

The Deuel County Zoning Board met on Monday April 14, 2014 at 7:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Ron Boone, Paul Brandt, and Mike Dahl. Also present were Zoning Officer Jodi Theisen.

- 1) Chairman Dennis Kanengieter called the meeting to order. The minutes from the Monday March 24, 2014 were discussed. Motion by Boone, seconded by Brandt to approve the March 24, 2014 minutes. All voted in favor and motion carried.
- 2) Motion by Dahl, seconded by Boone to approve the April 14, 2014 Agenda. All voted in favor and motion carried.
- 3) Town of Astoria applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: the S600' E730' in SE1/4NE1/4 less Lot 1 in section 26-113-48 Scandinavia Township, in the following manner: To construct an additional waste water treatment pond for the the Town of Astoria in Ag zoning district. Terry Lovre was present to represent the Town of Astoria. He stated that from the summer of 2010 to the summer of 2011 the current lagoons overflowed about three times toward the neighboring creek. When the lagoons were first built the town had about 115 homes, now they have about 70 homes but when those homes and business were demolished the sewage pipes were not taken care of. So those pipes are still in the sewage system. To fix the current lagoons, it would cost approximately \$900,000. If the town builds another lagoon it would cost approximately \$500,000. The town is planning to buy the addition land from the current land owner and plat out the new lagoon. The Corps of Engineers stated that this area is in a wetland area however the town has been working with them with the regulations. The town is also going to increase the berm height on the existing lagoons. Motion by Dahl, seconded by Boone to approve the special exception to construct an additional waste water treatment pond for the Town of Astoria in Ag zoning district on the following property: the S600' E730' in SE1/4NE1/4 less Lot 1 in section 26-113-48 Scandinavia Township. Findings for this special exception are that this is the only place to build the new lagoon so it is contiguous to the existing lagoon. That this new lagoon is going to be lined and that it is not any closer to any residences than the existing lagoon. That the Town of Astoria is meeting all of the Dept. of Water and Natural Resources requirements. All voted in favor and motion carried.
- 4) Shannon Larson applied for a Special Exception Permit to alter the shoreline and landscaping within 35 feet of the high water mark on Lot 6 Lake Alice Shores 7-116-48 Altamont Township in an LP zoned district. Larson presented to the board pictures and sloping measurement points along the shoreline where he would like to bring in fill to level from the rocks to about 85 feet from the high water mark. He stated that he would leave the rocks because they are holding the lot from erosion right now. He would like to place a silt fence behind the rocks and fill in that area to the west to the 85 feet he stated that there is about a 2 foot drop. Larson would plant grass in this area to help stop erosion. He also would like to place behind the rocks a 16' x 16' sand area for his children to play in. This would be surrounded by timbers so the sand would not erode into the lake. Larson would like to place about 5 to 7 yards of sand in this area. Larson stated that there was one tree within 35 feet of the high water mark that was dead and he would like to remove it. Motion by Brandt, seconded by Boone grant a Special Exception: to fill in that area to the west to the 85 feet from the high water mark with dirt and to plant grass to help stop erosion and to place a silt fence behind the rocks, and add straw roles along the silt fence. And to place a 16' x 16' sand area with one load of sand for his children to play in. This would be surrounded by

timbers so the sand would not erode in the lake. Also to remove one tree in 35 feet of the high water mark that was dead. Larson will have to contact the appropriated agencies about hauling in fill in a wet land area. All voted in favor and motion carried.

- 5) Andy Schmidt came to talk to the board about his lots at Lake Alice. He was wondering if he could build a basement and cap it off and within the next year, and then build a house on top of the basement. The board stated as long as he is finished within the two years after the permit is issued.
- 6) Michael Crinion, one of the owners of Sherman Dairy, ask for an extension for his permit for a special exception on the SW1/4SW1/4 section of 21-113-50 for a Class "C" CAFO for 999 animal units for replacement heifers. The board asked if he has gotten a permit from the state. Crinion stated that they are in the process of applying at the state level for a Class "C" CAFO. He stated that the original dimensions of the barn changed and now it will be 293' in width and 384' in length. Motion by Dahl, seconded by Brandt to grant an extension for the special exception to Sherman Dairy for a Class "C" CAFO with up to 999 animal units with the conditions they apply and are granted a State Class "C" CAFO Permit. They have to cover the manure holding area, have no more than a total of 999 animal units on the forty acres of land and in the barn, and that they become good neighbors by helping controlling the odor. All voted in favor and motion carried.
- 7) The board reviewed the Scott Keogh application for a variance to build a house closer than 5 from the property line, closer than 30 feet from the road, and to build a deck within 50 feet from the high water mark. Also a special exception to alter the shoreline by build two retaining walls within the 35 feet of the high water mark on lots 29A & 29 Agnes Place Addition 5-114-47 Lake Cochrane, Norden Township, Deuel County. He had cut down 3 trees within 35 ft of the shoreline and left the stumps without letting the zoning board know about it. Motion by Brandt, seconded by Dahl to fine Keogh \$300 per tree that was cut down without getting the correct permits from the zoning officer. Also to replace those trees removed with at least a 1 ½ diameter trees similar to the ones cut down. All voted in favor and motion carried.
- 8) Kanengieter called the meeting.

Jodi Theisen
Zoning Office

Dennis Kanengieter
Chairman, Zoning Board