

**June 8, 2026 BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY  
STAFF REPORT**

**Monday – June 8, 2026 – 6:30 p.m.**

**DEUEL COUNTY BOARD OF ADJUSTMENT**

**ITEM #1 – CLARIFICATION OF VARIANCE VOTE REQUIREMENT**

**Applicant/Owner: H-D Electric Cooperative**

**Property Address: 18240 SD Highway 15, Clear Lake, South Dakota**

**Property Description: Block 3, Ridgeview Estates Addition, Section 3-113-50, Deuel County, South Dakota**

**Action Item – Clarification of Board Action and Possible Reconsideration of Variance Request**

**Zoning Designation: CI – Commercial/Industrial**

**Request:**

**The Board is asked to review and clarify the voting requirement applicable to the variance request submitted by H-D Electric Cooperative and previously considered at the May 11, 2026 meeting. The Board may also consider whether to rehear the variance request and take further action.**

**Specifics of Request:**

On May 11, 2026, the Board considered a variance request submitted by H-D Electric Cooperative relating to sign size and front yard setback requirements. Following the meeting, staff reviewed Section 505 of the Deuel County Zoning Ordinance regarding the voting requirements applicable to variance requests. Section 505 requires an affirmative vote of two-thirds (2/3) of the full membership of the Board of Adjustment for approval of a variance. The Board consists of five members; therefore, four affirmative votes are required for approval. The May 11, 2026 motion received three affirmative votes and one abstention due to a declared conflict of interest. Staff has determined that the motion did not meet the required voting threshold and therefore did not constitute final approval of the variance request. The Board may consider clarification of the prior action and whether to rehear the variance request.

**Ordinance History Regarding this Request:**

**Section 505. Board of Adjustment Voting Requirements**

**The ordinance provides that:**

- **The concurring vote of two-thirds (2/3) of the full membership of the Board of Adjustment is required to approve a variance.**
- **The Board consists of five members.**
- **Four affirmative votes are therefore required for approval of a variance request.**

**Staff Summary and Recommendation:**

**Based upon review of Section 505, staff has determined that the motion acted upon on May 11, 2026, did not receive the number of affirmative votes required for approval.**

**Staff recommends that the Board:**

**Clarify the prior action and acknowledge that the May 11, 2026 vote did not meet the required approval threshold; and Determine whether to rehear the variance request.**

**If the Board elects to rehear the variance request, staff recommends consideration of the updated information provided by the South Dakota Department of Transportation indicating that:**

- **The proposed sign location is acceptable provided it remains outside the highway right-of-way and applicable sight triangle areas.**
- **The LED display component shall include an automatic dimming feature.**

If approved upon rehearing, staff recommends approval of the variance request subject to compliance with all applicable safety standards, South Dakota Department of Transportation requirements, and clear view triangle regulations.

#### **ITEM #2 – DEUEL HARVEST WIND ENERGY SOUTH**

**Applicant:** Deuel Harvest Wind Energy South

**Action Item:** Discussion

**Request:** Discussion regarding how the proposed mud-mat construction relates to Deuel County zoning and building-permit requirements.

**Staff Summary:** Staff reported that two County building permits for mud-mat installation at Turbine Sites 11 and 28 were issued within the past month. These permits authorize limited early-phase construction activity under Deuel County jurisdiction.

The Board discussed how this work fits within existing zoning requirements, the Conditional Use Permit, and coordination with the applicant.

No formal action is requested.

#### **DEUEL COUNTY PLANNING COMMISSION**

##### **ITEM #3 – PLAT**

**Applicant/Owner:** Ralph E. Lindner

**Property Address:** 17186 470 Avenue

**Property Description:** Plat of Tract 1 of Lindner Homestead Addition in the SW1/4 of Section 35, Township 117 North, Range 50 West of the 5th P.M., Rome Township, Deuel County, South Dakota.

**Action Item – Plat Approval**

**Zoning Designation:** AG – Agricultural

**Request:**

The applicant is requesting approval of the Plat of Tract 1 of Lindner Homestead Addition in the SW1/4 of Section 35-117-50, Rome Township, to create a separate tract for an existing rural homesite.

**Ordinance/Plat Review:**

An existing unoccupied dwelling on the proposed tract does not meet current front yard setback requirements and is considered a legal nonconforming structure. The platting of the property does not require a variance and does not create or expand the nonconformity. Any future replacement, reconstruction, or addition to the dwelling may require a variance if setback requirements cannot be met.

#### **MATTERS FOR BOARD DISCUSSION**

**Next Meeting:**

**Regular Meeting – Monday, July 13, 2026**

#### **STAFF REPORT**

**Missouri River Energy Services Conditional Use Permit Application**

Staff has received notice from Missouri River Energy Services requesting withdrawal of Conditional Use Permit Application 26-CUV-004 for the proposed 145 MW dual-fuel combustion turbine power plant and associated 345 kV substation in Scandinavia Township.

The Conditional Use Permit application was submitted in conjunction with a request to rezone the property from Agricultural (AG) District to Commercial/Industrial (CI) District. The rezoning ordinance was subsequently referred to a public vote by referendum.

The referendum was not approved by the voters. As a result, the rezoning ordinance did not become effective and the property remains zoned Agricultural (AG).

Following the election, Missouri River Energy Services requested withdrawal of the Conditional Use Permit application and removal of the matter from further consideration.

Staff considers the application withdrawn and the file closed. No further action is requested.

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