

The Deuel County Zoning Board met on Monday, December 8, 2025, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Present were board members Dennis Kanengieter, Jay Grabow, Alternate Scott Fieber, Mike Dahl; Zoning Officer Jodi Theisen; and members of the public.

Chairman Mike Dahl called the Deuel County Planning Commission meeting to order.

The minutes from October 14, 2025, October 21, 2025, and November 4, 2025, were discussed. Motion by Fieber, seconded by Kanengieter, to approve the corrected October 14, 2025, October 21, 2025, and November 4, 2025 meeting minutes. All voted in favor and motion carried.

Dahl asked if any board members or staff had items to add to the agenda. No additional items were offered.

Dahl stated that public comments would be limited to five (5) minutes. Members of the public declared they would like to speak during the public comments: Mary Nosbush, Val Trooien, Austin Ade, Bryon Monnier, Frank James, Michelle Oftedahl, Eric Oftedahl and Jacob Beutler.

Dahl asked if any seated board member felt the need to recuse themselves from any discussion topics or from voting on any agenda item. No board members indicated a need to recuse themselves.

Motion by Kanengieter, seconded by Fieber, to approve the agenda. All voted in favor and motion carried.

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

#### ITEM ONE – Discussion: Definition of “Substantial Construction”

The Board discussed defining “substantial construction” in relation to zoning permits, conditional use permits, and compliance timelines.

States Attorney Craig Evenson stated that the proper approach would be to amend the zoning ordinance to align the WES ordinance language with “actual construction” referenced in the conditional use permit section, and to add a definition of “actual construction” into the ordinance.

Lisa Agrimonti, Invenergy attorney, provided her interpretation of “substantial construction” and offered comments regarding how the definition could be applied in practice.

The Board, States Attorney Evenson, and Agrimonti discussed the following topics:

- What level of excavation, footings, or structural framing constitutes actual construction
- That substantial construction would still be considered for building permits
- That wind projects take more time than typical CUP projects due to other required permits

Grabow asked Agrimonti whether the SD PUC considered the work completed to date—including two mud mats—sufficient to qualify as construction begun. Agrimonti stated that yes, the SD PUC considers the Deuel Harvest South Project to have commenced construction.

Because the SD PUC has made this determination, the Board acknowledged that substantial construction has been met for this project; however, they encouraged Deuel Harvest South to continue progressing.

The Board noted that once the ordinance is amended, future projects will have clearer guidance on what constitutes actual construction.

Staff and States Attorney Evenson were directed to prepare draft language for review at a future meeting.

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

## ITEM TWO

Motion by DeBoer, seconded by Kanengieter, to recommend approval to the Board of County Commissioners of the plat of Lot 1A of Rymerson Farm Second Addition of Section 22, Township 113 North, Range 49 West, Blom Township, Deuel County, South Dakota. Motion passed unanimously.

Motion by Grabow, seconded by Kanengieter, to recess the Planning Commission and reconvene as Jointly as the Board of Adjustment and Planning Commission. All voted in favor and motion carried.

Dahl opened the floor for public comment and limited remarks to five (5) minutes. Dahl stated that there would be no motion or discussion from the Board on this subject until a formal hearing is scheduled and properly noticed in the local newspaper.

- Mary Nosbush raised concerns about potential Data Center development, including water usage and impacts in industrial park areas, and urged the Board to consider protective measures.
- Austin Adey expressed concerns regarding Data Centers and referenced applicable sections of the Deuel County Comprehensive Plan related to the Ag and Commercial/Industrial Districts.
- Val Trooien voiced concerns about transparency, short-term assurances, water use, pollution, increased paved areas, and waste associated with Data Centers.
- Bryon 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.
- Frank James urged the Board to consider an ordinance addressing Data Centers and expressed concerns about taxes, infrastructure impacts, and future development pressures.
- Michelle Oftedahl described changes experienced in New Albany, Ohio after a Data Center was built, including rising farmland prices and loss of agricultural land, noting similar cumulative impacts already present in Deuel County.
- Eric Oftedahl expressed concern that Data Centers could displace current and future farmers and encouraged the Board to act proactively for residents.
- Maddie Oftedahl stated that increased industrial development may prevent younger residents from returning to build homes, leading to declining rural communities.
- Steve January expressed concerns about development around his property, the export of power out of the county, and noted that developers should consider areas near larger cities instead of the Ag District.
- Jacob Beutler stated he had a question for the Board not related to the Data Center topic. He asked whether the conditions listed in the Letter of Assurance are the only enforceable items, or whether the site plan submitted during the CUP application process is also enforceable. States Attorney Evenson stated that the building plan is tied to the Letter of Assurance and may change in size; the Letter of Assurance does not typically specify exact building dimensions. Chairman Dahl stated that if an applicant disagrees with the Zoning Officer's determination, the appeal process is available for that purpose.

Beutler stated that he agreed the Zoning Officer is correct when following the Letter of Assurance but sought clarification on whether the site plan included in the application must also be followed. Beutler also asked whether the \$900 appeal fee could be waived; the Board indicated that a waiver is possible but not guaranteed.

The Board noted that Jacob Buelter's appeal deadline regarding the Theisen decision is December 23rd. Because the next regular meeting is scheduled for January 12th and may or may not include a hearing on this matter, the Board discussed that extending the deadline would ensure that Buelter retains his right to appeal should a hearing not occur.

Motion by Grabow, seconded by Kanengieter, to grant Jacob Buetler an extension of his appeal deadline to January 30th. Motion passed unanimously.

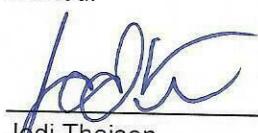
Zoning Officer Theisen provided updates on upcoming agenda items. She also reported that construction of the Jelen kennel is underway and that a neighboring property owner inquired whether the training area complies with the approved CUP. Theisen and States Attorney Evenson will review and make a determination.

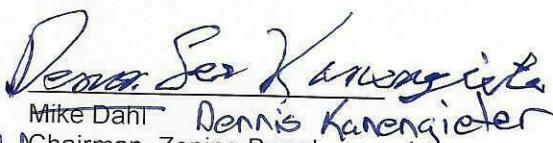
Theisen reported receiving an inquiry from Matt Holden proposing setback requirements for electrical transmission structures over 100 feet. She asked whether the Board believes the proposal warrants further discussion. The Board agreed that transmission line setbacks should be discussed further.

The next regularly scheduled meeting will be held on Monday, January 12, 2026 (second Monday of the month unless otherwise published). No additional matters were discussed.

No executive session was requested or held.

Motion by Fieber, seconded by Grabow, to adjourn the meeting at 8:27 p.m. All voted in favor and motion carried.

  
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Jodi Theisen  
Zoning Officer

  
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Mike Dahl Dennis Kanengieter  
Appointed Chairman, Zoning Board