

Monday May 8, 2017

The Deuel County Zoning Board met on Monday, May 8, 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 April 10, 2017, were discussed.

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

Motion by Deboer, seconded by Dahl, to approve the May 8, 2017, Agenda. All voted in favor and motion carried.

1. Sherman Dairy applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. To plant a 7 row shelterbelt within 100 feet of the road right-of-way in an AG zoned district. Michael Crinion stated that they are trying to close the road and would like to plant the trees as close as he could to the road right-of-way. The board asked is the road closed right now and Crinion stated no. Crinion stated that rows would consist of Lilac bushes, some Maples, some Oak, and another bush. Russell Nelson, who is a neighbor to the east, stated that he is ok with the trees being planted as it would help with the buffering of the dairy. If it was less than 7 rows he would have concerns with the snow. Motion by Brandt, seconded by Deboer, to allow Sherman Dairy to plant 7 row of trees 25 feet on the east side of the road right-of-way in SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. Kanengieter called a roll call vote: Deboer-yes, Rhody-no, Brandt-yes, and Dahl-no, Kanengieter-no. Motion did not carry. Motion by Dahl, seconded by Rhody to allow Sherman Dairy to plant 7 row of trees 50 feet on the east side of the road right-of-way in SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. Kanengieter called a roll call vote: Deboer-yes, Rhody-yes, Brandt-yes, and Dahl-yes, Kanengieter-yes. Motion carried. Findings for this variance is the current road is not maintained, it has minimum traffic, and it is used for hunting and field access for the farmers. The trees will not be a safety issue and there is an area of development to the east making it difficult for the trees to be planted 100 feet from the road right-of-way.
2. Global Dairy applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: S196' NW1/4 & SW1/4 less



SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. To plant a 7 row shelter belt within 100 feet of the road right-of-way in an AG zoned district. Motion by Dahl, seconded by Rhody to allow Global Dairy to plant 7 row of trees 50 feet from east side of the road right-of-way of the S196' NW1/4 & SW1/4 less SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. Kanengieter called a roll call vote: Deboer-yes, Rhody-yes, Brandt-yes, and Dahl-yes, Kanengieter-yes. Motion carried. Findings for this variance are the current road is not maintained, it has minimum traffic, and it is used for hunting and field access for the farmers. The trees will not be a safety issue and there is development to the east making it difficult for the trees to be planted 100 feet from the road right-of-way.

3. Verlo Adrian applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lot 25 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township, to alter the shore line within 35 feet from the high water mark in a Lake Park zoned district. Adrian stated that he just purchased this lot this spring and noticed that the shoreline is washing away. He stated that there is about a 2 foot drop from down toward the water and he would like to level an area out and slope it so he could get his dock in and out of the water, and he would like to place fabric down and cover with rip-rap field rock to help stop the erosion. Adrian stated that he contacted the Game, Fish and Parks and the Army Corp of Engineers. Adrian submitted a plan and received permission from the Game, Fish, and Parks. 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 Brandt, seconded by Dahl, to grant the Special Exception to use the following property Lot 25 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township, to alter the shore line within 35 feet from the high water mark in a Lake Park District with the plan submitted to the Game, Fish and Parks and the Army Corp of Engineers. He will have a trash screen or silt fence during construction to help with erosion. 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: Does not apply.

- 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: Does not apply. 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. Does 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: Does not apply.

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 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. Does not apply.

4. William Moe & Jade & Jessica Sturm applied for a Variance. The request, if granted, would permit the applicant to use the following property: S731' W412' of SW1/4SW1/4 & S512' E260' W672' of SW1/4SW1/4 Section 7-116-48 Altamont Township, for buildings that are too close to platted property line in an AG zoned district. Moe stated the existing farm site has two residence on it and that he would like to plat off one of the residences with 3 acres to sell to Jade & Jessica Sturm, who is his daughter. The lot line would go between the house and some existing buildings, and the lot line would be closer than what the ordinance allows. Motion by Deboer, seconded by Brandt to grant a variance to allow the buildings to be closer than 25 feet from the property line located in S731' W412' of SW1/4SW1/4 & S512' E260' W672' of SW1/4SW1/4 which will be platted into Moetown Addition in Section 7-116-48 Altamont. All voted in favor and motion carried. The findings for this variance are that the existing owner and buyer are related, there are preexisting buildings, and there is potential to have separate access for the future.

5. Motion by Brandt, seconded by Deboer, to approve Plat of Moetown Addition in Gov Lot 9 (SW1/4SW1/4) Section 7-116-48 Altamont Township. All voted in favor and motion carried.

6. Allan Armstrong applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 10 in the

Grabow Addition in Gov Lot 1 & 5 in the SW1/4NE1/4 Section 5-114-47, Lake Cochrane, Norden Township, to move in a new 12' x 16' storage structure located in Lake Park District. Armstrong stated that he would like to move in this storage shed and have it located behind the existing pole shed. This would be used for additional storage for instance for his lawn mower. The shed would be 60 feet from the side lot and more than 50 feet from the back lot. The shed would have a wood floor and would be located on skids. 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 Rhody to grant a Special Exception to move in a new 12' x 16' storage structure located in 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: Does not apply.
- 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: Does not apply. 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. The lot provides adequate screening and buffering for the proposed use.
- 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: Does not apply.
- 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 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. Does not apply.

5. David Haas applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 8 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Greg Brewster, an attorney representing Haas, Johnson, and Sanow, stated that these 3 property owners are interested in using their lots during the summer. They cannot afford to build a permanent structure right now and would like to place their campers on these lots. Brewster stated that all three of these lots have electricity, water, and sewer. In the covenants the developer was proactive on the lots to allow 1 camper for immediate family and the camper can't be stored there over the winter. The applicants are asking to have their campers on their lots from May 17 until the end of September, and for at least 5 years.

Jon Henslin stated that he attended the other meetings about these campers. Henslin stated that our ordinance doesn't define a private park, but it does define a campground. Henslin gave the board some information in a packet about other county's ordinances with definitions for Private Parks. The packet also contained impacts on tax base, impacts on adjacent property values and values in the district. Brandt discussed the board views about campers and the special exception for a private campground. Brandt stated that maybe the board and the county should change the ordinance to permit campers in Lake Park. John Knight, states attorney, stated that they have had these special exceptions in the past and the board has not had any complaints until the last couple of years. Henslin asked if the board has granted any private campgrounds this year. Kanengieter stated that the board has granted two special exceptions for Lake Cochrane and the special exceptions are good for two years. Brandt stated the zoning board feels that the campers are acceptable in Lake District as long as they apply for the special exceptions.

David Haas stated that he is trying to sell Lot 7. After he sells Lot 7 and his camper he would invest in a more permanent structure on Lot 8. Haas stated that he has water, electricity, and sewer. The sewer is 80 feet from the high water-mark and the camper would be located 75 feet from the high water mark. Haas stated when his children come to the lot he would like to bring his ice shack for more room. When the children would leave they would take the ice shack also. 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 Brandt, to grant the Special Exception to permit a private campground. One camper can be placed 75 feet from the high water mark on May 15, and must be removed by September 30. An ice shack is allowed when additional children are present and leave when the children leave. The Special Exception permit expires September 30, 2018, is

non-transferable and the applicant has to reapply in two years before May 8, 2019. 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. The lot provides adequate screening and buffering for the proposed use.
 - 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 compatibility with adjacent properties and other property: This development is in its early years of development and the applicant 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.
6. Ryan & Dayna Johnson applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 21 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Johnson's stated that they cannot afford to build a permanent structure right now and would like to place one camper on

their lot. Johnson's stated that they have electricity, water, and sewer. Their camper was built in 2011 and their goal hopefully is to build a permanent structure in the fall of 2019. 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 permit a private campground. One camper can be placed 100 feet from the high water mark on May 15, and must be removed by September 30. Also, the board would like to see progress to have a more permanent structure on the lot by 2019. The Special Exception permit expires September 30, 2018, is non-transferable and the applicant has to reapply in two years before May 8, 2019. 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: Applicant 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. They are planning on planting trees to provide adequate screening and buffering for the proposed use.

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 compatibility with adjacent properties and other property: This development is in its early years of development and the applicant's 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 and they are looking at getting a dumpster.

7. Josh & Amanda Sanow applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 22 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Amanda Sanow stated that they cannot afford to build a permeant structure right now and would like to place one camper on their lot. Sanow stated that they have electricity, water, and sewer. Their camper was built in 2010. 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 Rhody, to grant the Special Exception to permit a private campground. One camper can be placed on the lot on May 15, and must be removed by September 30. The Special Exception permit expires September 30, 2018, is non-transferable and the applicant has to reapply in two years before May 8, 2019. 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: Applicant 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. The lot provides adequate screening and buffering for the proposed use.
 - 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 compatibility with adjacent properties and other property: This development is in its early years of development and the applicant's 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 and they are looking at getting a dumpster.
8. Paul Pederson came and talked to the board about his lot at Lake Cochrane. He has a garage behind his house and would like to put a patio with a fireplace, cooking area, and sitting area. This patio would be between the garage and his neighbor's property line. The neighbor Phil & Kristi Kooima sent an email to the Zoning Office stating that they are ok with Paul Pederson building an outdoor grill adjoining their property line. They would like it no closer than 3 feet to his property line, no closer than 10 feet to his home, and no taller than 48 inches so as not to restrict visibility. Pederson stated that he would build the fireplace toward the back of the lot away from his neighbor's property line and he would place the cooking area there which is less than 48 inches. Motion by Deboer, seconded by Brandt, to have Paul Pederson apply for a building permit for the outdoor grill and patio area and to be 3 feet from the property line to the west which is owned by Phil & Kristi.
9. Motion by Dahl, seconded by Deboer, to approve Plat of Engelstad Farms Bin Site Second Addition in NW1/4 Section 24-113-48 Scandinavia Township. All voted in favor and motion carried.
9. Todd Hanten came and talked to the Board about their lots at Bullhead Lake. They would like to replat Lots 6A-6B in order to have Lot 6B have lake frontage. The board stated that the plat that was filed previous into into Lots 6A-6B was intended to be buildable. The Board stated that they could do an easement when the land is transferred to grant access to the lake. The board stated that the setback for both lots are 50 feet from the high water mark.

10. Kari Wagner came and talked to the board about their lot on Lake Cochrane. Wagner stated that they purchased the old Shady Beach lot that was replatted. They were planning on building this spring, they received a building permit last fall, and the 180 days came and building was not begun, so that building permit expired. They have had complications with their contractor so they will not begin building until next year. They would like to use their lot this summer, so they were wondering if they could place their camper on the lot. The board suggested to apply for a special exception for a private campground.

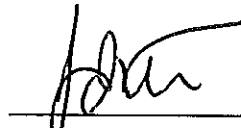
11. Brian Hansen, via telephone, talked to the board about possibly splitting four lots that have approximately 149.16 feet lake front into 2 lots. Hansen stated that he was approached by the neighbor about purchasing the 4 lots or maybe 40 feet or 30 feet of Lot 16 Agnes Place. Lot 16 which is bare is next to Hansen's lot. The board stated if he purchased all of Lot 16 he wouldn't have to replat his lot. If Hansen purchased only 30 feet he would have to replat his lot and this footage to make one lot. The board stated if he purchased all four lots and split them he would have to apply for a variance because the lots would be smaller than the ordinance would allow.

12. Bruce Harringa came and talked to the board about tearing down his old barn and building a new 54' x 112' Cattle Shed. He feeds out his own cattle in outside lots. This barn is for his load out, working facility, and for some protection for the cattle. He is on the border line the shallow aquifer on the map and the board decided that he is not a pollution hazard. The board stated he just needs a building permit.

13. The zoning office received a call about a lot on Lake Cochrane. The call stated that there was some dirt work being done within the 35 feet from the high water mark. The Zoning Officer went out and took pictures of the lot and noticed that they spread dirt from their basement that was dug last fall and spread the dirt on the entire lot and the dirt was approximately 18 feet from the high water mark. The board advised the zoning officer to send a letter to the property owner and have them apply for a special exception.

14. The zoning office received a call about the hog barns located Section 19-115-49. The complaint was about the smell. The zoning board stated that they will have the owner look into it.

14. Kanengieter called the meeting.



Jodi Theisen
Zoning Officer


Dennis Kanengieter
Chairman, Zoning Board

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 compatibility 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

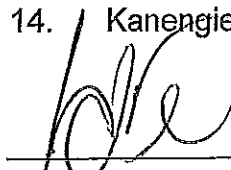
towers to the north because Homan owns the rest of the land to the north which is almost a ½ mile. Gary Sanders owns the land to the south and he is not signed up for wind easements yet, but he doesn't want to be limited. Michael Hunt stated that they don't want to be limited for their land use either 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

Monday June 12, 2017

The Deuel County Zoning Board met on Monday, June 12, 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 April May 8, 2017, were discussed.

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

Motion by Dahl, seconded by Rhody, to approve the June 12, 2017, Agenda. All voted in favor and motion carried.

1. Allan Armstrong applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 10 in the Grabow Addition in Gov Lot 1 & 5 in the SW1/4NE1/4 Section 5-114-47, Lake Cochrane, Norden Township, to move in a new 12' x 16' storage structure located in Lake Park District. Armstrong stated that he was granted a special exception to move a storage shed, it would be located behind the existing pole shed. However, the covenants do not allow two buildings on one parcel. Armstrong didn't realize this and would like a refund on his special exception fee because he can't move in the shed. Armstrong stated that he talked to Jay Grabow, the developer of the addition, and Grabow stated he could build a lean-to on to the back of his existing shed. Motion by Dahl, seconded by Rhody to refund ½ half of the special exception fee which is \$100, and the building permit for the storage shed will be applied to the new building permit fee which is about the same amount. All voted in favor and motion carried.

2. Todd Stroschein applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SW1/4 Less N270' E475' W2006' in Section 32-114-49, Brandt Township, to build a bin closer than the ordinance allows to the property line in an AG zoned district. Stroschein stated that he wanted to build a bin in line with his other bins. After coming and talking to the Zoning Officer Jodi Theisen, Stroschein realized the proposed site for the new bin was on a different legal than his existing farm site. Stroschein stated when he purchased the SW1/4 that it was broke out into the farm site and the farm land had two different legals. Stroschein stated that he thought the property line for the farm site was past the existing trees. However, the property line is within the trees to the west and the property line lies right between the new bin and the existing bin. The board decided that Stroschein didn't need a variance to build the bin next to the existing property line because he owns both of the properties

3. Corey & Jessica Bauman applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Block 1 Hogie Addition in the NW1/4 in Section 25-113-48, Scandinavia Township, to plant a 2 row shelterbelt within 75 feet of the road right-of-way on the south side of his drive way and to plant a 3 row shelterbelt within 50 feet of the road right-of-way on the north side of his drive way in an AG zoned district. Bauman couldn't attend the meeting so he informed Dennis Kanengieter about his request. Kanengieter stated that Bauman would like to plant the trees to help stop the wind from blowing right on his house. Kanengieter stated that Bauman would like to plant the trees on the south side of the drive way behind the existing trees. Motion by Deboer, seconded by Brandt, to grant a Variance to use the following property Block 1 Hogie Addition in the NW1/4 in Section 25-113-48, Scandinavia Township, to plant a 2 row shelterbelt within 75 feet of the road right-of-way on the south side of his drive way and to plant a 3 row shelterbelt within 50 feet of the road right-of-way on the north side of his drive way in an AG zoned district. All voted in favor and motion carried. Findings for this variance is the current road has a 100 foot right-of-way. The trees will be on the east side of road, they are short rows, and it is in an existing farm site. The trees shouldn't increase a snow problem and it doesn't appear to be a safety risk. There is an existing shelter belt located to the north that is closer to the road right-of-way.

4. Wayne Viessman & JWRR Properties applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Cooks Point Second Addition in NE1/4SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, to build a 40' x 40' storage shed in a Lake Park District. Viessman stated that he would like to build this storage shed to have more room for storage. The shed will not have any water but will have electricity. The shed will be 80 feet from the middle of the highway which is 30 from the edge of the road right-of-way. It will be located approximately 70 feet from the 30 foot ingress and egress easement.

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 Brandt, to grant the Special Exception to use the following property Cooks Point Second Addition in NE1/4SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, to build a 40' x 40' storage shed 30 feet from the road right-of-way approximately 70 feet from the 30 foot ingress and egress easement 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 have 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 as all the utilities are underground.

d. Screening and buffering with reference to type, dimensions, and character. There is no buffering and it has adequate screening adequate for public safety and it is within the same character

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 an external 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 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. The shed would create minimal garage and would use the existing dumpster at the State Line Bar and Grill located on the same property.

5. Lyle & Lynne Breberg applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lot 3 Tobins Thokola Beach in Gov Lot 2 in Section 8-114-47, Lake Cochrane, Norden Township, to alter the shore line within 35 feet from the high water mark and to move in a storage shed in a Lake Park zoned district. Breberg stated that he just purchased this lot this spring and noticed that the shoreline is washing away. He stated he would place fabric down and cover it with 1 inch to 1 ½ inch river rock to help stop the erosion. Breberg stated that he did this project on another lake property he owned in Minnesota and it helped stop the erosion. Breberg also stated that he would like to move in an 8' x 10' storage shed. This shed would be

located on the right side of his house. The shed would be located more than 50 feet from the high water mark and more than 10 feet from the side property line.

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 Brandt, seconded by Dahl, to grant the Special Exception to use the following property Lot 3 Tobins Thokola Beach in Gov Lot 2 in Section 8-114-47, Lake Cochrane, Norden Township, to alter the shore line approximately 3 to 6 feet wide and approximately 100 to 140 feet long that is within 35 feet from the high water mark in a Lake Park District. Brebergs shall lay fabric and place river rock on top to help stop the current erosion. They will have a trash screen or silt fence during construction to help with erosion. Also to move in an 8' x 10' storage shed that is more than 50 feet from the high water mark and more than 10 feet from the side property line. 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: Does not apply.
- 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: Does not apply. 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: The site has adequate screening and buffering the shed can't be seen from the road.
- 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: Does not apply.
- 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 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. Does not apply.

7. Joseph & Tristin Bothun applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 9 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to move in a storage shed and to alter their shoreline within 35 feet of the high water mark in a Lake Park District. Bothun's stated that they would like to bring in 12 yards of sand which is one load of sand within the 35 feet from the high water mark so their kids and company can relax in. They would like to place sand area 10 feet back from the high water mark and towards the west side of their property. Bothun stated the sand area would be 20' x 35' and it would be contained by fieldstone with a geo tech style fabric underneath. They would like the same special exception that was granted in 2014. They have contacted the Game, Fish, and Parks and they didn't need to apply for any permits. Bothun's also stated that they would like to move in a 12' x 16' storage shed to store their lake gear in it. It would be 50 feet from the high water mark and more than 10 feet from the side property line.

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 Brandt, seconded by Deboer to grant a Special Exception to use the following property Lot 9 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to place a 20' x 35' sand area that is 10 feet from the side lot and that has containment on all sides. That this sand area has a slope away from the water that would divert the rain water away. To have a grass filter strip between the sand area and the rocks by the water that is 10 deep. To move in a 12' x 16' storage shed that is more than 50 feet from the high water mark and more than 10 feet from the side property line. 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: Does not apply.

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: Does not apply. 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 as all the utilities are underground.
 - d. Screening and buffering with reference to type, dimensions, and character: The site has adequate screening and buffering and generally compatible with the Lake Park District.
 - 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: Does not apply.
 - f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
 - g. General compatibility with adjacent properties and other property: This development is in its early years of development and the applicant's 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. Does not apply.
8. Matt & Kari Wagner applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 2A, 2D, 2E Rhea 4th Addition in Section 4-114-47, Lake Cochrane, Norden Township, to operate a private campground in a Lake Park District. Wagner's stated that they purchased the old Shady Beach lot that was replatted. They were planning on building this spring, they received a building permit last fall, and the 180 days came and building was not begun, so that building permit expired. They have had complications with their contractor so they will not begin building until next year. They would like to use their lot this summer. Wagner's stated that they will run the septic and electricity for their future house on this lot, so they will use those utilities for the camper.

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 Brandt, to grant the Special Exception to permit a private campground for the following property Lot 2A, 2D, 2E Rhea 4th Addition in Section 4-114-47, Lake Cochrane, Norden Township, to place one camper that can be placed on the lot on April 1, and must be removed by October 31. The Special Exception permit expires October 31, 2018, is non-transferable. 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: Applicant 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: Does not apply. 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: The applicant will bring the appropriate utilities for a future house.
 - d. Screening and buffering with reference to type, dimensions, and character: The lot provides adequate screening and buffering for the proposed use.
 - 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 compatibility with adjacent properties and other property: The applicant's 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.
9. John Homan requested to remove from the table the application 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. Motion by Rhody, seconded by Brandt to remove from the table the application 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 should be getting the approval from the

FAA pretty soon. The size of the airstrip would be 100' x 2350'. Brandt asked how big a land strip need would they for a plane to land there. Homan stated between 2100' to 2200' for a SR20 or a SR22. Brandt asked Homan about the setbacks for airstrips. Homan stated that there are no required setbacks, just setbacks for safety. Brandt called the FAA office in Bismarck and talked to Brian Sehuck and found out the side setbacks are 250 from the center as you leave the airstrip the setbacks get wider. Homan stated that he has been working with a Nick Pratt and he has not gotten any hard or fast guidance for the setbacks. Brandt stated the concerns about the wind towers, the approach, and air rights. Brandt stated that he was informed by the FAA that the person who owns the private air strip would be responsible to get assurance from the adjacent land owners that they would not have any obstructions at the end of his strip. Homan stated that when he applies there are no obstructions at this time. Brandt stated by getting these assurance letters from the neighbors that they wouldn't have any obstructions for the airstrip - for instance, not put a wind tower there. Brandt stated on a safety standard they you need 1 foot rise of 20 feet run.

Homan stated that if you are looking at the all the possibilities in the future, how could you as a board grant or approve any permits, and right now there are no wind towers around this property at the time of application.

Molly Smith, a lawyer for Invenergy, stated that they recommend that John Homan get the navigational rights from the neighbors. Without the necessary navigational easements, a private airport owner has no right to request that neighboring property owners maintain a setback from a private airport.

Homan didn't believe airspace is restricted at a certain elevation.

Tom Linngren a lawyer representing Darold Hunt asked John Holman if he will commit that he won't bring an objection to Darold Hunt putting a wind tower on his land that is adjoining Homan's. Homan stated that he would not give a blank commitment because if the tower is too close to his property he has the right to state his concerns through the public meeting. He would have to get another opinion to answer that question.

Homan stated as a board you have the right to place a wind tower near his property but hopefully that they would consider the positioning and the safety of the tower to his property.

Brandt stated again that maybe Homan could consider talking to his neighbor to the south and try to get an easement. Deboer and Rhody asked who is responsible for the surrounding flight access.

Dahl stated to Homan if he can't get the wind rights then maybe he should wait to see were the towers would be sited. Homan stated again that there are no wind towers permitted at the time of the application. The board members stated that

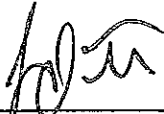
they need more information, and Homan stated that he would like to do some more research and to call the person in Bismarck that Brandt talked to. Motion by Rhody, seconded by Dahl, to table the Special Exception to use the following property W1/2 less portion lying north of Railroad in NE1/4NW1/4 Section 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 and the air rights.

10. Motion by Deboer, seconded by Brandt, to approve Plat of Koosman Addition in the N1/2SW1/4 Section 18-117-47 Antelope Valley Township. All voted in favor and motion carried.

11. Motion by Dahl, seconded by Rhody, to approve Plat of Bandemer Addition in the NW Section 22-113-48 Scandinavia Township. All voted in favor and motion carried

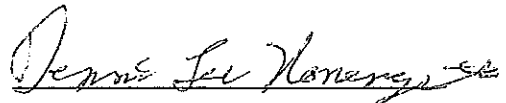
12. Leigh Mellendorf came and talked to the board about his lot outside of Clear Lake and how he would like to buy some more land and move a house on it. The board suggested that he replat the existing plat because of the extra footage, to apply for a variance because the house will not have a front yard of 150 feet, and to apply for a special exception for an extended home occupation.

13. Kanengieter called the meeting.



Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board

Monday July 10, 2017

The Deuel County Zoning Board met on Monday, July 10, 2017, at 6:30 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 June 12, 2017, were discussed.

Motion by Rhody, seconded by Deboer, to approve the June 12, 2017, minutes. All voted in favor and motion carried.

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

1. Kenneth & Carole Knutson Trust applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Block 1 & 2 of Knutson Second Addition in the E1/2 in Section 10-113-29, Blom Township, to have existing buildings & trees closer than the ordinance allows to the property line in an AG zoned district. Knutson couldn't attend the meeting but stated to the Zoning Officer, Jodi Theisen, that they have sold Block 2 already and they are selling Block 1 at auction. They wanted to split off the building site separately. Motion by Deboer, seconded by Rhody, to grant the variance to allow the bin to be closer than 25 feet from the side lot line, to allow the existing house and pole sheds closer than 150 feet from the road right-of-way, and to have an existing grove of trees closer than 150 feet from the road right-of-way on the west side of the road. Kanengieter called a roll call vote: Dahl-no, Rhody-yes, Brandt-yes, Deboer-yes, Kanengieter-yes. Motion carried. The findings for this variance are the current road has a 100 foot right-of-way. There is no safety issue for the existing house and buildings and it won't create a greater problem. The bin is 150 feet from the road right-of-way and the purchaser of the land has knowledge that the bin encroaches upon the setback from the property line. The bin will not be a safety or snow issue.
2. Motion by Brandt, seconded by Deboer, to approve the Plat of Block 1 & 2 of Knutson Second Addition in SE1/4 in Section 35-113-48, Scandinavia Township. Kanengieter called a roll call vote: Dahl-no, Rhody-yes, Brandt-yes, Deboer-yes, Kanengieter-yes. Motion carried.
3. Motion by Dahl, seconded by Rhody, to approve the Plat of Hulsebus First Addition in SE1/4 Section 35-113-48, Scandinavia Township. All voted in favor and motion carried.

4. Thomas Harms stated that he has received a letter from the Zoning Board regarding a camper located on Lot 5 Lake Alice Shores. Harms stated he thought the special exception was good for 3 years, not just 2 years. He is planning on building a 1120 sq. ft. house in the spring of 2018. In 2016 Harms installed a septic system. The board suggested that Harms apply for a Special Exception permit for a private park for the August 14, 2017 meeting since his camper has been there during the 2017 summer. Then, in the spring of 2018 Harm will apply for a building permit for a permanent structure.
5. Leigh Mellendorf applied for a Special Exception and a Variance. The request, if granted, would permit the applicant to use the following property: Replat of Lot Mellendorf 1st Addition in Section 15-115-49, Clear Township, to operate an extended home occupation that would consist of an excavation business in existing pole shed and to move in a residence closer to the front and side lots than the ordinance allows in the AG District. Mellendorf purchased some more land from Doug Feten and would like to move an older home on to the property. Mellendorf received letters from all the surrounding property owners giving him permission. Because of the irregularity of the replat the location of the home would not allow him to have a front lot of 150 feet and the house would be closer than 150 feet from the road right-of-way. Motion by Brandt, seconded by Deboer, to grant a Variance to allow the house & garage to be within 10 feet from the road right-of-way set back, within 115 feet from the front yard setback, and 10 feet within the side setback. All voted in favor and motion carried. The findings for this variance are that the lay of the land drops off towards the back of the lot. The location of the plat is in adjacent to Clear Lake City limits and this property has greater setback than the city ordinance.

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 Brandt, seconded by Dahl, to grant a Special Exception to operate an extended home occupation that would consist of an excavation business in existing pole shed. 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: Applicant 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 as all the utilities are underground.

d. Screening and buffering with reference to type, dimensions, and character: Does 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: Applicant will have one yard light on the shed.

f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.

g. General compatibility with adjacent properties and other property: The applicant's 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. Applicant will be getting a dumpster and no trash is stored outside. Applicant has not received any complaints.

6. Motion by Deboer, seconded by Rhody to approve the Plat of Lot 1 Mellendorf Second Addition in SW1/4SW1/4 in Section 15-116-49, Clear Lake Township. All voted in favor and motion carried.

7. Leroy and Melissa Anderson came and talked to the board about their trees that were destroyed during the June 11, 2017 storm. They stated that some of their trees that were planted next to the road were damaged so they removed them. During the process of removing the trees they noticed that the remaining trees had brown limbs because they were not receiving sun light. The first row of trees are approximately 17 feet from the road right-of-way and the second row of trees are approximately 30 feet from the road right-of-way. The Anderson would like to remove the old trees and plant new ones in the same area. The board stated that they have granted variance for shelterbelts 50 feet from the road right-of-way, but not any closer. They suggested that they could plant some trees 50 feet from the road right-of-way and when they are big enough to provide shelter they could remove the old trees along the road right-of-way. The Anderson stated that they will thin the existing trees out and hopefully they will come back to life.

8. Jogchum Andringa from Wild Rose Dairy came and talked to the board about wind towers and stray voltage and dairies. Andringa stated that he is concerned that there could be wind towers near CAFO's or dairies and that could lead to high mortality rate in the livestock. The board ask if he has any studies about this topic and Andringa stated that there is not a lot of studies about wind towers and this subject. The board stated that the ordinance does not have a setback for wind towers from CAFO's or large dairies. They suggested that when the wind companies apply for the special exception for a wind farm that he could come and state his concerns. They also suggested that he could go and talk to the wind company that has the easements around his dairy and maybe they could discuss where the towers might be located.
9. Motion by Rhody, seconded by Dahl, to remove from the table John Homan's application 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. John Homan stated that he has approval from the FAA. James Moore, a lawyer for John Homan, stated that nothing has changed from when they applied for a private landing strip through FAA in April of 2017. Moore stated that the FAA does a search to see if there are any obstructions for the landing strip. Rhody stated that he talked to Jesse Bermel with Avangrid Renewables, and they would work around an airstrip. Rhody stated that he had talked to some crop dusters and they stated that they would like an air strip about 1/2 from a wind tower. Brandt called the FAA office in Bismarck and talked to Brian Sehuck who stated that the person who owns the private air strip would be responsible to get assurance from the adjacent land owners that there would be unrestricted air rights and not have any obstructions at the end of his strip. Homan stated there are no obstructions at this time. Brandt stated by getting these assurance letters from the neighbors that they wouldn't have any obstructions for the airstrip - for instance, not put a wind tower there. Brandt stated on a safety standard you need 1 foot rise of 20 feet run.

Homan stated that if you are looking at the all the possibilities in the future, how could you as a board grant or approve any permits, and right now there are no wind towers around this property at the time of application.

Molly Smith, a lawyer for Invenergy, stated that in State Statute 50-13-3, the ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in statute 50-13-4.

Moore stated that air space for taking off and landing is 500 feet above the airstrip and no easement is required.

Tom Linngren, a lawyer representing Darold Hunt, stated that he was in agreement with Smith about getting a letter from Homan stating that he would not limit or not infringe on the property rights of surrounding property owners.

Homan stated that he is looking for approval of his special exception right now not in future, and for future rights that is all speculation.

Motion by Brandt, seconded by Dahl, to grant a special exception on the condition that the applicant (John Homan) signs a letter of assurance acknowledging that if he needs unrestricted access to the airspace over the neighbor's property, applicant is required to secure those rights from the adjacent property owners 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.

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.

- 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: Doesn't apply for automotive.
- 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 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: Doesn't apply.
- d. Screening and buffering with reference to type, dimensions, and character: Doesn't 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 compatibility with adjacent properties and other property: The applicant's 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. Doesn't apply.
- 11. The board decided to not test the water at the Kellen Egg farm this year and to send the water samples to South Dakota Public Health Laboratory next year, which would be 2018.
 - 10. Kanengieter called the meeting.

Jodi Theisen
Zoning Officer

Dennis Kanengieter
Chairman, Zoning Board

Monday August 14, 2017

The Deuel County Zoning Board met on Monday, August 14, 2017, at 6:30 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 July 10, 2017, were discussed.

Motion by Brandt, seconded by Rhody, to approve the July 10, 2017, minutes. All voted in favor and motion carried.

Motion by Deboer, seconded by Rhody, to approve the August 14, 2017, Agenda with the correction to animals instead of animal units in Bandemer special exception. All voted in favor and motion carried.

1. States Attorney John Knight stated that Seth LLC has some property at Lake Cochrane and last year they had a potential buyer but they wanted to replat the lots into two lots with less than 75 feet of shoreline. Seth LLC transferred the property; however, in the Deuel County Zoning Ordinance - if two or more lots are owned under same ownership then they are considered one lot and cannot be split. Knight stated that he sent a letter to the land purchasers and to Seth LLC. Seth LLC stated they could not attend the August 14, 2017 meeting. Motion by Brandt, seconded by Rhody, to table this issue until later in the meeting. All voted in favor and motion carried.

2. Duane & Sue Thompson applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: N1/2 (Peterreins Addition in the NE1/4) in Section 21-115-47, Herrick Township, to have existing buildings & trees closer than the ordinance allows to the property line in an AG zoned district. Thompson stated that they are selling part of the building site which would be 5.82 acres to their daughter and son in-law. They are keeping some of the buildings so they could use them. Thompson stated that they have applied and were granted a building permit for a new house that will be located south of the Peterreins Addition. Motion by Brandt, seconded by Dahl, to grant the Variance to allow existing buildings no less than 5 feet from the proposed property line, to allow the existing house 36 feet from the section road right-of-way, and to have an existing grove of trees closer than 150 feet from the road right-of-way on the west side of the road. All voted in favor and motion carried. The findings for this variance are the current road has a 100 foot right-of-way. There is no safety issue for the existing house and buildings and it won't create a snow problem. They are selling the property to a family member and platting for financial purposes.

3. Motion by Dahl, seconded by Rhody, to approve the Plat of Peterreins Addition in the NE1/4 in Section 21-115-47, Herrick Township. All voted in favor and motion carried.
4. Thomas Harm applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 5, Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Harms stated he thought the special exception was good for 3 years, not just 2 years. He is planning on building a 1120 sq. ft. house in the spring of 2018. In 2016 Harms installed a septic system. Harm stated this fall or the spring of 2018 he will apply for a building permit for a permanent structure. 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 Brandt, seconded by Deboer, to grant the Special Exception to permit a private campground. One camper can be placed on Lot 5, Lake Alice Shores, with the understanding that the Board would like to see progress to have a more permanent structure on the lot by 2018. The Special Exception permit expires October 30, 2018, and is non –transferable. 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: Applicant 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. Not necessary to have screening and buffering for the proposed use.

- 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: Does not apply.
 - f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
 - g. General compatibility with adjacent properties and other property: This development is in its early years of development and the applicant's 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.
5. Tigh Molitor applied for a Variance permit. The request, if granted, would permit the applicant to use the following property: S183' of Lot 6 less W52' in Westside Acres in Section 21-115-49, Clear Lake Township, to build a detached garage with less than 150' front yard in an AG zoned district and closer than 25 feet from the side lot. Molitor stated that he would like to build a detached garage on his property. The garage will be 28' x 50' and will be 64 feet from the platted road and 10 feet from the side property line. The Board asked Molitor if his neighbor to the right is aware of his building and if he could get a letter from the neighbor. Molitor stated yes the neighbor is ok with the building and he could get a letter. Motion by Deboer, seconded by Brandt, to grant the Variance to build 28' x 50' garage no closer than 64 feet from the platted road and not closer than 10 feet from the side property lot line contingent on getting a letter from the neighbor to allow the garage 10 feet from the property line. All voted in favor and motion carried. The findings for this variance are it is located on a private road and it is residential development adjacent to the City of Clear Lake.
6. Travis Krause & Dan Krause applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: S480' W775' in SW1/4 in Section 23-114-50, Hidewood Township, to build a detached garage within 150' from the road right of way in an AG zoned district. Krause stated that the 24' x 40' garage will be a pole frame and will be used for more storage for vehicles. The garage will be 76 feet from the road right-of-way. He can't go any further back because there is a Rural Water Pit and they have a 30 feet easement. Motion by Brandt, seconded by Dahl, to grant the Variance to build a 24' x 40' garage 76 feet from the road right-of-way. All voted in favor and motion

carried. The findings for this variance are the existing house and trees are closer to the right-of-way. There is a Rural Water pit to the north and they can't go any further back because of the easement, and it is on the existing farm site. The garage will not cause any safety or visual issue.

7. Motion by Brandt, seconded by Dahl, to remove from the table Seth LLC and their property at Lake Cochrane. The one transfer was for 50 feet of lake frontage and the other transfer was for 60 feet of lake frontage. Seth LLC owned 110 feet contiguously and due to the Deuel County Zoning Ordinance they couldn't transfer the property like they did. Knight stated that he will prepare a letter to send to Seth LLC with their options and to have them come to the next meeting. Motion by Brandt, seconded by Rhody, to table this issue until the next meeting. All voted in favor and motion carried.
8. Ron Ruud applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 18-19-20, Severson Bay in Gov Lot 5, 5-114-47, Lake Cochrane, Norden Township, to alter the shoreline and landscaping within 35 feet of the high water mark in an LP zoned district. Ruud stated that his bank along the lake is slowly sinking and washing away into the lake. In order to stabilize the bank he would like to drive piling into the shoreline (estimating every 3 feet) with bridge planks between them to build a wall; then they will fill in and cover with rip rap extending back onto the bank to support and stop any further erosion. The wall will be covered completely with rip rap. The work will be done about 20 feet east of the steps and 40 feet west of the steps that do down to the lake and about 8 feet above the high water mark. Motion by Dahl, seconded by Deboer to grant the Special Exception to allow the shoreline alteration within 35 feet from the high water mark by driving pilings into the shoreline (estimating every 3 feet) with bridge planks between them to build a wall. Then they will fill in and cover with rip rap extending back onto the bank to support and stop any further erosion. The wall will be covered completely with rip rap. The work will be done about 20 feet east of the steps and 40 feet west of the steps that go down to the lake and about 8 feet above the high water mark. They will use a silt fence during construction. All voted in favor and motion carried.
9. Dakota Wind Exchange, Joe Kolbach, applied for a Variance. The request, if granted, would permit the applicant to use the following property Lots 29 & 29A, Agnes Place Addition, in Gov Lot 8, 5-114-47, Lake Cochrane, Norden Township, to build deck within 50' from high water mark in an LP zoned district. Joe was not able to attend the meeting but Jodi Theisen, Zoning Officer, stated that he moved in a new mobile home on the lot and met the setbacks. Kolbach would like to build a deck in front of the home toward the lake. The mobile home

is 5 feet from the side lot line and is 60 feet from the high water mark and the deck would be 10 wide; however, the steps and one corner of the deck will be within the 50 feet from the high water mark. The steps would be approximately 6 feet within the high water mark. Motion by Deboer, seconded by Brandt to grant the Variance to allow a deck to be built no closer than 42 feet from the high water mark. The findings for this variance are that it is compatible to the neighbor's property and will not affect the view of the neighbor's. It is an open deck that is not enclosed.

9. The Board discussed the assurance letter for John Homan's private air strip. John Homan couldn't attend the August 14, 2017, Zoning Board meeting. He stated that he thought he had to provide an assurance letter from the discussion from the last meeting. The board required the applicant (John Homan) to sign a letter of assurance acknowledging that if he needs unrestricted access to the airspace over the neighbor's property, applicant is required to secure those rights from the adjacent property owners 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 submitted a letter of assurance to the zoning office. John Knight stated to Homan that the Zoning Board or Zoning Officer prepares the assurance letter for the applicant to sign. The letter was presented to Homan. Homan added language to the letter and sent that letter to the Zoning Board. Brandt was under the understanding from the North Dakota FAA the property owner would have to get permission from the surrounding property owners to get unrestricted air rights. Deboer stated that they haven't been told the grade to the approach to the runway and the amount of flight pattern to approach. Motion by Brandt, seconded by Rhody, to reject the applicant requested language in the letter of assurance. Kanengieter called a roll call vote: Dahl-yes, Rhody-yes, Deboer-yes, Brandt-yes, Kanengieter-yes. Motion carried.
10. Gary Bandemer applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: SW1/4NW1/4 of Section 22-113-48, Scandinavia Township, to seek a Class "C" concentrated animal feeding operation (CAFO up to 2400 animals) which will be a Swine Finishing Unit. Bandemer stated that he would like to build a swine finishing barn to help get his son into the farming business. The barn would have 2400 head which is 960 animal units. Bandermer stated that it is not in a flood plain. They bored 60 feet and it was dry with sandy and clay base. The Deuel County Groundwater Protection Zones Map shows the site to be located in an area included in a Zone B which is a swallow aquifer. Howard Hanson a property owner showed concerns about the odor control. Bandemer stated that the barn will have a

concrete pit under the building and lined with clay on the outside. The barn will have rock boundary which will help with odor control. Kevin Gross who works at Ag First stated that they have filters that will help with flies and odor control. The Board stated that county has requirements for the CAFO's and one is the fly and odor control. If someone has a complaint they can call the zoning office and the board will look into it. Bandemer stated that he might have the fly and odor control hired out to the Dakota Pest- he is not for sure. Dahl stated that an open confinement lot has more odor than a confinement barn and the smell is during the pumping and the incorporation to the land. Brandt stated that he has a hog barn and the neighbor has a house ½ mile away and they decided to move in another house ¼ mile away and has no concerns. The Board is encouraging Ag growth in the Ag District.

Bandemer stated that he has enough acres for his manure management. He has about 400 acres and they are going to inject the manure. The pit is pumped once a year and he will hire it done. Bandemer stated that he is very concerned about his neighbors and being a good neighbor himself. He visited with some of the neighbors about building this barn and they showed support. Alan Moore stated that he is ok with the CAFO.

The barn will be located in the SW1/4NW1/4 of Section of 22-113-48, and will be 530 feet from the road right-of-way. It will be 101' x 193'. It will have a curtain wall on each end and it will be a tunnel barn. The location of the barn meets the 1320' set back from any residence or wells.

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 Brandt, seconded by Deboer, to grant the Special Exception for a Class "C" concentrated animal feeding operation (CAFO up to 2400 animal) which will be a Swine Finishing Unit. 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: Applicant will widen his approach so he 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 will be H-D and Rural Water which are the same as the adjoining properties.

d. Screening and buffering with reference to type, dimensions, and character: The applicant's barn is far enough off the road so that is not an issue.

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: The applicant will have two yard lights that will not be a concern.

f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.

g. General compatibility with adjacent properties and other property: There are no residences in the required set back and the applicant's proposed use is generally compatible with the adjacent properties and other properties in the Ag District.

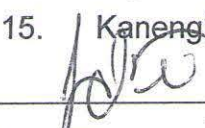
h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicant has a manure management plan and will have rendering service come and pick up the dead animals.

10. Michael Crinion with Sherman and Global Dairy came and talked to the Board about a lean to addition the existing building that they received a variance for in February, 2017 which is located mostly on Sherman Dairy land. The lean will be for equipment and will be located to the north of the existing building. The new lean will be located on Global Dairy land which is located north of the barn. Crinion stated that he thought the lean would be located on Sherman land. The Board stated that the zoning officer can grant a building permit contingent on that the property line will be moved so the building is under one ownership. Crinion stated that he will plat the land and transfer it to Global Dairy and apply for a bigger CAFO.
11. Jogchum Andringa from Wild Rose Dairy came and talked to the Board about adding on to the existing dairy. The addition will be a freestall and the animal units will not go over the CAFO restrictions. The board stated that all he needs is a building permit.

units will not go over the CAFO restrictions. The board stated that all he needs is a building permit.

12. Robb Krause came and talked to the Board about building some pillars at the end of the drive way. The pillars would be 4.5 feet tall and 10 feet long and there would be about 55 feet in between them. He would like to place these pillars right at the right-of-way. The property is located on a township road so the right-of-way is 66 feet. The Board stated that they don't allow any structure or trees within the 50 feet from the road right-of-way. Krause stated that the drive way is higher than the road so he didn't want to place the pillars back because of the elevation. The Board suggested to have Krause measure and determine if he could go 50 feet back with the pillars. Krause stated he will go and measure and layout his idea. Then the board would like come to the site and to see the plan and the lay of the land.
13. Rory Olerud with Olerud Enterprise LLC came and talked to the Board about building another flat storage building on their property. The building would be 80' x 200' that is 321 feet from the road right-of-way and 10 feet from the side lot line. The board told the Olerud to get a letter from the adjoining property owner. Olerud stated that he can get a letter from the adjoining property owner to build 10 feet from the property line. They would like to do footings, dirt work, and flat work before the September zoning meeting. The board suggested that they apply for a special exception and a variance for this building at the September 11, 2017 meeting.
14. Aaron Johnston came and talked to the board about his Lake Cochrane property. His current cabin has a roof covered deck which part of it is approximately 48 to 47 feet from the high water mark. Johnston stated that he would like to enclose the deck for living space. They would like to start from the existing house and go 6 feet out and make the living space more and to keep the about 10 feet of the covered deck. Johnston stated that there are pavers in front of the covered deck and they are slope/drop down and slide out of the bottom. They would like to remove the pavers and build a patio about ten feet in depth and 1.5 feet high in front of the deck. The Board suggested that he apply for a variance for the enclosure of the deck and the patio since it is within the 50 feet from the high water mark.

15. Kanengieter called the meeting.


Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board

Monday September 11, 2017

The Deuel County Zoning Board met on Monday, September 11, 2017, at 6:30 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 August 10, 2017, were discussed.

Motion by Rhody, seconded by Dahl, to approve the August 14, 2017, minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by Deboer, to approve the September 11, 2017, Agenda All voted in favor and motion carried.

1. David Beyer & Laurie Seefeldt representing Jill Pinkert, Julie Rokusek, Debi Ploeger, and Michael Peterson applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: W1/2NW1/4 (Peterson First Addition in the W1/2NW1/4) in Section 4-117-49, Portland Township to plat a parcel less than 3 acres in an AG Zoned District. The Zoning Officer, Jodi Theisen, provided a letter that the zoning office received on September 11, 2017 from Michael Smith stating concerns about the plat. Smith stated that the plat should be tabled or denied until the land auction on September 28, 2017 which the Peterson's are selling plus or minus 68.5 acres. Beyer and Seefeldt stated that they have a purchase agreement with the Peterson family to purchase Lot 1 Peterson First Addition. They have an informal fence line agreement so they did this plat to correct the fence line to make it formal. Beyer and Seefeldt stated that they own the land to the north and to the east. They do not want to improve the land with a building just a fence. Beyer stated that the land auction on September 28, 2017 doesn't include Lot 1. Knight stated to the board that in our ordinance the minimum size to plat is 3 acres to build. Calvin Musch had concerns about platting less than 3 acres. The Board stated that you can plat less than 3 acres but could not build on that parcel. Motion by Deboer, seconded by Rhody, to grant the Variance to plat a parcel less than 3 acres in an AG Zoned District contingent that it is not used as a building site. All voted in favor and motion carried. The findings for this Variance are the use is constant with historical use of the property, the future owners of this plat own land to the north and the east
2. Motion by Brandt, seconded by Rhody, to approve the Plat of Peterson First Addition in the W1/2NW1/4 Section 4-117-49, Portland Township. All voted in favor and motion carried.

3. Motion by Dahl, seconded by Deboer to table the Plat of Balo Addition in the NE1/4 Section 26-114-50, Hidewood Township until they apply for a variance to allow existing buildings to have less than 150' front yard in an AG zoned district. All voted in favor and motion carried.
4. Olerud Enterprises LLC applied for a Variance & Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Block 1 Agri Partners Addition in NW1/4NE1/4 in Section 28-115-49, Clear Lake Township to construct a flat storage building closer than 50 feet from the side lot line in a Commercial Zoned District. Rory Olerud & Lisa Olerud owners of Olerud Enterprise LLC stated that they would like to build another storage building on their property. The building would be 80' x 200' that is 321 feet from the road right-of-way and would be 10 feet from the side lot line. Olerud provided a letter from Chuck Langrock the adjacent owner giving approval to build approximately 10 feet away from his property line. Motion by Brandt, seconded by Rhody, to grant the Variance to construct a flat storage building 10 feet from the side lot line in a Commercial Zoned District. 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 construct a storage building in a Commercial Zoned 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: Applicant has preexisting access 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 have adequate utilities.
 - d. Screening and buffering with reference to type, dimensions, and character. Does 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: Does not apply.
 - f. Required yards and other open spaces: Applicant has adequate yard and other open spaces.
 - g. General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Commercial 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 have a dumpster service.
5. Tom Flicek Representing the Estate of Robert J Flicek applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lots 35-36-37 in Severson Bay in Gov Lot 5, in NE1/4 Section 5-114-47, Lake Cochrane to replat three lots into two lots with lake frontage less than the ordinance requires which is 75 feet of lake footage in a Lake Park Zone District. Dick Travis, an attorney representing Tom Flicek, stated that Flicek's have been permanent residents since 1988 and the father Robert J Flicek passed away in 2016. The parent's idea for the three lots was to pass them on to the children and to have them live there. However, the children do not plan to live on the property. Due to the location of the campers located to right of the property is a deterrent to the sale of three lots together. The variance to allow a 57 foot lake frontage lot and 63 foot lake frontage lot would allow the lots to be sold at a lower price and to have more growth for the county. The two lots would have the ability to have two homes on them instead of only one home. Travis stated the board has granted variance in the past to split lots less than 75 foot of lake frontage. The board stated that those variance that were granted were two owners that purchased the lot together to split in the future to have their own lots. The other variance was commercial land and split into two lots for residential. The board stated that they do not like to split contiguous lots into smaller lots because houses are not getting any smaller. Motion by Dahl, seconded by Brandt, to deny the Variance to replat three lots into two lots with lake footage less than the ordinance requires which is 75 feet of lake footage in a Lake Park Zone District. Kanengieter called a roll call vote: Dahl-yes, Rhody-yes, Deboer-no, Brandt-yes, Kanengieter-yes. Motion carried.
6. Aaron & Laurie Johnston applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lot 12 & SE 40' of NW 180' Lot 17 Clearwater Beach in Gov Lot 6, in Section 4-114-47, Lake Cochrane to enclose a part of the existing deck and build a patio that is within 50 feet from the high water mark in a Lake Park Zone District. Aaron Johnston stated the current cabin has a roof covered deck which part of it is approximately 48 to 47

feet from the high water mark. Johnston stated that he would like to enclose the deck for living space. They would like to start from the existing house and go 6 feet to increase the living space and to keep the about 10 feet of the covered deck. Johnston stated that there are pavers in front of the covered deck and they slope/drop down and slide out of the bottom. They would like to remove the pavers and build an elevated patio about ten feet in depth and a maximum of 36 inches high in front of the deck. Motion by Deboer, seconded by Dahl to to grant the Variance to allow an elevated patio no taller than 36 inches within the 50 feet from the high water mark and to enclose an area 6' x 26' of the existing deck with the 50 feet from the high water mark into living quarters. All voted in favor and motion carried.

7. Crooks Collision (Sheldon Crooks) applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: SW 5 acres (S338' W606') of SW1/4 in Section 13-113-48, Scandinavia Township to construct an addition that will be used as a paint booth on to the existing commercial building in a Commercial Zoned District. Sheldon stated that he has to build a new paint booth for insurance purposes. 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 Brandt, seconded by Rhody, to grant the Special Exception to construct an addition that will be used as a paint booth on to the existing commercial building in a Commercial Zoned 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: Applicant has preexisting access 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 have adequate utilities.

- d. Screening and buffering with reference to type, dimensions, and character. The Applicants has adequate screening and buffering.
- 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: Does not apply.
- f. Required yards and other open spaces: Applicant has adequate yard and other open spaces.
- g. General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Commercial District.
- g. 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 has no outside garage.

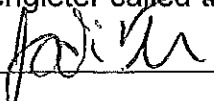
8. Connie Winter representing, Phyllis Strouth applied for a Variance. The request, if granted, would permit the applicant to use the following property: N1/2 (Strouth Addition) in Section 30-117-49, Portland Township to plat a parcel with existing buildings and trees that are closer to the road right-of-way than the ordinance allows in an AG Zoned District. Winter stated that they platted the building site to sell. The existing garage is approximately 134 feet from the road right-of-way and the existing granary is approximately 142 from the road right-of-way. Also the existing trees to the north and the south were there prior to 1958 are closer to the road right-of-way than the ordinance allows. Motion by Deboer, seconded by Rhody to grant the Variance to plat a parcel with existing buildings and trees that are closer to the road right-of-way than the ordinance allows in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees have been there since 1958 and won't cause a safety or snow problem. It is a 50 foot road right-of-way. There are trees to the north, south, and west of the property and they haven't cause a snow or safety problem.
9. Motion by Dahl, seconded by Deboer to approve the Plat of (Strouth Addition) in Section 30-117-49, Portland Township. All voted in favor and motion carried.
10. Darwin Hunt applied for a Variance. The request, if granted, would permit the applicant to use the following property: W1/2NW1/4 & W1/2SW1/4 in Section 36-116-48, Glenwood Township to build a machine shed closer than 150' from the road right-of-way in an AG Zoned District. Hunt stated that because of the layout of his yard he can't build his pole shed 150 feet from the road right-of-way. The north west corner of the shed would be approximately 47 feet from the road right-of-way. The land at the proposed site slopes to the east and that is where his fuel barrels are located. Motion by Brandt, seconded by Rhody to grant the variance to construct a 48' x 56' machine shed no closer than 35 feet from the

road right-of-way. All voted in favor and motion carried. The findings for this Variance are the new machine shed is within existing trees and will not cause a safety or snow problem. The road is a low maintenance and Hunt provides most of the snow removal.

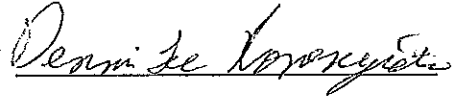
11. Brad Fairchild came to the board to discuss the property is going to purchase by Lake Cochrane. The property is 3 acres and is located on Highway 22. It is in an Ag Zoned District and has a fireworks stand on the property, Fairchild was wondering if he could sell vehicles or trailers on the property. Fairchild stated that way he could make some more income off the land instead of the nine days he can sell fireworks. The board stated that he would have to rezone the property to Commercial because that business is not allowed in the Ag Zoned District.
12. John Homan and his lawyer, Christina Kilby, discussed with the Zoning Board the assurance letter for John Homan's private air strip that was not accepted at the August 14, 2017 meeting. Kilby provided the board a letter from Homan stating their concerns and they want in the record. Christina read the letter and explained their concerns. Homan stated that he thought he had to provide an assurance letter from the discussion from the last meeting. Homan submitted a letter of assurance to the zoning office. The Zoning Officer then provided that letter to the Zoning Board. The Zoning Board provides the letter of assurance. Kanengieter stated that Zoning Officer called him and stated what the assurance letter would contain. Then that letter was sent to Homan. Then Homan provided another letter to the Zoning Office and that letter was not accepted. Homan added that they were not waiving any legal rights. They didn't want to waive their rights to object to any wind towers that would restrict their runway. The board stated that was not the intent of the assurance letter. Homan thought they were signing a waiver of their rights. The board stated that they are looking at all of the property owners rights. The board stated that the runway and the future wind towers or any improvements to the land surrounding the runway could be compatible. The board stated that they were under the understanding that Homan could come to any of the meetings concerning wind development and state there concerns. Homan felt the board was one sided about the future wind development because they have mentioned about future wind towers and the setbacks for runways and the flight path around wind towers. Homan and Kilby also thought the board had already sided with the wind towers. Brandt was under the understanding from the North Dakota FAA the property owner would have to get permission from the surrounding property owners to get unrestricted air rights. Deboer stated that they haven't been told the grade to the approach to the runway and the amount of flight pattern to approach. Motion by Rhody, seconded by Dahl, to accept the applicant requested language in the letter of assurance and to add that the applicant would communicate with adjacent

property owners. Kanengieter called a roll call vote: Dahl-yes, Rhody-yes, Deboer-yes, Brandt-no, Kanengieter-yes. Motion carried.

Kanengieter called the meeting.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board