

The Deuel County Zoning Board met on Monday May 12, 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, Jerry Durfee, and Mike Dahl. Also present were Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the Monday April 14, 2014 were discussed. Motion by Brandt, seconded by Boone to approve the March 24, 2014 minutes. All voted in favor and motion carried.

- 1) Motion by Brandt, seconded by Durfee to approve the May 12, 2014 Agenda. All voted in favor and motion carried.
- 2) Mark & Deb Boulton applied for a Varaince to use the following property: Lots 14 & 15 Thokola Beach Lake Cochrane in 4-114-47 Norden Township. To remove old house and build a new house outside the 50 feet but to build a deck within 50 feet from the high water mark in an LP zoned district. Boulton stated that they would like to build a new house and garage on a slab on their property at Lake Cochrane. The house would be 50 feet from the high water mark but they would like to place a 12 foot wide deck within the 50 feet set back. Boulton stated that the house would be in line with the surrounding houses. Brandt asked why they couldn't push the house further back from the 50 feet mark so the deck would not be within the 50 feet from the high water mark. Boulton stated that the road is at a higher elevation than the house and they would like to keep the house on grade of the lot because it is on a slab. If they pushed the house closer to the road than the drive way would be more steep and difficult to use. Motion by Bonne, seconded by Durfee grant a Variance to build a deck 38 feet from the high water mark in an LP zoned district on Lots 14 & 15 Thokola Beach Lake Cochrane in 4-114-47 Norden Township. Findings for this variance are that deck doesn't obstruct the view of other property owners. The grade won't allow them to place the house further back than the 50 foot setback it would create a safety issue. All voted in favor and motion carried.
- 3) Lon Clemson Larson applied for Variance & Special Exception. The request, if granted, would permit the applicant to use the following property: Lots 66,67, & 68 except N15' Thokola Beach Lake Cochrane in 4-114-47 Norden Township. To replace old deck with a retaining wall and patio within 35 feet from the high water mark in an LP zoned district. Clemson presented a plan to board that was created by Pete Snortum with pictures, diagram, and sloping measurement points along the shoreline where he would like to remove dirt under the old decks to create a flat patio area. Clemson stated that he would like to replace the old rip rap and place bigger stones along the shoreline and on the hill area. Clemson stated that the rocks will stop erosion on his steep hill side. Clemson stated that the patio will have retaining walls along the all the sides. Motion by Brandt, seconded by Dahl grant a Special Exception and Variance to approve the landscaping plan to remove dirt in the 35 feet

of high water mark to place retaining walls around patio areas, to replace the old rip rap with new and to place 10 inch stones along the shoreline and the steep hill to help stop erosion. The board stated to use a silt fence during construction and to notify the zoning office when work begins. Findings for this special exception & variance are that the property owner is eliminating a nonconforming deck and the landscaping plan will increase the neighbors views. This will help stop erosion and add vegetation and shrubs to the property that was not there before. All voted in favor and motion carried.

- 4) Wild Rose Dairy applied for a Special Exception to expand their class "B" concentrated animal feeding operation (CAFO) to a class "A" concentrated animal feeding operation (CAFO) located in NE1/4 of section 2-113-49 in AG zoning district, Deuel County. Jogchum Andringa owner of Wild Rose Dairy and engineer Brian Friedrichsen with Dakota Environmental were present. Friedrichsen explained the animal waste management system and soil boring analysis for the CAFO. Andringa stated that they have about 900 cows and 100 calves on the place right now which is 1387 animal units this is with an addition to the main barn of 119' x 312'. Andringa stated that they would like to build the other half of the barn with dimensions of 119' x 312' and a calf barn of 100' x 240' with a manure storage area of 48' x 100' this expansion would put them over the class "B" animal units. They would like to expand to 1800 head of cows and about 500 head of calves this would be 3074 animal units. Andringa stated that they would have to add another lagoon but the operation has enough manure acres to handle the increase of animal units. The new calf barn would be a straw packed with a clay base and some concrete. The barn will hold calves from baby calves to about 7 to 8 months of age. They will haul the manure from the calf barn in the spring, summer, and fall months. The board showed some concern about a private well/spring that is within the 2640' setback. Al Moore the property owner of the well stated that he had some concerns about the well and contamination. Durfee asked Andringa why he couldn't move the barn further away. Andringa stated he would like the barn at this location because of the trees for protection and if they moved the barn further north it would be right behind his house. Dahl asked Moore if his land was in Andringa manure management plan. Moore stated that it will be, Dahl made a comment that there shouldn't be any concerns about the barn contamination to the well. Moore stated that he didn't have an issue with the barn it was about if or could the the well be contaminated he was wondering about monitoring the well. Moore stated that he collected some water samples but they have not been tested he just wanted to state that he had some concerns about the water. Chairman Kanengieter opened the floor for public discussion. Gary Jaeger stated that he had some concerns about the roads and traffic. Dan Milckelson from Valley Queen stated that one more milk truck will be needed sometimes a total of three trucks would be traveling to the dairy. Steve Rhody expressed concerns about odor, fly control, and the possibility of manure management. Motion Brandt, seconded by Boone to grant a special exception for an expansion from a class "B" (CAFO) to a class "A" 3100 animal unit (CAFO) with a Variance to be about 2180 feet from a private well. Conditions of the permit state that Wild Rose Dairy shall obtain a state general permit. The county reserves the right to add additional conditions

based upon the state general permit and the Department of Environment and Natural Resources review of the manure management plan. The finding for this variance is that the calf shed will be covered the manure area might or might not be covered but it will have concrete walls 10 inches thick and 6 feet tall. The shed will have dry manure and have a clay pack floor with some concrete. The excess water in that area flows toward the southeast. A roll call vote was had with all voting in favor of and motion carried.

- 5) Levi Lunden came to talk to the board about build a cattle shed 92 feet from the road right of way and his residence. The board looked and a picture of his property and discussed his options. The board stated that they would consider granting him a variance when he applied for one in June.
- 6) Michael Crinion, one of the owners of Sherman Dairy, came and talked to the zoning board about a manure spill that happened on April 23, 2014. The board received some calls from the public that there was a spill on the road, in the ditch, and that some manure was spilled into a pasture. Some of the zoning board went and looked at the area. The zoning board decided to make a verbal complaint about the top spread application manure on a field that is not in their manure management plan to DENR. Crinion stated that the spill was handled and DENR and the township was notified. Crinion stated that the manure is applied on top of the land then it is incorporated into the soil with a chisel plow. Boone and Dahl stated that they had concerns about the amount and how it was being incorporated into the soil and that these spills make it hard for the Zoning Board to ok future CAFOS and for public relations with the neighbors of the CAFOS. Crinion stated that they have used this company for the last four years and they were happy with the results from the past. Brandt asked why they used a chisel plow and not a shank knife. Crinion stated that it might be because of the crop that was going to be planted there. Jody Kuper from Valley Queen stated that Global Dairy is a well operated dairy and sometimes mistakes happen and we learn from them. Keven Banken that works for CENTROL Crop Consulting Inc. explained the animal waste management system and soil boring analysis for Global Dairy explained why this field was not in the manure management plan during the time of application. Banken stated that the field had all the testing done and that it was submitted to DENR. DENR was still doing there evaluations and that it was in the pipeline to be on the plan and the field is now in their manure management plan. Crinion just wanted to talk to the board about the spill and inform the board of any information they wanted.
- 7) John Knight told the board that he had sent a letter to Scott Keogh about how he had cut down 3 trees within 35 ft of the shoreline and left the stumps without letting the zoning board know about it. And that the board was going to fine him \$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. Knight stated Keogh called him after receiving the letter and told Knight that he had sold the lot to another party. Motion by Dahl, seconded by Brandt to fine Keogh and extra \$100 per tree that was

cut down without getting the correct permits from the zoning officer because Keogh can't plant trees on someone else's lot. All voted in favor and motion carried.

- 8) Motion by Durfee, seconded by Boone to remove the Terry & Karol Haas Variance to build a garage addition about 7 feet from the property line on lots Lots 61 & 62 Thokola Beach and Lot 4A of Tobins Thokola Beach in Gov Lot 2, 8-114-47 Lake Cochrane, Norden Township. Haas stated that he would like to add on 10 feet to the south of his garage on lot 4A Tobins Thokola Beach. He stated that he needs more storage. The Board stated that they received a letter from Lyle Tobin stating concerns about the lot line and the Haas stating that they were going to build in the spring when the Tobins were back. The board asked Haas if he has talked with the Tobins about his addition and he stated yes. On May 8, 2014 the board received a letter from the Tobin's stating that they grant a waiver for Haas to build an addition to his garage they would like a maximum of 18" overhang. Jodi Theisen went out to the site and measured from where Tobins determined the lot line and she measured 7'10" the cement was from the lot line. Motion Dahl, seconded Boone to grant the variance to build a garage addition approximately 7'10" from the property line on lots Lots 61 & 62 Thokola Beach and Lot 4A of Tobins Thokola Beach in Gov Lot 2, 8-114-47 Lake Cochrane, Norden Township. All voted in favor and and motion carried.
- 9) Motion by Durfee, seconded by Brandt to approve Plat of Nielsen Farm Addition located in SW1/4SE1/4 section 9-114-48 Norden Township. All voted in favor and motion carried.
- 10) Motion by Boone, seconded by Durfee to table the Plat of Schiefelbein 2nd Addition located in E1/2 section 27-115-50 Havana Township until more information can be provided about the road right of way. All voted in favor and motion carried
- 11) Kanengieter called the meeting.

Jodi Theisen
Zoning Office

Dennis Kanengieter
Chairman, Zoning Board