

Monday, July 13, 2026

The Deuel County Zoning Board met on Monday, July 13, 2026, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Jay Grabow, Mike Lammers, Mike Dahl, alternate Scott Fieber, States Attorney Craig Evenson, Zoning Officer Jodi Theisen, and members of the public.

Chairman Mike Dahl called the meeting to order.

The minutes from the June 8, 2026, meeting were discussed. Motion by Fieber, seconded by Kanengieter, to approve the June 8, 2026, minutes. All voted in favor, and the motion carried unanimously.

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 any seated Board member if they thought they needed 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 Kanengieter, to approve the Monday, July 13, 2026, agenda. All voted in favor, and the motion carried unanimously.

The Deuel County Zoning Officer provided an update on the Deuel Harvest South project. Board members were concerned about the project's progress and timelines.

Motion by Grabow, seconded by Lammers, to extend the Conditional Use Permit for 90 days to allow a project representative time to appear before the Board and provide an update on the project. If no representative appears before the Board within the 90-day period, the Conditional Use Permit shall expire. All voted in favor, and the motion carried unanimously.

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

Item #1 – Conditional Use Permit – Jeffrey T. Rief Living Trust

The Board considered a Conditional Use Permit application submitted by the Jeffrey T. Rief Living Trust to construct a 50-foot by 80-foot accessory pole shed with a front porch on Lots 2 and 3, Block 1, Dakota Bluffs Addition, located in Section 8, Township 114 North, Range 47 West, Norden Township. The proposed structure will be located on property separated from the applicants' principal residence by Edgewater Drive.

Theisen presented the staff report. She explained that the principal residence is owned by the Robin Rief Trust, with Jeff and Robin Rief serving as trustees for both trusts. An existing 12-foot by 20-foot storage shed on the property had previously been approved through a Conditional Use Permit on September 9, 2024, and will remain.

Theisen stated that Section 1103.05.8 of the Deuel County Zoning Ordinance requires a Conditional Use Permit for accessory structures located on a lot adjacent to the principal use but separated by a public or private road within the Lake Park (LP) District. She reviewed the proposed use of the building for recreational activities, including pickleball, basketball, a golf simulator, and storage. The structure will also include a bathroom and bar area for family use but is not intended for residential occupancy.

The Board reviewed the proposed site layout, setbacks, access from Edgewater Drive, utilities, and existing tree shelterbelt that provides natural screening. Staff noted that the proposed structure exceeds all required setbacks within the Lake Park District.

The Board discussed the proposal and asked questions regarding the intended recreational use, utilities, and compliance with the zoning ordinance. Staff stated the application met the applicable ordinance requirements and recommended approval.

The meeting was opened for public comment. No public comments were offered.

Motion by Kanengieter, seconded by Fieber, to approve the Conditional Use Permit allowing construction of an accessory structure with a front porch for recreational use and storage on property adjacent to the principal residence but separated by Edgewater Drive, subject to compliance with all applicable provisions of the Deuel County Zoning Ordinance. All voted in favor, and the motion carried unanimously.

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

Item #2 – Plat of Moore Addition

The Board reviewed the Plat of Moore Addition in the South Half of the Northeast Quarter of Section 28, Township 113 North, Range 48 West, Scandinavia Township. The proposed plat will create a separate tract for an existing rural homesite.

Theisen reviewed the staff report and stated the request complies with county subdivision regulations. Staff recommended approval of the plat and forwarding the recommendation to the Deuel County Commissioners for final approval.

Motion by Grabow, seconded by Lammers, to approve the Plat of Moore Addition and recommend approval to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #3 – Plat of Boersma Addition

The Board reviewed the Plat of Boersma Addition in the North Half of Section 6, Township 114 North, Range 48 West, Norden Township. The proposed plat will create two separate tracts consisting of an existing rural homesite with associated farmland and pasture, and a separate tract containing primarily farmland and pasture.

Theisen reviewed the staff report and stated the proposed plat complies with county subdivision regulations. Staff recommended approval of the plat and forwarding the recommendation to the Deuel County Commissioners for final approval.

Motion by Fieber, seconded by Grabow, to approve the Plat of Boersma Addition and recommend approval to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

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

Dahl opened the meeting for public comment.

Steve January addressed the Board and stated he has been communicating with the Public Utilities Commission (PUC) regarding the proposed 765-kV transmission line. He shared concerns about the project and reported that a task force has been convened to discuss setback requirements but has made limited progress due to difficulty establishing a mission statement. He also noted he had attempted to contact individuals in Brookings County but had not received a response. Steve thanked the Board for any support they may provide regarding his concerns.

Kim Haringa asked whether any discussion had occurred regarding the draft ordinance proposals related to power plant regulations that were presented on May 11. The Board stated that these proposals had not yet been revisited and would be placed on a future agenda. Kim asked about the appropriate procedure

for ordinance development, and Board members explained that proposals may originate from the public, staff, or Board members and are discussed openly during meetings.

Theisen asked whether the Board wanted First District Association of Local Governments involved in future ordinance discussions. Kim asked who First District was. The Board explained that First District is a regional planning organization that assists counties with zoning ordinances, GIS services, and legal compliance, while emphasizing that counties retain authority over their own zoning decisions. The Board agreed that ordinance concepts should first be discussed internally before seeking First District's assistance.

Kim also asked about a previous voting requirement related to HD signage. States Attorney Evenson confirmed that state law requires a two-thirds vote of the full Board membership for certain actions.

With no further comments offered, Dahl closed the public comment session.

Staff Report

Theisen reminded the Board that the next regular meeting is scheduled for Monday, August 10, 2026. She then provided updates on several ongoing matters.

Theisen informed the Board that Missouri River Energy Services submitted a written request on June 22, 2026, to withdraw Conditional Use Permit Application 26-CUV-004 for the proposed 145-megawatt dual-fuel power plant and associated substation in Scandinavia Township. She explained that the CUP had been tied to a rezoning request from Agricultural (AG) to Commercial/Industrial (CI). Because the rezoning ordinance was referred to a public vote and not adopted, the property remains zoned Agricultural. As a result, the applicant formally withdrew the CUP application. Staff considers the application withdrawn, the file closed, and no further action required. The Board noted that any future project proposed at a different site would require a new application and would fall under the current power plant moratorium.

Theisen provided an update on a residence that was moved onto a property without first obtaining the required building permit. She reported that the building permit fee and Right to Farm Notice have been submitted, but the application remains incomplete because the adjoining landowner petition required under Section 1205 has not yet been received. Theisen explained that the applicant initially believed his ownership of adjoining property could be counted toward the sixty-six percent (66%) adjoining landowner approval requirement, but the ordinance does not allow an applicant's own ownership to be included.

Theisen stated that she assisted the applicant in identifying the representative for the Richard Berg Trust and reported that signatures have been obtained from Grant and Bethan Holden and Poinsett Hutterian Brethren. The Berg Trust representative has been contacted, and the Jongeling ownership group is reviewing the request. Theisen noted that the applicant also inquired about moving a 10-foot by 16-foot garden shed, and she advised him that a separate building permit would be required.

The applicant was unable to attend the meeting but submitted a written statement requesting amendments to Section 1205 that would exempt replacement residences, reduce the adjoining landowner approval requirement from sixty-six percent (66%) to a majority, and reconsider requirements for absentee landowners. He also requested the Board waive the adjoining landowner petition requirement for his permit. The Board discussed the request and expressed support for maintaining the current ordinance requirements. The Board directed Theisen to continue working with the applicant to secure the remaining signatures. If the required signatures are not received, the matter will be revisited at the August 10 meeting.

Theisen informed the Board that Paul Brandt was present to discuss a proposed 2,400-head hog finishing barn that would qualify as a Class D CAFO if the site is determined not to be located within the shallow aquifer protection area. Theisen stated that the mapped aquifer boundary appears close to the proposed site. Brandt asked the Board how far a Class D facility must be located from a mapped shallow aquifer boundary to avoid triggering additional requirements and whether soil borings would be necessary.

Brandt also asked whether soil borings could demonstrate that the mapped aquifer boundary was inaccurate if testing showed different soil conditions.

Theisen explained that the aquifer map serves as a guideline and may not capture all extensions or “fingers” of the shallow aquifer. She stated that soil conditions, not just water presence, determine aquifer boundaries. Theisen noted that if soil borings demonstrate the site is not within the shallow aquifer, the map could be updated accordingly. Board members discussed the difficulty in determining a specific setback distance from the mapped aquifer boundary and agreed that, due to the proximity of the site to the aquifer map, soil borings should be required to verify whether the shallow aquifer extends beneath the proposed site. The Board clarified that soil borings would be the responsibility of the applicant and would provide assurance that the project is properly classified under the Deuel County Zoning Ordinance.

Theisen updated the Board on an expired camper permit (Permit No. 23 SP005) in Shady Beach Addition. Correspondence was sent on July 1, 2026, advising that renewal is required. No response has been received.

The Board briefly discussed the existing moratorium on power plant development and noted that ordinance review related to the moratorium should be added to a future agenda. Board members acknowledged that several individuals, including members of the public, have provided input on possible ordinance revisions. Theisen stated that upcoming meetings would also include several additional items such as variances, conditional use permits, and plats, but that time would be reserved to begin discussions on the moratorium-related ordinance work.

Following staff report discussion, Chairman Dahl stated he had one additional item. Dahl announced that he intends to resign from the Board effective December 31, 2026. He noted he has served on the Board for approximately fourteen to fifteen years and believes it is an appropriate time for new members to step forward. Board members thanked Dahl for his service. Dahl stated that the County Commission would be responsible for appointing a replacement.

Motion by Kanengieter, seconded by Fieber, to adjourn the meeting at 8:23 p.m. All voted in favor, and the motion carried unanimously.



Jodi Theisen
Zoning Officer



Mike Dahl
Chairman, Zoning Board