

Monday January 12, 2026

The Deuel County Zoning Board met on Monday January 12, 2026 at 6:30 p.m., in the Deuel County Court Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Jay Grabow, Mike Lammers, Alternate Scott Fieber, States Attorney Craig Evenson, Zoning Officer Jodi Theisen.

Theisen stated that Chairman Mike Dahl would not be able to attend the meeting until later and that Vice Chairman Kevin DeBoer was unable to attend the meeting this evening.

The present Board Members voted to elect an Acting Chairman for this meeting due to the absence of the Chairman and Vice Chairman.

Motion by Grabow to nominate Dennis Kanengieter as Acting Chairman for this Planning and Zoning Board meeting. Lammers seconded the motion. Roll call vote: Fieber – yes, Lammers – yes, Grabow – yes, Kanengieter – no. Motion carried.

Acting Chairman Kanengieter called the Deuel County Planning Commission meeting to order.

The minutes from December 8, 2025 and January 6, 2026 meetings were discussed. Motion by Lammers, seconded by Fieber, to approve the minutes from the December 8, 2025 and January 6, 2026 meetings. All voted in favor and motion carried.

Kanengieter asked if the board, or any staff member, had anything to add to the agenda with none being offered. Theisen stated that she had a inquiry about a sign and will discuss that during the Matter for Board Discussion.

Kanengieter asked the public if they would like to talk during the public comment session. .

Kanengieter asked for any seated board member if they think they need to recuse themselves from any discussion topics on the agenda, or from voting on an agenda item with no board member responding.

Motion by Grabow, seconded by Lammers, to approve the January 12, 2026, Agenda. All voted in favor and motion carried.

Motion by Grabow, seconded by Lammers to adjourn as the Deuel County Planning Commission and convene as the Deuel County Board of Adjustment. Motion passed unanimously.

Theisen stated the Deuel County Commissioners reappointed Michael Lammers and Kevin DeBoer to the Planning and Zoning Board for another three-year term.

## ITEM ONE

Motion by Kanengieter, to nominate Dahl as 2026 Chairman for the Planning and Zoning Board, that nominations cease, an unanimous ballot be cast for Dahl. Grabow seconded the motion. Roll call vote; Fieber- yes, Lammers-yes, Grabow-yes, Kanengieter-yes, and the motion carried.

Motion by Grabow, to nominate DeBoer as 2026 Vice Chairman for the Planning and Zoning Board, that nominations cease, an unanimous ballot be cast for DeBoer. Lammers seconded the motion. Roll call vote; Lammers-yes, Grabow-yes, Fieber-yes, Kanengieter-yes, and the motion carried.

## ITEM TWO

The Board discussed the proposed 2026 Building Permit Fees. Theisen recommended no changes from the 2025 fee schedule and noted that continuing joint meetings with the Deuel County Commissioners helps streamline the rezoning process.

Motion by Grabow, seconded by Lammers, to recommend that the Deuel County Commissioners leave the current fees unchanged for the 2026 Building Permit Fee Schedule. All voted in favor. Motion carried.

Motion by Grabow, seconded by Fieber to adjourn as the Deuel County Board of Adjustment and convene as the Deuel County Planning Commission. Motion passed unanimously.

Acting Chairman Kanengieter called the meeting to order.

### ITEM THREE

Since there were inquiries regarding setbacks from large transmission lines, the Board discussed potential amendments to the zoning ordinance concerning Essential Services and setback requirements for such structures. Theisen reported that there are currently no setback regulations for large transmission lines under Essential Services in the Agricultural District. A review of ordinances from other counties indicated that they also do not include setback requirements for large transmission lines.

Theisen stated that, under codified law SDCL § 49-41B-28, a PUC permit can supersede or preempt any county zoning ordinance, and she read the statute aloud for the Board. She noted that the PUC does not have authority to change the route of a project, but may only approve or deny it.

Theisen suggested establishing a 500-foot setback from existing residences, with the option for the property owner to waive the setback in writing. This written waiver would allow a transmission line to be located within the setback if the property owner consents to the placement. She noted that similar provisions are used by the North Dakota PUC.

Board Member Grabow discussed adding a setback provision requiring transmission lines over than 345 kV to be located at least 2,000 feet from an inhabited residence or if the poles are over 100' or the base is greater than 25' in diameter or greater than 30' wing span.

The Board had discussion on the effects of high-voltage lines, how the SD PUC can overrule the local ordinance, and how the PUC had not exercised that authority in previous situations. Fieber asked about the 3-mile setback from Lake Park around Lake Cochrane. Theisen explained she had an email from Matt Holden addressing inquiries about setbacks and how he used the Wind Energy System setbacks as a guide. Grabow talked about how 900 feet may affect health. The public asked whether tower height makes a difference. They also discussed setbacks from Lake Parks and residences, comparing them to wind tower setbacks, noting that wind tower setbacks are more dependent on property owner permission. The Board stated that there is a public meeting on Wednesday at the Clear Lake Community Center with Power on the Midwest about the transmission line and noted that a 2,000-foot setback is reasonable.

The Board opened the discussion to the public for comments.

- Mary Nosbush (Gary) spoke for Steve January, suggesting a 2,000-foot setback from residences.
- Mary Nosbush discussed the PUC's authority to supersede local ordinances and referenced the Carbon Pipeline case, noting that the PUC did not exercise that authority in that situation.
- Matt Holden (Lake Cochrane) proposed setbacks for electrical transmission structures over 100 feet, referencing the Comprehensive Plan and Wind Energy section as a template. Proposed setbacks included 3 miles from Lake Cochrane, 2 miles from Lake Alice, and 1 mile from Bullhead Lake.
- Val Trooien voiced concerns about aesthetics near Lake Parks versus other residential areas.
- Marlin Bjerke suggested environmental and economic impact studies and public engagement.
- Mark Fischer (Goodwin) asked about eminent domain; Craig Evenson stated it could be used at the PUC level.
- Sue Engelmann (Brookings) expressed concerns about energy equipment, wildlife, and frequency impacts.
- Terry Alder supported setbacks to protect future residents.
- Tony Quail opposed the project, questioning benefits to local property owners.

- Roger Kreutner asked about setbacks from farm sites.
- Thane Troien asked about transmission lines overhanging property lines; Grabow summarized the discussion.

Grabow encouraged the public to attend the public meeting on Wednesday at the Clear Lake Community Center with Power on the Midwest.

Kanengieter asked for a motion to close the public comment session, and the motion was made by Lammers and seconded by Fieber. All voted in favor. Motion carried.

There was discussion on whether setbacks should vary for different zoning districts. Bjerke suggested economic and environmental studies before making a motion. Other comments suggested making the motion now, with studies to follow, and discussed the potential for a moratorium.

Motion by Grabow, seconded by Lammers to amend the ordinance: transmission lines with voltage greater than 345 kV must have a setback of 2,000 feet from any inhabited residence this includes but is not limited to support structures greater than 100 feet tall or the base diameter of 25 feet or wing span of 30 feet in all Zoning Districts. All voted in favor. Motion carried.

Theisen stated the next steps include scheduling a joint public hearing with the Planning Commission and County Commissioners to amend the zoning ordinance, specifically adding a new Section for Essential Services regarding minimum separation distances and setbacks. Public notice for the hearing will be published, with the earliest joint meeting scheduled for February 3, 2026.

Motion by Lammers, seconded by Grabow, to reconvene as Board of Adjustment and the Planning Commission jointly. All voted in favor. Motion carried.

Kanengieter opened the floor for public comment.

- Shelia Monnier from Brandt stated that she had signatures from 30 people who reside in Scandinavia and Blom Townships within 2 miles of the proposed Toronto Power Plant, and 23 people who live in the Town of Toronto. She explained that they would like at least a 2-mile setback from power plants, peaking plants, energy generation facilities, and other similar commercial or industrial operations from occupied dwellings. She also emphasized the need for noise ordinances to protect the safety and well-being of neighbors, first responders, and communities in Deuel County. Monnier discussed long-term impacts on farm families, the influence of large companies with no community ties, noise, environmental and health effects, and the overall industrialization of the county. She also raised concerns about a sign posted on the property Friday afternoon for the proposed power plant and asked whether an application had been submitted. She noted that residents at Harringa's can hear the peaking plant from 5 miles away, and surrounding homes and towns can hear the noise from the existing plant. She suggested conducting an environmental study.

- Grabow stated that the county does have a noise ordinance, but Monnier noted that she was unsure if it is adequate. Questions were raised regarding whether the existing plant is monitored. Grabow stated that the facility was constructed prior to the noise ordinance amendments adopted last year.

- Monnier suggested implementing a moratorium on projects in Deuel County until the ordinances are updated. She also expressed concern about projects such as the these projects buying up land, which makes it difficult for young farmers to get started. She noted that there are 18 occupied dwellings within 2 miles of the proposed site, likely with around 12 children.

- Joel Shaw stated that he lives north of the proposed power generation site and only learned about the project at the previous Tuesday meeting. He noted seeing a sign approximately 2.1 miles from his house and stated that while he might normally think, "if it's not my neighborhood, don't worry about it," this project is in his neighborhood.

- Mark Fischer commented on the importance of quality of life in South Dakota.

- Jenny Falcone asked questions regarding noise levels and decibels, and whether three facilities would triple the noise. Grabow clarified that the noise does not double or triple with multiple facilities.
- Steve January, who arrived prior to the meeting, stated that he proposed the 2,000-foot setback for the power lines. He explained that his property is in the proposed routes, and that a 2,000-foot setback is realistic and would not restrict his property. He emphasized attending the public meeting on Wednesday, assuming the utility will present a preferred route rather than proposed routes. He also noted that he is considering placing his land in a grassland easement, which the utility generally avoids.
- Marlin Bjerke discussed noise, frequency, and decibel levels, and asked the Board to consider mental health impacts and effects on children.

Mike Dahl showed up to the meeting at 7:48 p.m. but didn't participate in the meeting.

Kanengieter asked for a motion to close the public comment session, and the motion was made by Lammers and seconded by Grabow. All voted in favor. Motion carried.

Theisen informed the Board that the next regular meeting is scheduled for February 9, 2026.

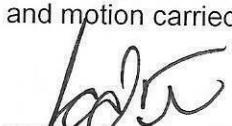
Theisen presented the 2025 Building, Conditional Use Permit (CUP), and Variance permit summary spreadsheet. She noted a decrease in new home permits compared to 2024 and an increase in plats, indicating continued development growth. Thisen stated the building permits are available in the Zoning Office and will give this report to the commissioners also.

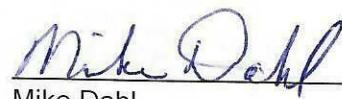
Theisen stated that she received an inquiry regarding a Missouri River Energy sign placed along County Road 315. The Board discussed the sign and its placement. She noted that, after receiving the inquiry, she consulted with the State's Attorney and reviewed SD PUC statute 49-41B-5.1, reading the statute aloud to the Board. While the statute requires posting of signs for proposed energy facilities, Deuel County zoning regulations also apply.

Under the Deuel County Zoning Ordinance, a Conditional Use Permit (CUP) and building permit are required for on-premise and off-premise signs in the Section 1101 "A" Agricultural District, pursuant to Sections 1101.04 and 1214, which also include provisions for temporary signs.

Theisen shared an email from Brent A. Moeller, P.E., Director of Generation Resources for Missouri River Energy Services, stating that the company planned to remove the sign to comply with County requirements.

Motion by DeBoer, seconded by Lammers to adjourn the meeting at 7:55 p.m.... All voted in favor and motion carried.

  
\_\_\_\_\_  
Jodi Theisen  
Zoning Officer

  
\_\_\_\_\_  
Mike Dahl  
Chairman, Zoning Board