

Tuesday January 6, 2026

The Deuel County Zoning Board met on Tuesday January 6, 2026 at 9:30 a.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were board members Jay Grabow, Kevin DeBoer, Mike Dahl, Mike Lammers, Zoning Officer Jodi Theisen and other members of the public.

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

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

Dahl informed the public if they would like to talk, they could do that 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 Grabow, seconded by Lammers to approve the agenda. Motion passed unanimously.

Dahl stated for the record that the Deuel County Planning Commission and Deuel County Board of Commissioners are meeting jointly.

County Commission Chair Grabow stated that the Deuel County Board of County Commissioners is already in order.

Joint Public Hearing – Ordinance #B2022-01-10

The first agenda item was a joint public hearing on Ordinance #B2022-01-10, an ordinance to amend the Zoning Ordinance of Deuel County as follows:

Wind Energy System (WES): Amending Article XII, "General Requirements," Section 1215 Wind Energy System (WES) Requirements, Section 1215.03 General Provisions, adopted by Ordinance B2022-01, as amended, by adding language in bold and underline and removing strikeout language:

14. Permit Expiration. The permit shall become void if no **substantial actual** construction has been **completed commenced** within three (3) years of issuance.

Solar Energy System (SES): Amending Article XII, "General Requirements," Section 1241 Solar Energy System (SES), Section 1241.05 General Provisions, adopted by Ordinance B2022-01, as amended, by adding language in bold and underline and removing strikeout language:

14. Permit Expiration. The permit shall become void if no **substantial actual** construction has been **completed commenced** within three (3) years of issuance.

Definitions: Amending Article II, "Definitions," adopted by Ordinance B2022-01, as amended, by adding the following definition: **Actual Construction: Construction materials are being permanently placed and construction work is proceeding.**

Dahl and Grabow opened the public hearing for their respective boards.

Zoning Officer Jodi Theisen provided an overview of the proposed ordinance. She explained that the amendment is intended to clarify unclear and inconsistent language in the zoning ordinance. The current ordinance uses the term "substantial construction," which is not defined, making consistent interpretation and enforcement difficult. Other sections of the ordinance use the phrase "actual construction has commenced." The proposed amendment makes the language consistent and provides a clear definition. Ms. Theisen stated that the amendment does not change timelines, grant extensions, or approve any projects, but clarifies the standard for fair and legal application of the ordinance.

State's Attorney Evenson stated that the amendment aligns with state law regarding the definition of actual construction.

Chairman Dahl opened the public hearing for public comment.

Steve January asked why a building permit was required for a shed on skids without a foundation. Theisen explained that a "portable" shed is still considered a structure and requires a building permit to ensure compliance with setback requirements for safety and visual considerations.

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

Dahl and Grabow each closed the public hearing for their respective boards.

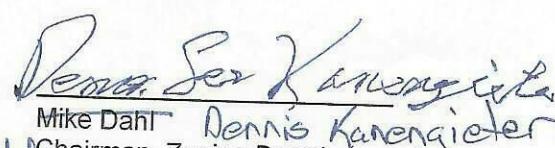
Dahl asked for a motion and a second to recommend approval of Ordinance #B2022-01-10 to the Board of County Commissioners. Motion by Lammers, seconded by DeBoer. Dahl then called for a roll call vote; DeBoer-yes, Lammers-yes, Grabow-yes, Dahl-yes and the motion carried.

Motion to adjourn by Lammers, second by DeBoer .. Motion passed unanimously.

Theisen, as requested by the Deuel County Commissioners, read the first reading of Ordinance #B2022-01-10. The Deuel County Commissioners announced that the second reading of the ordinance will be held on January 20, 2026, at 9:30 a.m.



Jodi Theisen
Zoning Officer



Mike Dahl Dennis Kanengieter
Appointed Chairman, Zoning Board