143 feet from the high water mark, and 190 feet from the platted road. Klamm stated it will be pole frame with no electricity with tan steel on the sides and green steel for the roof to match the colors of the existing cabin. 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. The Board then made written findings as required by Section 504 subparagraph 5(a-h) of the ordinance. Motion by Dahl, seconded by Deboer, to grant the Special Exception to use the following property Lot 20 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township, to build a 24' x 36' pole frame storage shed in a Lake Park District. All voted in favor and motion carried.

a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Applicants has sufficient access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

- c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.
- d. Screening and buffering with reference to type, dimensions, and character. Dose not apply.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There are no signs or exterior lighting.
- f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
- g. General compatiblity with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the lake park district.
- h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property.

10. John Homan applied for a Special Exception. The request, if granted, would permit the applicant to use the following property W1/2 less portion lying north of Railroad in NE1/4NW1/4 Section 32-116-47, Glenwood Township, to build and operate an airplane landing strip for private use in an Ag zoning district. Homan stated that he has a son that flies and they have been thinking about doing an airstrip for a long time. Homan stated that he owns the whole ½ section but the strip would be in the southern part of the section. Homan stated that he has contacted the FAA and applied with them for the airstrip. The size of the airstrip would be 100' x 2350'. The board asked Homan if he has contacted the surrounding property owners. Homan stated he has to some of them. Darold Hunt owns land to the west, Gary Sander owns land to the south, and Andrew Steiner owns land to the east. Brandt asked Homan about the setbacks for wind towers and airstrips. Homan stated that he didn't know the setbacks. Mark Schmidt stated that there is an airstrip in northern Clark Township and there is a wind tower 1 1/2 mile north of the existing airstrip. Lisa Agrimonti, a representative for Invenergy, stated that the airstrip could limit the land use for other property owners. She stated that she would like to know more about the setbacks from an airstrip to see if there is potential to limit the land use.

Homan stated if the surrounding property owners have wind towers on their land, then that limits property rights on his property and that is not fair. Dolye Thompson asked Homan about the location of the proposed airstrip. Homan stated that to the north of the strip there are trees that are about 25 feet in height and they could be removed. The strip is approximately 400 feet from the west property line and approximately 700 feet from the road. Thompson stated that there shouldn't be an issues with wind

towers to the north because Homan owns the rest of the land to the north which is almost a ½ mile. Gary Sanders owns the land to the south and he is not signed up for wind easements yet, but he doesn't want to be limited. Michael Hunt stated that they don't want to be limited for their land use either because his father owns the land to west. Gene May who works for Invenergy stated if you do not sign up for an easement they have a personal company buffer of 500 feet from your property line. Motion by Rhody, seconded by Dahl, to table the Special Exception to use the following property W1/2 less portion lying north of Railroad in NE1/4NW1/4 Section 32-116-47, Glenwood Township, to build and operate an airplane landing strip for private use in an Ag zoning district until the board can get more information about the setbacks for wind towers from an airstrip and until the County Commissioners have finalized the Wind Ordinance.

11. William Moe came and talked to the board about platting off 3 acres for his mother's house which is on the same farm site. William's daughter is going to purchase the land and the house; however there are buildings closer than our ordinance allows. The board suggested to plat the three acres and to apply for a variance for the side lots.

12. Jogchum Andringa would like to talk to the board about removing an older mobile for his workers and moving in a new mobile home for his workers to live in. The board suggested to talk to the adjoining property owners because he would need approval of the mobile home since it is not new and then apply for a building permit.

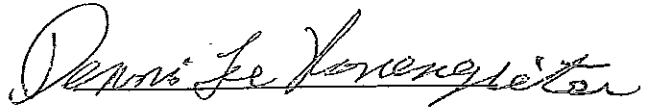
13. Dan Barsness came and talked to the board about the junk on his property and the progress he has made since the February meeting. He stated that he has made some progress but it has taken him 15 years to establish his property and it will take him some time to clean up the clutter. Barsness stated that he would like to build a fence around his property and to move in sheds to sell antiques out of. The property is zoned commercial and a junk yard is not a permitted use. The board suggested to send a letter in November to Barsness to have his property cleaned up more or to build a building to store his property.

14. Kanengieter called the meeting.



Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board