

**Monday, April 13, 2026**

The Deuel County Zoning Board met jointly as the Deuel County Board of Adjustment and Planning Commission on Monday April 13, 2026 at 6:30 p.m., in the Commissioners' Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Jay Grabow, Mike Lammers, Kevin DeBoer, Mike Dahl, State's Attorney Craig Evenson (via phone), Zoning Officer Jodi Theisen and other members of the public.

Chairman Mike Dahl called the joint meeting to order.

The minutes from the March 17, 2026 meeting were discussed. Motion by DeBoer, seconded by Kanengieter, to approve the corrected March 17, 2026 minutes. All voted in favor, and the motion carried.

Dahl asked if the board, or any staff member, had anything to add to the agenda with none being offered.

Dahl stated that if anyone from the public would like to speak about a topic not on the agenda, they would have up to five minutes to do so during the public comment session.

Dahl 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 DeBoer, seconded by Kanengieter, to approve the the April 13, 2026 agenda. All voted in favor and motion carried.

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

#### **Item #1 – Discussion**

The Board met with Jim Clark regarding his recently purchased property in Bemis and his request to temporarily reside in a camper on the lot.

Mr. Clark explained his current living situation and financial constraints, stating he intends to eventually build a cabin on the property but would like to live in a camper on-site for one to two years while preparing the property and saving funds. He also described the condition of the existing house on the property, noting that it is in disrepair and would require repairs to be habitable. His short-term plan includes stabilizing the structure for storage and limited utility use while making future improvements.

The Board reviewed applicable zoning regulations with Mr. Clark, including provisions limiting one principal dwelling per lot and restrictions on structures within utility easements. The Board further explained that campers are not a permitted or conditional use for residential living in the Bemis town district under current ordinances, and that a variance or temporary permit is not available for this use.

Mr. Clark inquired about establishing a manufactured home park and indicated he believed this option might allow for the use of campers on the property. The Board explained that a manufactured home park is a conditional use under the ordinance; however, it applies only to manufactured homes and does not permit campers.

Alternative options were discussed, including repairing the existing house to make it livable or constructing a new dwelling in compliance with zoning regulations. The Board concluded that, under existing ordinances, Mr. Clark is not permitted to reside in a camper on the property. Mr. Clark acknowledged the information and indicated he would consider his options moving forward.

## **Item #2 – Conditional Use Permit**

The applicant/owner, Jordan Monnier, seeks a Conditional Use Permit pursuant to Section 1210 – Extended Home Occupation and Section 1214 – On-Premise Signs to operate a business consisting of fabrication and welding of livestock handling equipment, along with automotive and agricultural implement repair, within an existing accessory building located in the AG – Agricultural District.

The property is located in Monnier Addition in the SW1/4 of Section 5-113-48, Scandinavia Township, Deuel County, South Dakota. The property contains a residence and accessory building, with access provided by 191st Street, a township road.

Theisen, Zoning Officer, and Kelsey Monnier explained that the proposed business will consist of fabrication and welding of livestock handling equipment, along with limited automotive and agricultural repair. All activities will occur within an existing accessory building, with minimal traffic, no employees other than the owner, and no off-site impacts. Equipment will be built as needed, with little to no inventory stored on-site.

The proposed sign will be wall-mounted, not exceed 4 feet by 8 feet, and will have downward-directed lighting to avoid glare or nuisance.

The Board discussed the nature of the business, traffic, and surrounding agricultural land uses. The Board opened the meeting for public comment; there was no public comment.

Motion by Grabow, seconded by DeBoer, to approve a Conditional Use Permit for an Extended Home Occupation and on-premise wall sign, subject to the following conditions:

1. The occupation shall remain an Extended Home Occupation and may not be changed without a new permit.
2. All business activities shall occur within the accessory building.
3. The wall sign shall not exceed 4 feet by 8 feet and must comply with ordinance requirements.
4. Lighting shall be downward-directed and shall not create glare or nuisance.
5. Retail sales shall be limited to products produced on-site.
6. Traffic shall not exceed normal residential levels and parking shall be off-street.
7. No noise, vibration, glare, fumes, odors, or interference shall be detectable off the premises.

All voted in favor, and the motion carried. Please refer to the Letter of Assurance, Findings of Fact, and Conclusions of Law on file with this application.

## **Item #3 – Variance**

The applicant/owner, Richard Dean Bartz, requested a Variance to Section 1103.06 – Minimum Lot Area and Yard Regulations to allow construction of an approximately 8' x 23' residential addition above an existing basement storage area within required setbacks.

The property is located at Lot 17, Bostic Beach in Government Lot 5 in the NW ¼ of Section 4-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota.

The existing structure is located approximately 4.5 feet from the side property line and approximately 29 feet from the established normal high-water mark of Lake Cochrane. The proposed addition will be constructed above the existing structure and will not increase the existing encroachment into the side yard setback or the high-water mark setback, consistent with Section 412 – Continuation of Nonstandard Uses. The addition will extend over the existing basement area and slightly to the rear but will not extend any closer to the property line.

The applicant stated the purpose of the addition is to expand living space and address roof and ventilation issues. The Board discussed the nonconforming nature of the lot, including its narrow width,

proximity to the property line, shared tree line, and potential impact on neighboring properties and views. It was noted the addition will not increase the height beyond the existing roofline and is not expected to negatively impact neighboring views.

The Board opened the meeting for public comment; there was no public comment.

Motion by DeBoer, seconded by Kanengieter, to approve a Variance to allow construction of the proposed addition as presented, not to extend any closer than 4.5 feet from the side property line and approximately 29 feet from the established normal high-water mark, and not to increase the existing encroachment into required setbacks, consistent with Section 412 – Continuation of Nonstandard Uses.

All voted in favor; motion carried. Please refer to the Findings of Fact and Conclusions of Law on file with this application.

#### **Item #4 – Variance**

The applicants/owners, Rebecca Baker and Joshua Amland, requested a Variance to Sections 1101.04 – Area Regulations (Front and Side Yard) to allow construction of a 28' x 28' addition to the existing attached garage and replacement of an existing shed with a larger shed within the AG – Agricultural District.

The property is located at Lot 3, Westside Acres Addition in the SE ¼ of the SE ¼ of Section 21-T115N-R49W, Clear Lake Township, Deuel County, South Dakota.

Due to the lot configuration, existing structures, driveway location, drainage patterns, and the cul-de-sac layout, the applicants are unable to meet the required setbacks. The cul-de-sac was platted but never developed or maintained, and is in poor condition, creating uncertainty with right-of-way location and setbacks.

The Zoning Officer stated the proposed garage addition would be located approximately 8 feet from the cul-de-sac based on field measurements, noting the measurements are approximate due to the undefined right-of-way.

The applicant stated the replacement shed would consist of a 12' x 20' structure to be placed on an existing concrete pad, replacing an existing smaller shed (approximately 10' x 19'). The new shed will be located approximately 10 feet from the right-of-way and approximately 3 feet from the side property line, and will not be placed any closer to the east property line than the existing structure.

The applicant stated that adjacent property owners had been contacted and no concerns were raised. Discussion also included the possibility of vacating the undeveloped cul-de-sac in the future, though no action has been taken.

The Board discussed the practical difficulties associated with the property, including the undeveloped cul-de-sac, lot layout, location of property pins, and similarity to variances previously granted within the Westside Acres subdivision.

The Board opened the meeting for public comment; there was no public comment.

Motion by Grabow, seconded by Kanengieter, to approve a Variance to allow construction of a 28' x 28' addition to the existing attached garage and replacement of the existing shed with a 12' x 20' shed, as presented, with the garage addition to be located approximately 8 feet from the cul-de-sac, and the replacement shed to be located approximately 10 feet from the right-of-way and approximately 3 feet from the side property line.

All voted in favor; motion carried. Please refer to the Findings of Fact and Conclusions of Law on file with this application.

## **Item #5 – Conditional Use Permit (Postponed from March 17, 2026)**

The applicant, Missouri River Energy Services, on behalf of the property owner James E. Peterson (James E. Peterson Living Trust), seeks approval of a Conditional Use Permit for a Public and Private Utilities facility.

Zoning Officer Theisen stated that the Deuel County Board of Commissioners approved the rezoning request from AG Agricultural District to CI Commercial/Industrial District at their April 7, 2026 meeting. Theisen further stated that the rezoning will be published on April 15, 2026 and will be subject to a 20-day referendum period ending May 5, 2026, before becoming effective.

The Board discussed Conditional Use Permit requirements, including compliance with Section 1247, road agreements, lighting standards, noise limitations, dust control during construction, construction traffic routing, and other mitigation measures. The Board also discussed seasonal road restrictions, safety concerns related to increased traffic, and coordination with township and county roads.

Terry Wolf, Missouri River Energy Services, stated the applicant is willing to construct a turning lane at the project access point and work with the County on design and implementation. Wolf further stated the applicant would coordinate construction timing and delivery of large equipment to comply with road restrictions and minimize impacts. The Board discussed safety concerns related to the turning lane, particularly during winter conditions, and the potential need for additional signage during construction.

The Board discussed construction impacts, including workforce size and housing. The applicant stated that construction could involve up to approximately 100 workers at peak and workers may be housed in surrounding communities such as Watertown and Brookings, with some potentially utilizing temporary housing options.

The Board further discussed concerns related to construction workers and site access. The applicant stated that background checks may be required for workers, consistent with practices used on other secured infrastructure projects.

The Board discussed noise impacts and verification. The applicant stated that noise modeling has been completed and the facility is designed to meet county standards. The applicant agreed to fund an independent post-construction sound study at nearby residences to verify compliance and further agreed to implement additional mitigation measures if standards are not met.

The Board discussed environmental safeguards, including fuel storage and spill containment. The applicant stated that fuel tanks will be double-walled and located within containment systems designed to hold the full volume plus precipitation, with additional barrier and monitoring measures incorporated to protect groundwater.

The Board discussed air quality permitting and emissions limitations. The applicant stated that the facility will operate under a state-issued air permit with required monitoring, reporting, and compliance with emission limits on both short-term and annual bases.

The Board discussed road use, including dust control and haul routes. The applicant stated that designated routes will be used where possible and that dust control measures will be implemented in coordination with local jurisdictions.

The Board also discussed community impacts and mitigation efforts. The applicant stated a willingness to provide a \$500,000 community contribution for the local area, in addition to prior contributions, and indicated future community engagement efforts may continue over time.

The Board discussed decommissioning of the facility. The applicant stated that a decommissioning fund would be established and maintained in accordance with company policy, with periodic review to ensure adequate funding over the anticipated approximately 40-year lifespan of the facility.

The Board opened the meeting for public comment;

- **Marlin Bjerke:** Expressed concerns regarding noise impacts, particularly low-frequency sound and potential health effects. Questioned whether Toronto residents would experience continuous generator noise and referenced similar issues in other areas. Requested independent studies and asked about comparable facilities for public review.
  - **Response (Terry Wolf / Brent Moeller):** Stated noise studies include frequency analysis and are designed to meet regulatory standards, noting audibility depends on ambient conditions. Indicated a similar facility in Missouri is under construction using comparable turbine technology, though its operational status is unknown.
- **Michelle Oftedahl, Toronto:** Questioned the sound study, including claims that noise may be noticeable up to 1.5 miles away. Raised concerns about low-frequency noise, study limitations, and potential mitigation measures.
  - **Response (Terry Wolf):** Stated monitoring extended beyond that range and that the facility is engineered to meet required noise standards.
- **Kris Christensen:** Requested clarification on differences between previously cited and current sound levels and raised concerns about traffic on township roads.
  - **Response (Terry Wolf):** Clarified that 45 dBA is the county standard, while 35 dBA is the projected level at nearby residences. Stated traffic would be directed to paved roads.
- **Steve January:** Asked about fuel usage, pipeline connections, and tree planting for visual and sound buffering.
  - **Response (Terry Wolf):** Explained fuel use varies by conditions, diesel use would be limited, and tree plantings would likely begin with younger trees.
- **Kim Harringa:** Identified inconsistencies in the traffic study and expressed concern about construction traffic using township roads.
  - **Board Discussion:** Considered requiring construction traffic to use paved roads only.
- **Dennis K.:** Shared prior experiences with construction traffic not adhering to designated routes, resulting in road and dust issues.
  - **Response (Terry Wolf):** Stated the project team intends to address concerns and remain responsive to issues.
- **Mary Nosbush, Gary, SD:** Questioned proceeding with the conditional use permit process while a referendum effort is underway. Emphasized concerns about agricultural preservation and community impact.
- **Frank James, Toronto:** Suggested delaying the process until the referendum outcome is determined.
- **Tony Quail:** Stated that additional environmental review and studies should be completed prior to approval.
- **Roy Megard:** Raised concerns regarding estimated diesel fuel use and potential impacts on regional fuel supply.
  - **Response (Brent Moeller):** Indicated estimates reflect maximum projections for permitting purposes and that supply would be coordinated.
- **Marlin Bjerke (additional):** Questioned how permit conditions, particularly noise limits, would be monitored and enforced, citing concerns about accountability and potential legal risks.

Following public comment, Dahl opened additional discussion with the board and public regarding the timing of the Conditional Use Permit (CUP) decision in relation to the pending referendum. Discussion included the petition deadline of May 5 and the potential for a special or primary election in June. Board members considered whether to proceed or delay action and discussed timelines, meeting requirements, and publication notices. Input was provided by the State's Attorney via phone regarding procedural options, including postponement and use of a letter of assurance outlining conditions. Board members expressed interest in continuing to document and refine CUP conditions while awaiting the election outcome. Concerns were also raised regarding enforcement, process timing, and avoiding unnecessary delays.

Dahl called for a motion to postpone action on the Conditional Use Permit (CUP) until after the election results are known. A motion to postpone was made by Mike Lammers and seconded by Dennis Kanengieter. A roll call vote was taken: DeBoer – no; Kanengieter – yes; Grabow – yes; Lammers – yes; Dahl – yes. Motion carried.

The Board then held discussion regarding potential conditions to be included in a Letter of Assurance for the Conditional Use Permit, including items previously raised during the meeting.

Motion by Grabow, seconded by Lammers, to recess the Board of Adjustment and convene as the Planning Commission.

**Item #6 – Plat**

The applicants/owners, Robert and Brenda Chamberland, requested approval of a plat to replat Lots 22 and 23 of Grabow Second Addition, located in Government Lot 2 in the NE ¼ of Section 5, Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota.

Thiesen explained that the applicants are requesting approval to replat two existing tracts of land they currently own: Lot 22 (3.00 acres, containing an existing house and garage) and Lot 23 (3.01 acres, currently vacant). The proposed replat would transfer approximately 10' x 80' between the two lots to adjust the property line. The purpose of the replat is to allow for the construction of an accessory shed near the residence while maintaining compliance with setback and property line requirements.

Grabow recused himself from discussion and voting due to a conflict of interest.

The Board opened the meeting for public comment; no public comments were received.

Motion by DeBoer, seconded by Lammers, to recommend approval of the Plat of Lots 22A and 23A, Grabow Second Addition, located in Government Lot 2 in the NE ¼ of Section 5, Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota, to the Deuel County Board of Commissioners. Members voting aye: DeBoer, Kanengieter, Lammers, Dahl. Abstaining: Grabow. Motion carried.

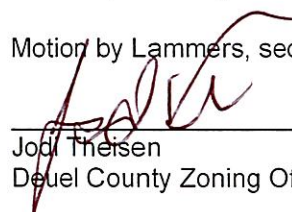
Motion by Grabow, seconded by Dahl, to reconvene jointly. All voted in favor and motion carried.


Dahl opened the meeting for public comment. No public comments were received.

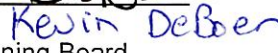
The Board discussed upcoming meetings and administrative items. The next regular meeting will be held Monday, May 11, 2026. Discussion was held regarding fireworks licenses and a request for clarification on permitted sales periods and fee schedule requirements. Thiesen noted that any changes to fireworks licensing dates or fees would require amendment through the annual fee schedule process approved by the Board of County Commissioners. The Board directed Thiesen to inform the inquiring party that no changes would be made at this time.

Additional discussion was held regarding zoning enforcement matters, including a reported possible unpermitted structure in the Bemis area. Thiesen indicated a compliance letter would be issued to address permitting and setback requirements. The Board concurred with proceeding with enforcement.

Motion by Lammers, seconded by Kanengieter, to adjourn. All voted in favor, and the motion carried.

  
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Jodi Thiesen  
Deuel County Zoning Officer

  
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Mike Dahl  
Vice Chairman, Zoning Board

  
Kevin DeBoer