Monday, September 14, 2026

The Deuel County Zoning Board met on Monday, September 14, 2026, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Jay Grabow, Mike Lammers, Mike Dahl, Keven DeBoer, alternate Scott Fieber, Zoning Officer Jodi Theisen, and members of the public.

Chairman Mike Dahl called the joint meeting to order.

The minutes from the August 10, 2026 meeting were reviewed.

Theisen noted that the August 10 motion for the Sterzinger Conditional Use Permit will include a clerical clarification adding the phrase "as discussed in the meeting" after "subject to signing the Letter of Assurance," to reflect the Board's discussion and direction documented in the minutes.

Motion by Fieber, seconded by Lammers, to approve the August 10 minutes. All voted in favor, and the motion carried unanimously.

Dahl asked if any Board member or staff wished to add items to the agenda. Jay Grabow requested a short discussion regarding the State's Attorney.

Dahl advised that any member of the public wishing to address the Board on an item not listed on the agenda would have up to five minutes during the Public Comment Session.

Dahl asked whether any Board member had a potential conflict of interest regarding an agenda item.

Motion by DeBoer, seconded by Grabow, to approve the September 14, 2026 agenda. All voted in favor, and the motion carried unanimously.

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

Item #1 – Conditional Use Permit: Matt Baer (Extended Home Occupation & On-Premise Sign Option)

Zoning Officer Theisen presented the Conditional Use Permit request submitted by Matt Baer, property owned by Matt & Tamara Baer, seeking approval to operate a firearm-related sporting goods business from an accessory building and approval for the option of a future on-premise sign.

Theisen reviewed business operations, accessory-building use, appointment-only scheduling, family-member employee eligibility, Agricultural District sign setbacks, and low traffic expectations.

The Board briefly discussed requirements for any future on-premise sign, including agricultural district setbacks, size limitations, and lighting restrictions. It was also clarified that no customer or commercial shooting activities will occur on-site; any firearm discharge would be personal only.

Theisen reviewed proposed Letter of Assurance conditions, including limits on employees, setbacks, signage, exterior appearance, traffic, off-street parking, and noise/odor/vibration standards.

Motion by Grabow, seconded by Fieber, to approve the Conditional Use Permit for an Extended Home Occupation and the option for a future on-premise sign, subject to signing a Letter of Assurance as presented or as amended by the Board during the meeting. All voted in favor, and the motion carried unanimously."

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

Item #2 – Plat: Kruse Second Addition

The Board reviewed the Plat of Kruse Second Addition, totaling 20.268 acres in Antelope Valley Township. Theisen explained that action was postponed at the August 10 meeting due to the lack of an ingress/egress easement needed for legal access. The surveyor has submitted an updated plat that includes the required easement, addressing the deficiency.

Motion by DeBoer, seconded by Grabow, to approve the Plat of Kruse Second Addition and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #3 – Plat: Moes Second Addition

The Board reviewed the Plat of Moes Second Addition, consisting of 3.50 acres located in the NW1/4NE1/4 of Section 30, Township 117 North, Range 50 West, Rome Township. Owners are Triple M Dairy Partnership.

Theisen explained that the property is being platted for the purpose of transferring ownership to Tim Moes' son and daughter-in-law. The 3.50-acre parcel contains an old house that is being removed so a new residence can be constructed.

Motion by DeBoer, seconded by Grabow, to approve the Plat of Moes Second Addition and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #4 – Plat: Ash Grove Addition

The Board reviewed the Plat of Ash Grove Addition, consisting of 3.99 acres of bare farm ground located in the NW¼ of Section 8, Township 115 North, Range 49 West, Clear Lake Township. Owners are Paul & Lisa Brandt and Joel & Dianne Brandt.

Theisen explained that the property is being platted for sale to Inwood Pork LLC, which has applied for and was granted a Class D CAFO permit for a 960-animal-unit (2400-head) swine finishing facility, a permitted use in the Agricultural District. Platting is required to establish the legal parcel for construction of the permitted facility. The surveyor verified that the CAFO building location meets required setbacks, confirming a 33-foot rear property setback. Theisen also noted that construction of the permitted facility has already begun.

Motion by Grabow, seconded by Fieber, to approve the Plat of Ash Grove Addition and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #5 – Plat: 16A of Shady Beach Addition

The Board reviewed the Plat of 16A of Shady Beach Addition, located in Government Lot 7 of the SE¼ of Section 4, Township 114 North, Range 47 West, Norden Township, Lake Cochrane. The platted area includes land owned by Korey and Nicolle Kotek (Lots 15, 16, and 17) and land owned by the Maynard & Barbara Cochrane Revocable Trust within Government Lot 7.

Theisen explained that the land being platted lies between the existing Shady Beach lots and the public right-of-way. She noted that this is the same situation identified during the June 8, 2026 plat of 12A of Shady Beach Addition, when the surveyor determined that the strip of land between the roadway and the platted lots was not public right-of-way, but was owned by the Cochrane Revocable Trust. That discovery required the 12A plat so those lots could legally adjoin the right-of-way.
The 16A plat corrects the same issue for Lots 15, 16, and 17.

Approval of the plat will allow the Kotek-owned lots to directly adjoin the public right-of-way and provide additional area for future development, access improvement, and building flexibility consistent with Lake Park District standards.

Theisen noted that staff has received the electronic version of the plat from the surveyor. The original proprietor sheets and mylar are enroute from the owner. Staff recommended approval contingent upon receiving the signed originals before recording.

The Board advised Theisen to inform the applicants that the proposed house relocation—approximately 10 feet toward the road onto the newly platted strip—could not proceed until a signed purchase agreement for the additional land is completed. Theisen stated she would advise the applicants that beginning any digging or construction before the purchase agreement is finalized would be at their own risk.

Motion by DeBoer, seconded by Grabow, to approve the Plat of 16A of Shady Beach Addition contingent upon staff receiving all fully signed proprietor sheets and the signed original mylar prior to recording with the Register of Deeds, and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #6 – Plat: Hoseck's Addition

The Board reviewed the Plat of Hoseck's Addition, totaling 34.32 acres located in the NE1/4 of Section 33, Township 114 North, Range 50 West, Hidewood Township, Deuel County, South Dakota. The tract contains a building site, and the plat is being completed to transfer the building site and a portion of pasture to Kurt Seppnen. Theisen noted that the new property lines meet the required 25-foot setback from existing buildings. According to surveyor Brian Ernst, the existing pole shed is 27 feet from the new property line.

Motion by Lammers, seconded by DeBoer, to approve the Plat of Hoseck's Addition and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

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

Chairman Dahl opened the meeting for public comment.

Mary Nosbush presented information regarding SDCL 49-41B-22 and provided the Board with a written proposal to amend Section 1248 (Essential Services) by incorporating the statutory "applicant's burden of proof" requirements. She explained that adding this language would clarify how transmission-line applicants must demonstrate compliance with both state and local regulations, and she described additional statutory provisions governing transmission-line permitting. Mary also expressed concern that PUC meeting locations for public-input hearings were selected without local input. The Board stated that any amendment to Section 1248 would require further review of the codified law and legal guidance from the State's Attorney, and potentially consultation with the South Dakota Public Utilities Commission, before decisions can be made.

Phyllis Fox expressed concern that large-scale energy projects remove agricultural land from production and benefit out-of-state interests. Board members noted they acted quickly earlier in the year to implement a 2,000-foot setback for major energy facilities, and emphasized that the county seeks to protect landowners.

Nick Knock voiced opposition to the proposed transmission line crossing his property, stating he has refused to sign any easements. He discussed impacts of multiple existing transmission lines near his land and fears regarding future power plant development. Board members reaffirmed that the opinions of directly affected landowners carry significant weight and stated that landowner rights are an important consideration in future permitting decisions.

Steve January reported that he watched the recent Brookings subcommittee meeting on his phone. He summarized comments made at that meeting regarding potential electrical shocks when touching equipment near high-voltage transmission lines, radio-interference issues, and concerns related to grounding fences beneath transmission lines. He also noted statistical studies discussed regarding childhood leukemia risks in proximity to transmission lines.

Fred Deutsch a former legislator, offered remarks during the transmission-line discussion. He stated he was not there to tell the Board how to do its job, but encouraged members to seek legal guidance regarding their authority compared to that of the Public Utilities Commission. He urged the Board to listen widely to affected landowners and emphasized that gathering broad community input is essential. He concluded that obtaining clear legal interpretation would be important before making decisions. The Board agreed legal clarification is needed before future decisions are made.

Chuck and Nate Atyeo raised concerns regarding the Letter of Assurance for the Sterzinger gravel-mining permit, stating that the language in the finalized document did not match the discussion held at the meeting when the motion was made. They noted confusion over the excavation-depth limit and asked how the "15-foot, contour-based" requirement would be interpreted and enforced in practice.

The Board clarified during discussion that the 15-foot depth limit was established at the public meeting, with both Atyeo and Sterzinger present, and was based on the applicant's test-pit elevations and the originally requested 10–14-foot excavation depth. The Board explained that this limit was added to protect the aquifer and set a enforceable standard.

This discussion occurred before the Board's motion. During the discussion, the Board agreed that the Letter of Assurance should be updated to replace the original "stay above the natural water table" language with the 15-foot contour-based standard. The Board's subsequent motion was to approve the gravel-mining permit contingent upon signing the updated Letter of Assurance

Kim Harringa suggested that the Board consider recording future meetings to maintain clear records and reduce misunderstandings. Board members acknowledged the suggestion and discussed potential benefits of recorded meetings during high-interest topics.

Zoning Officer Jodi Theisen informed the Board that the next regular meeting will be held on Tuesday, October 13, 2026, due to the courthouse closure for Native American Day on October 12. She stated that the Board will continue moratorium-related discussion at that meeting and provided the members with environmental-study materials previously prepared by the Public Utilities Commission for similar energy-related projects

Board Member Jay Grabow reported that State's Attorney Craig Evenson had resigned. He stated that Judge Howard appointed Teree Nesvold as interim State's Attorney until the County Commissioners make a formal appointment and noted that the appointment must eventually proceed through an election. Jay explained that it was unclear whether the timing would allow placement on the upcoming election ballot and stated that the County Commissioners planned to discuss and possibly appoint a State's Attorney at their next meeting.

Grabow further explained that several legal items related to the moratorium, including work the former State's Attorney had begun on wind-project questions, were not completed before his resignation. He stated that he had discussed these items with Interim State's Attorney Teree Nesvold, who is reviewing them as her schedule allows. Grabow emphasized that the Board should not move forward with wind-related or moratorium-related ordinance discussion until legal guidance is received. He noted that representatives from Invenergy were present but had been told that the Board would not discuss wind-related matters at this meeting due to the lack of legal clarity.

Motion by Lammers, seconded by Fieber, to adjourn the meeting at 8:08 p.m. All voted in favor, and the motion carried unanimously.

Jodi Theisen
Zoning Officer
Board

Mike Dahl
Chairman, Zoning