

The Deuel County Planning and Zoning Board met on Monday, **March 9, 2009** at the Commissioners' Room in the Deuel County Courthouse. Present were: Paul Brandt, alternate Darold Hunt, Gary Jaeger, Dennis Kanengieter, Darwin Mack. Absent: Ray VanLiere. Also present were Attorney John Knight and Zoning Officer Mary Nosbush.

The meeting was called to order at 7:10 p.m. by Chairman Kanengieter. Motion Mack second Brandt to approve the minutes of the last meeting. All present voting yes and the motion carried.

Chairman asked for discussion of old business. There being no old business, he asked for nominations for chairman for 2009. Brandt nominated Kanengieter. Jaeger seconded the nomination and moved that nominations cease and a unanimous ballot be cast for Kanengieter. Mack seconded Jaeger's motion. All present voting yes; motion carried.

Chairman called for nominations for Vice Chairman. Mack nominated Brandt, seconded by Hunt. Mack moved that nominations cease and a unanimous ballot be cast for Brandt, seconded by Jaeger. All present voting yes and the motion carried.

Duane Sonnicksen appeared before the Board for a hearing on his request for a variance to build a second floor deck on his cabin at Lake Cochrane with a setback of 26 feet from the high water mark. The deck will not be roofed.

Motion Mack seconded by Brandt to allow Duane Sonnicksen a variance of setback for a 9'x30' deck on his Lake Cochrane home with a setback of not less than 26 feet from the high water mark on W1/2 Lot 17, Lots 18 and 19 Agnes Place in Govt. Lot 8 in Section 5-114-47. On a roll call vote, all present voting yes and the motion carried.

Findings for the variance: the deck should not inhibit anyone's view of the lake due to tree growth already present on the lot; the deck goes no closer to the lake than existing decks; the deck railing material will not be a solid wall; the deck will not include a roof; tree growth will partially cover the deck from the lake side.

Scott Peterson, property owner in Bemis, did not appear before the Zoning Board for his scheduled appointment. The Board discussed his property in Bemis. Scott Peterson will be required by the Zoning Board to clean up Outlot 5 and the other lots he owns in Bemis before the Board will act on any permit application he makes. The Board also advised that Peterson's car crushing permit from 1998 is no longer valid due to his being out of business at that location for several years.

Zoning Officer presented information on a tree cutting permit requested by Robert Flicek at Lake Cochrane, to remove a hollow tree that was leaning into the lake, and to do the work while there is ice on the lake. Board okayed permit.

Ron Gorder appeared before the Board for a hearing on a tree planting variance. He requested to be allowed to plant evergreens within 30 feet of the east side of the county highway and within 40 feet of the north side of the township road.

Motion Mack, seconded by Brandt to allow Gorder a variance to plant evergreens at not less than 30 feet from the north-south county highway and not less than 40 feet from the east-west township road on his farmstead at SW1/4 less H-1 of Section 12-113-50 in Grange Township on the conditions: that the existing row of box elder trees on the north-

south right-of-way line be removed this year; that existing evergreens south of his driveway be removed this year; that existing evergreens along east-west right-of-way be removed this year; and that tree spacing be at least 25 feet each way. All present voting yes and the motion carried.

Findings for the variance: existing trees, which are closer to the road than the new trees, will be removed; the new trees will be planted in an existing shelterbelt along the south side of the farmstead; there is a wider right-of-way along the county highway; the County Highway Superintendent doesn't believe the trees will be a snow problem; Gorder agreed to move the trees if they become a snow problem.

The Board was asked to address the issue of setbacks from the road right-of-way for vineyards and orchards. There is no requirement for vineyards. Orchards would be required to have the same setbacks as other tree plantings.

Zoning Officer told the Board that there has been a request from an aerial sprayer to require some type of marking of meteorological towers. The sprayers are unable to identify the towers from the air. Because they are less than 200 feet tall, they are not required to be painted or lit like other towers. Zoning Officer has given a list of locations of met towers to the aerial sprayer. Zoning Officer will contact tower permittees and advise them of the aerial sprayers' request.

Board discussed mobile homes which are out of compliance with County Zoning Ordinance. If the mobile home is not on the tax rolls or not registered it needs to be removed. Letters are to be sent to landowners with such mobile homes on their property.

Evergreens recently planted at the Goodwin Heritage Feedlot need to be removed. Landowner has been notified. Zoning Officer to follow up.

A request from a township was discussed on removal of trees less than 20 years old which are closer to the road right-of-way than allowed by Zoning Ordinance. The Township is to be notified that the problem will be handled on a case by case basis.

Board agreed with Zoning Officer that a seasonal farmers market in the Lake Park District would not require any special zoning permits.

A request from a township was discussed to require permitted CAFOs to assist their township in the cost of road maintenance. Board said it should be left to the township to negotiate with the CAFO owners.

An agricultural producer wants to build a monoslope livestock barn. He is currently feeding less than 500 animal units. He is not required to permit the existing CAFO unless it is over a shallow aquifer or a pollution problem exists. If these situations do not exist, he may obtain a building permit for the barn without CAFO permitting.

Motion Mack second Jaeger to adjourn the meeting at 9:30 p.m.

Mary E. Nosbush
Deuel County Zoning Officer

Dennis L. Kanengieter
Chairman, Zoning Board