

Monday September 8, 2025

The Deuel County Zoning Board met on Monday September 8, 2025 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members, Mike Dahl, Jay Grabow, Mike Lammers, Kevin DeBoer, Scott Fieber (alternate), States Attorney Craig Evenson, Zoning Officer Jodi Theisen and other members of the public.

Chairman Mike Dahl called the meeting to order.

The minutes from August 11, 2025 were discussed. Motion by DeBoer, seconded by Lammers, to approve the corrected August 11, 2025 meeting minutes. All voted in favor and motion carried.

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

Dahl reminded attendees that if any member of the public wishes to speak on matters not listed on the agenda, they will have the opportunity to do so at the end of the meeting. Each speaker will be limited to a maximum of five (5) minutes.

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 Lammers, seconded by DeBoer, to approve the September 8, 2025, Agenda. All voted in favor and motion carried.

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

ITEM ONE

Jayda & Justin Templeton, applicant/owner applied for a Variance Permit Pursuant to Section 1101.05 Area Regulations- Rear Yard. The request, if granted, would permit the applicant to use the following property: Jayda Templeton Addition in Section 20-117-50, Rome Township, Deuel County, South Dakota, to build an attached garage onto the existing house less than 25 feet from the rear yard setback.

The applicants are requesting a variance to permit the construction of a 24' x 34' addition and a 30' x 36' attached garage on the property. The proposed garage would be located approximately 11 feet from the rear property line, falling short of the 25-foot setback requirement.

LeAnn Swenson, mother of applicant Jayda Templeton, appeared on behalf of the applicants. She explained that the variance request stems from confusion during the 2022 platting process, when a relocated home and detached garage were placed on the property based on a misunderstanding of the platted property lines. A variance for the detached garage was granted at that time, and the applicants believed all zoning issues had been resolved.

Following the destruction of the previous structure by fire, a new home was constructed in 2023 on the same foundation. The applicants now wish to move forward with the proposed garage and addition to meet family needs.

Swenson also requested that the variance fee be waived, noting the applicants were under the impression that all setback issues had been addressed during the previous variance process. Written support from the adjacent landowners (Jayda's parents) was submitted, and no objections were raised.

Motion by DeBoer, seconded by Fieber, to grant the variance allowing the attached garage to be constructed no closer than ten (10) feet from the rear lot line, citing practical difficulties and support from neighboring property owners. The motion further included a waiver of the variance application fee.

All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

Motion by Fieber, second by Lammers, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

Theisen informed the board that the Deuel County Commissioners had recently discussed the possibility of amending Section 1215 of the zoning ordinance, which pertains to Wind Energy System (WES) building permits and requirements. She clarified that since a Conditional Use Permit (CUP) had already been granted for the Deuel Harvest South project, any potential amendments would not affect that existing project. The proposed changes would apply only to new WES projects moving forward. The Board held a discussion among themselves and with Molly Malone and Lisa Agrimonti, both representing Invenergy. Following the discussion, the Board advised Evenson and Theisen to collaborate on drafting potential language for an amendment to include performance bond requirements, which will be reviewed at a future meeting.

Motion by Fieber, second by Lammers, to recess the Board of Planning Commission and reconvene as Board of Adjustment. Motion passed unanimously.

Zoning Officer Jodi Theisen informed the board that the next regular meeting is scheduled for Tuesday, October 14, 2025, due to the courthouse being closed on Monday, October 13 for a holiday.

Zoning Officer Theisen also provided an update regarding a Conditional Use Permit granted to Central Specialties for an asphalt mixing plant in the Atyeos gravel pit, under Section 1101.04.04, subject to Section 1219. Theisen reported that a violation letter was sent to Central Specialties on Tuesday, September 2, 2025, notifying them that they were in violation of Article V, Section 505 of the Deuel County Zoning Ordinance. The permit allowed operation of the asphalt plant only between July 1 and August 30, 2025, from 5:00 a.m. to 8:00 p.m. As of September 2, the plant was still operating without having requested an extension, in violation of the permit terms.

A \$500 daily penalty was issued, effective immediately, for each day of continued operation beyond August 30, 2025, in accordance with Section 808(1)(b). Central Specialties was instructed to cease operations by September 10, 2025, or face further penalties and potential legal action. Jarrod Felton, CEO of Central Specialties, contacted the Zoning Office and stated the company expects to complete operations by the morning of Wednesday, September 10, 2025, weather permitting.

Theisen informed the board that the Deuel County Commissioners had recently discussed the possibility of amending Section 1215 of the zoning ordinance, which pertains to Wind Energy System (WES) building permits and requirements. She clarified that since a Conditional Use Permit (CUP) had already been granted for the Deuel Harvest project, any potential amendments would not affect that existing project. The proposed changes would apply only to new WES projects moving forward. Following discussion, the board advised Evenson and Theisen to collaborate on drafting potential language for these amendments, to be reviewed by the board at future meetings.

Theisen informed the board of a email proposal from Paul Kostboth of A1 Development Solutions, representing Plainview Dairy. The dairy is seeking to install an irrigation pivot on the east quarter of their property to apply water from the feed pad holding pond throughout the growing season, replacing fall dragline application. The system would not involve any manure lagoon water.

Since feed pad runoff is regulated by DANR—even when separated from manure—it must be included in the dairy's Nutrient Management Plan and meet testing and application requirements. Theisen noted that the update was provided to keep the board informed and to address any future concerns. Kostboth requested the board's feedback before proceeding.

The board advised Theisen to inform Paul Kostboth and Kees that they are comfortable with the plan as presented, provided that the irrigation water remains strictly limited to feed pad holding pond runoff and does not, under any circumstances, tie into the manure lagoons.

Theisen also reported that John Knight had indicated he may have information related to a potential Data Center ordinance for consideration at the October meeting.

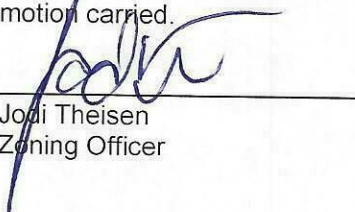
Chairperson Dahl opened the floor to public comment. The following individuals spoke:

Jenny Falcone expressed concerns about the location of turbines near 478th Avenue and the potential for road closures during turbine construction. She noted that there is already significant road construction occurring around Toronto and asked whether additional closures would further impact traffic.

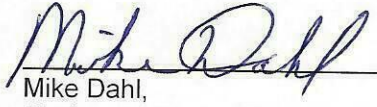
Ms. Falcone also inquired about a possible Missouri River power plant project and its timeline. Theisen responded that no application has been submitted at this time, and once one is received, a public meeting will be scheduled.

Additionally, Ms. Falcone raised concerns about increased traffic through Toronto and asked if the Zoning Board could consider installing rumble strips or speed bumps to address speeding. The Board clarified that such matters fall under the jurisdiction of the South Dakota Department of Transportation, as the road in question is a state highway.

Motion by DeBoer, seconded by Lammers to adjourn the meeting at 7:50 p.m... All voted in favor and motion carried.



Jodi Theisen
Zoning Officer



Mike Dahl,
Chairman, Zoning Board