

The Deuel County Zoning Board met on Monday Tuesday October 21, 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, Alternate Gary Jaeger, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the Monday September 15 were discussed. Motion by Dahl, seconded by Boone to approve the September 15, 2014 minutes. All voted in favor and motion carried.

- 1) Motion by Brandt, seconded by Boone to approve the October 21, 2014 Agenda. All voted in favor and motion carried.
- 2) Duane and Kay Sonnicksen applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property W1/2 Lot 17 & Lots 18-19 Agnes Place in Govt. Lot 8 in NE1/4 5-114-47, Lake Cochrane, in the following manner: shoreline stabilization within 35 feet of the high water mark. Sonnicksen came before the board on September 15, 2014 and stated that they have been trying to find a contractor to work on this project and they have found John Hurley. He has done work on Lake Poinsett. Sonnicksen stated that shoreline is causing his patio to move away from the house and they noticed that the hill is starting to slump way. Hurley stated that they would place rock and maybe fabric along the shoreline to help stabilize the hill. Hurley stated that they would remove the dry well and install pipes underground for the runoff and the water from the eves. Sonnicksen stated that they would remove and replace the patio and retaining wall by the patio with one deeper retaining wall also they would replace the decks. Hurley told the board he would dry vac holes at an angle into the hillside and fill them up with concrete and rebar to help stop the shifting of the hill toward the lake. Motion by Brandt, seconded by Boone to grant a Special Exception on the following property: W1/2 Lot 17 & Lots 18 & 19 Agnes Place Section 5-114-47, Lake Cochrane Norden Township. In the following manner for shoreline stabilization with rock with fabric. To install pipes underground for the runoff and the water from the eaves. To remove and replace the patio and retaining wall by the patio with one deeper retaining wall also they would replace the decks. To dry vac hole at an angle into the hill side and fill them up with concrete and rebar to help stop the shifting of the hill toward the lake within the 35 feet from the high water mark. To use a rope screen of a trash fence to help stop erosion toward the lake. Also need to notify the Zoning Office if the plan that was submitted to the office changes in any way. All voted in favor and motion carried.
- 3) Albert Moore applied for a Variance. The request, if granted, would permit the applicant to use the following property: W1030' S700' SW1/4 SW1/4 Section 8-113-49 Blom Township. To move in a Mobile Home or to build an addition on to house that is closer than a Class A CAFO setbacks allow in an AG zoned district. The board had discussion about how the house wasn't occupied for over a year and that Moore had to apply for a variance. Moore stated that he didn't want to sign a waiver that he was building within the setbacks of a Class A CAFO. Moore stated that he purchased the land before the CAFO was built and their plan

was to live on this site in the future. Dahl had concerns about why the property owner would have to sign a waiver when they want to build next to a CAFO and the CAFO doesn't need the existing property owners to sign a waiver when they build. Moore stated that they were not living on the property when the first CAFO was built. Motion by Dahl, seconded by Jaeger to grant a Variance on the following property: W1030' S700' SW1/4 SW1/4 Section 8-113-49 Blom Township. To build an addition on to the existing house that is closer than a Class A CAFO setbacks allow in an AG zoned district. A roll call vote was called Brandt – No, Jaeger – YES, Dahl – Yes, Boone – Yes, Kanengieter – YES and motion carried.

- 4) Stuart Rhea applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 2 Rhea Add & Tract 1 of Outlot Y in Gov lot 7 in SE1/4 4-114-47, Lake Cochrane, in the following manner: To remove Shady Beach Restaurant that is within 35 feet of the high water mark. Rhea came to talk to the board about how they couldn't get Shady Beach Supper Club sold so they are going to remove the building. Rhea stated that they had talked to some contractors about removing the structure and they suggested that they would put a barrier around the new addition then remove that concrete that is about 6 to 7 feet below ground level. This concrete has has pea rock within the walls and the new addition on top with concrete. They would then fill this area in with the pea rock. The board told Rhea that he would have to contact the DENR and the Corps of Engineers before they could remove anything. Motion by Dahl, seconded by Brandt to grant the Special Exception on the following property: Lot 2 Rhea Add & Tract 1 of Outlot Y in Gov lot 7 in SE1/4 4-114-47, Lake Cochrane, in the following manner: To remove Shady Beach Restaurant that is within 35 feet of the high water mark. To use a double trash screen or filter to keep as much dirt as they can out of the lake. To make the shoreline look as natural as they can and to contact DENR and the Corps of Engineers and to follow their rules. All voted in favor and motion carried.
- 5) Motion by Jaeger, seconded by Boone to approve Plat of Rhea Second Addition located in Gov Lot 7 Section 4-114-47 Norden Township. All voted in favor and motion carried.
- 6) Motion by Boone, seconded by Dahl to approve Plat of Brandsrud Addition located in NW1/4 Section 18-113-50 Grange Township. All voted in favor and motion carried.
- 7) Neal & Wayne Boeke came and talked to the board about their cattle operation located in the W1/2 & E1/2 Less H-1 & H-2 Less Block 1 Boeke Addition in SE1/4 Section 20-115-48 Clear Lake Township. Boekes came and told the board that they are going to put about 200 in the shed they built a couple of years ago and 100 in the shed they got a building permit to change the roof line on. They stated that in old barn they have about 120 of their home raised calves so total they might have 450 head on the property. The board had concerns because they are located on a shallow aquifer and the board didn't know if they were a Class E or D. Boekes stated that the 3 wells they have for irrigation are about 150 to 160 feet deep and they are located about ¼ mile from the barns. The animals are under a roofed structure and they use a manure spreader to get rid of the waste. The Deuel County Zoning Board has reviewed

Boekes operation and decided that they are a Class E CAFO. That they don't think this site is a potential water hazard and it doesn't contribute to the waters of the state.

- 8) Jon Henslin came and talked to the board about Lake Alice and the campers/RV's that are parked on the lots. Richard Mack and Tristin Bothun also showed concerns about the campers and their lot value. Henslin stated that their homes are located in the middle of their lots and they like the panoramic view and the campers are blocking the view of the lake. Henslin stated that the campers are in violation of the covenants. The board stated that they can park their camper there but they can't camp in them according to the Deuel County Ordinance. If they board receives a formal complaint we can act on it as a zoning board. A formal complaint was filed on 10-21-14.
- 9) Steven Kruijer, Sandra Olson, and Russ Olson came into the meeting because they planted some trees on the NW1/4 section 10-115-49 without a tree planting permit. Some of the trees are with in the 33 feet of the road right of way. Russ Olson stated that about two years ago some of the the trees were destroyed by storms so they decided to clean up the building site and tore down the house and the dead trees. They contacted the Brookings NRSC and got the trees from them and they didn't know that they needed a planting permit for Deuel County. The board suggested that they come to another meeting and to apply for a variance to plant trees within 100 feet from the road right of way.

10) Kanengieter adjourned the meeting.

Jodi Theisen
Zoning Office

Paul Brandt
Vice Chairman, Zoning Board