

**April 13, 2026 BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY  
STAFF REPORT**

**Monday – April 13, 2026 – 6:30 p.m.**

**DEUEL COUNTY BOARD OF ADJUSTMENT**

**ITEM #1 CONDITIONAL USE PERMIT**

**Applicant: Jordan Monnier**

**Owners: Jordan & Kelsey Monnier**

**Property Description: Monnier Addition in SW1/4 Section 5-113-48, Scandinavia Township, Deuel County, South Dakota.**

**Action Items – CONDITIONAL USE PERMIT – (1101.04.16 – Section 1210) Extended Home Occupation & (Section 1101.04-23) On premise and Off-premise Sign provided they meet requirements of Section 1214**

**Zoning Designation: AG – Agricultural**

**Request:**

Applicant/Owner requests approval to operate an Extended Home Occupation (sales of livestock handling equipment fabricated on-site, welding and fabrication, and automotive/implement repair) within an existing accessory building located on the property.

**History/Issue(s):**

**Specifics of Request:**

1. Jordan Monnier owns property located at 47916 191st Street, Scandinavia Township (Record 6007), Deuel County, South Dakota, which contains a residence and accessory building.
2. Access to the property is via 191st Street, a township road.
3. The applicant is requesting to operate an Extended Home Occupation within an existing accessory building identified as Building #1 (red #1 on submitted site reference). All business activities will occur inside this accessory building.
4. The request includes the following:
  - a) Work Scope: Fabrication and welding of livestock handling equipment for sale, and automotive and agricultural implement repair.
  - b) Employees: Jordan Monnier will be the sole employee.
  - c) Retail Sales: Sales will consist only of livestock handling equipment fabricated and welded on-site.
  - d) Traffic & Parking: Traffic is not anticipated to exceed what would normally be expected in a residential neighborhood. Parking will be provided off-street.
  - e) Operations: No processes will create noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
  - f) On-Premise Wall Sign: The applicant proposes one wall sign to be mounted on the accessory building. The wall sign must comply with Section 1214 of the Zoning Ordinance. Wall signage may not exceed 20% of the surface area of the wall upon which it is mounted and must meet all applicable yard and clear-view triangle standards.
    - Location: South side of the accessory building near the walk-through door.
    - Size: No larger than 4 feet tall by 8 feet wide (32 square feet total area).
    - Lighting: One light fixture shining downward onto the sign; lighting will not shine toward the roadway or adjacent properties and will not create distraction or nuisance.
    - Material: Aluminum construction.
    - Installation: Properly fastened to the wall to prevent safety hazards.
5. Surrounding land uses consist primarily of farmland and pasture, and the applicant states the use will not conflict with adjoining land uses.
6. Deuel County Ordinance requires that a landowner obtain a Conditional Use Permit to operate an Extended Home Occupation within the "AG" Agricultural District.

**Ordinance and Comprehensive Land Use Plan Regarding This Request:**

**Lot Access:**

- The proposed site is accessed from 191st Street, a township road, which provides adequate access for residential and business-related traffic.

**Off-Street Parking:**

- The site provides sufficient area for off-street parking associated with the proposed use.

**Utilities:**

- The property is served by rural utilities typical for agricultural residential properties. All utilities are adequate to serve the proposed occupation.

**Screening and Buffering:**

- The property is surrounded by agricultural land (farmland and pasture), which provides natural separation from non-agricultural uses.

**On-Site Signage:**

Section 1214 permits wall signs in all zoning districts subject to the following:

- Wall signs may be located anywhere on a building wall.
- Wall signage shall not exceed 20% of the surface area of the individual wall.
- Signage must not create traffic hazards or nuisances.
- Lighting must not impair driver visibility or create nuisance to adjacent properties.
- Signage must meet clear view triangle standards (Section 1202).

The proposed wall sign is 32 square feet. Provided the wall surface area exceeds 160 square feet, the sign would comply with the 20% maximum wall area requirement. The proposed downward-directed lighting is designed to prevent glare or roadway distraction

**Open Space and Yard Utilization:**

- All activities will occur inside the designated accessory building. No outdoor storage or exterior display has been indicated.

**Current Zoning Ordinance: Section 1210. Extended Home Occupation.**

**An extended home occupation is conducted in an accessory building and must support agricultural needs.**

Permitted examples include:

- Vehicle and implement repair
- Implement sales
- Welding repair
- Other businesses supporting agricultural needs that do not conflict with adjoining land uses

The applicant's proposed activities (livestock equipment fabrication, welding, implement repair) align with listed permitted examples.

**Section 1214. On-Premise Signs**

Wall signs:

- May be located anywhere on a building wall.
- May not exceed 20% of the surface area of that wall.
- Must not create hazards or nuisances.
- Must meet clear view and safety standards.

**Staff Recommendation:**

**Conditional Use Permit – Extended Home Occupation & On-Premise Wall Sign**

**The application may be approved, postponed, or denied.**

If approved, approval would be based on the Board being empowered to issue the permit due to the proposal meeting the definition of an Extended Home Occupation and the applicant's ability to meet the requirements for a conditional use described in ordinance.

Staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant:

1. An extended home occupation may not be changed to another home occupation except by issuance of a separate conditional use permit.
2. Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
3. All business activities shall occur within the identified accessory building (Building #1).
4. The wall sign shall not exceed 4 feet by 8 feet (32 square feet) and shall not exceed 20% of the wall surface area.
5. Lighting shall be downward-directed and shielded to prevent glare onto the roadway or adjacent properties.
6. Off-premise signage shall be limited to SDDOT-approved TOD signs, if applicable.
7. The only retail sales allowed shall consist of products prepared on the premises.
8. No traffic shall be generated in greater volumes than normally expected in a residential neighborhood, and all parking shall be off-street.
9. No equipment or process shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.

The Board must determine that it is empowered under the applicable section of the ordinance to grant the conditional use and that granting the conditional use will not adversely affect the public interest. Findings of Fact and Conclusions of Law shall be prepared accordingly.

## ITEM # 2 VARIANCE

Applicant/Owner: Richard Dean Bartz

Property Description: Lot 17 Bostic Beach in Gov Lot 5 in the NW ¼ of Section 4-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota.

Action Items – Variance – (Section 1103.06 Minimum Lot Area and Yard)

Zoning Designation: LP – Lake Park

### Request:

The applicant is requesting a Variance from the side yard and front yard setback requirements to allow construction of a residential addition above an existing basement storage area.

### Specifics of Request

1. The subject property is located at 3466 Dakota Trail within the Bostic Beach subdivision on Lake Cochrane.
2. The lot has an approximate width of 50 feet.
3. Under Section 1103.06, lots platted prior to June 8, 1976 with a width of less than seventy-five (75) feet require a side yard setback equal to ten percent (10%) of the lot width, with a minimum of five (5) feet.
4. Based on the lot width of 50 feet, the required side yard setback is 5 feet.
5. The existing basement-level storage and entry structure is currently located approximately:
  - 4.5 feet from the side property line, and
  - Approximately 29 feet from the established normal high-water mark of Lake Cochrane.
6. The applicants propose to construct an addition measuring approximately 8 feet by 23 feet above the existing basement structure, which would provide kitchen and pantry space on the main level.
7. The area below the addition would remain open or be used for storage, though the final use has not yet been determined.
8. The proposed addition would maintain the same 4.5-foot side yard setback and 34-foot setback from the high-water mark, which is within the 50-foot minimum required high-water mark setback.
9. Because the existing structure is already 0.5 feet within the minimum side yard setback and the addition would be within 50 feet of the high-water mark, a variance is required to allow construction of the addition.
10. The request is subject to Section 412 – Continuation of Nonstandard Uses, which allows alterations to nonconforming structures provided the encroachment into required setbacks is not increased.

## Ordinance / Variance History Regarding this Request

### Section 1103.06 – Minimum Lot Area and Yard Regulations

- Each lot shall have a lot depth of not less than 150 feet.
- Each lot shall have a shoreline frontage of not less than 75 feet.
- Each lot shall have a road frontage of not less than 50 feet.
- Each building shall be set back not less than 50 feet from the established normal high-water mark.
- Front yard setback: 50 feet from State/Federal highways, 30 feet from all other roads.
- Side yards: 10 feet from the property line. Exception: Lots platted prior to June 8, 1976, with width less than 75 feet require side yard setback = 10% of lot width (minimum 5 feet). Roof overhangs may infringe 1.5 feet.

### Section 412 – Continuation of Nonstandard Uses

- Allows structural alterations to nonconforming structures if the alteration does not increase existing encroachment into front, side, or rear yard setbacks.

### Zoning Context and Considerations

- The property is within the Lake Park (LP) District, which contains many older lake lots platted prior to current setback requirements.
- Many structures in the district are nonconforming due to lot width or location relative to the shoreline.
- Variances are sometimes necessary to allow **reasonable improvements** while maintaining consistency with the character of the district.

### Staff Recommendation

Staff recommends that, if approved, the Board grant the variance to construct an approximately 8-foot by 23-foot addition above the existing basement storage, as presented, not to extend any closer than 4.5 feet from the side property line and approximately 29 feet from the high-water mark, subject to Section 412 – Continuation of Nonstandard Uses, and provided the addition does not increase the existing side yard or high-water mark encroachment.

The request is supported by the unique circumstances of the lot, including the narrow 50-foot width, the existing nonconforming structure located 4.5 feet from the side property line and 34 feet from the high-water mark, and the fact that the addition will not increase the existing encroachment, consistent with Section 412 – Continuation of Nonstandard Uses.

The Board could deny the variance if it finds the circumstances are not sufficiently unique to justify granting relief from the zoning ordinance.

### ITEM # 3 VARIANCE PERMIT

**Applicants/Owners:** Rebecca Baker & Joshua Amland

**Property Description:** Lot 3 Westside Acres Addition in the SE ¼ of the SE ¼ of Section 21-T115N-R49W, Clear Lake Township, Deuel County, South Dakota. Property address: 18193 Westside Acres.

**Parcel Information:** Record #1626 – 1.95 Acres

**Action Items – Variance – (Section 1101.04.3 & 1101.04.2) – Side & Front Yard**

**Zoning Designation:** AG – Agricultural

**Request:** The applicants are requesting a Variance to construct a 28' x 28' addition to the north side of the existing attached garage and to replace an existing garden shed with a larger shed.

These structures would encroach on the required setbacks due to the lot configuration, existing structures, driveway access, and drainage patterns that limit locations meeting all required setbacks:

- Front yard variance: The garage addition would be approximately 25 feet from the platted road right-of-way (per applicant), less than the required 65-foot front yard setback.

- Side yard variance: The replacement shed would be approximately 4 feet from the east side property line (per applicant), less than the required 25-foot side yard setback.

**History / Issue(s):**

The property is located within the Westside Acres subdivision along Westside Acres Street, which terminates in a platted cul-de-sac that has not been fully developed. The applicants purchased the property in July 2025 and are proposing improvements to existing structures on the lot.

Due to the lot configuration, driveway location, drainage patterns, and placement of existing structures, there are limited locations for additional structures that would fully meet required setbacks.

In 2020, the Deuel County Board of Adjustment granted a similar variance to the neighboring property owner, Greg & Erica Peterson (Lot 4 Westside Acres), allowing construction of a detached garage with reduced front and side yard setbacks along the same roadway.

**Specifics of Request:**

1. The applicants propose constructing a **28' x 28' addition to the north side of the existing attached garage**. The addition would extend toward the platted Westside Acres Street right-of-way and would be located approximately **25 feet from the platted road right-of-way (per applicant)**. And approximately **8' from the cul-de-sac per Zoning Officer**.
2. The applicants also propose to **remove the existing garden shed measuring approximately 10' x 19' and replace it with a new shed measuring approximately 12' x 20'** near the northeast corner of the property.
3. The replacement shed would be located approximately **32 feet from the street's pavement (per applicant)** and approximately **4 feet from the east side lot line (per applicant)**. It is approximately **10 feet from the ROW and approximately 3' from the side lot line per Zoning Officer**.
4. The applicants indicate the location of the proposed structures is influenced by **existing drainage patterns on the property, the configuration of the cul-de-sac, and the location of existing structures and driveway access**.

**Applicable Ordinance Standards – Section 1101.04**

- **Front Yard:** Minimum front yard setback is **65 feet**.
- **Side Yard:** Minimum side yard setback is **25 feet**.
- **Rear Yard:** Minimum rear yard setback is **25 feet**.
- **Zoning District:** AG – Agricultural.

**Findings for Approval:**

The variance is justified because the lot configuration, existing structures, and cul-de-sac location make compliance with front and side yard setbacks impractical, and similar variances have been approved for neighboring properties within Westside Acres.

**Staff Recommendation:**

The Board could approve the variance because the lot's layout, existing structures, driveway access, drainage patterns, and cul-de-sac configuration limit placement of additional structures. The project is residential development adjacent to the City of Clear Lake and is not expected to create safety, traffic, or snow removal issues.

If approved, the motion would be: Motion by [Board Member], seconded by [Board Member], to grant the variance for the applicants to construct a 28' x 28' addition to the north side of the existing attached garage and to replace the existing garden shed with a 12' x 20' shed. The garage addition will be located approximately 8' from the cul-de-sac, and the replacement shed will be located approximately 10' from the right-of-way and 3' from the side lot line.

The Board could deny the Variance on the basis that the circumstances surrounding this request may not be considered unique enough to justify granting a special privilege that is otherwise restricted by the Deuel County Zoning Ordinance for properties within the Agricultural Zoning District.

**POSTPONED FROM MARCH 17, 2026 MEETING – ITEM #4  
CONDITIONAL USE PERMIT**

**Applicant:** Missouri River Energy Services

**Owners:** James E. Peterson (James E. Peterson Living Trust)

**Property Description:** Record 4978 – E2SE4 EXCEPT THE WEST 9 RODS THEREOF, Section 7, Township 113 North, Range 48 West of the 5th P.M., Deuel County, South Dakota

**Property Address:** STR 7-113-48

**Township:** Scandinavia Township

**Legal Acres:** 71 Acres

**Current Zoning:** “AG” Agricultural District (CUP requires CI Commercial/Industrial District)

**Requested CUP Use:** Public and Private Utilities Facility

**Request:** Approval of a Conditional Use Permit for a Section 1101.01.07 Public and Private Utilities facility, contingent upon the property being rezoned to CI Commercial/Industrial District. The proposed project includes:

- Construction of a 145 MW Deuel Fuel Combustion Turbine Power Plant (natural gas/diesel).
- Construction of a 345 kV substation on approximately 20 acres located north of the existing underground Northern Border Pipeline.
- Development includes all buildings and associated balance of plant equipment and facilities.
- Refer to attached drawings in the packet for project layout and site details.
- This CUP request aligns with the South Dakota Public Utilities Commission (SD PUC) facility permit application under Docket EL25-028.

**History / Procedure**

- CUP application submitted to the Deuel County Zoning Office on February 19, 2026, concurrently with the rezoning application.
- Section 1247 of the Deuel County Zoning Ordinance allows Public and Private Utilities only as a Conditional Use in the CI District.
- Approval of the CUP requires prior rezoning to CI.
- March 17, 2026 – CUP consideration was scheduled; however, action was postponed by the Board of Adjustment to April 13, 2026, contingent upon approval of the rezoning by the Deuel County Board of Commissioners.
- March 17, 2026 – The Planning Commission considered the rezoning request and did not recommend approval to the County Commission.
- April 7, 2026 – The Deuel County Board of Commissioners is scheduled to consider the rezoning request.
- If the rezoning request is approved, the rezoning ordinance will be published on April 15, 2026.
- Following publication, the rezoning is subject to a 20-day referendum period and will not become effective until that period has expired.
- If the rezoning request is denied, this Conditional Use Permit application should be removed from the April 13, 2026 agenda.
- No building permits or zoning permits may be issued until the rezoning becomes effective.
- The property is not located over a shallow aquifer (Zone B) and is not within a Wellhead Protection Area (Zone A).

## **CUP Requirements (per Section 1247)**

### **1. Federal and State Compliance**

o All Public and Private Utilities shall meet or exceed standards and regulations of South Dakota State Statutes and any applicable federal or state regulatory agencies.

### **2. Mitigation Measures – Roads**

o Permittee shall identify all state, county, or township haul roads to be used and notify the governing body having jurisdiction for inspection and approval prior to construction.

o Where practical, existing roadways shall be used; all-weather roads shall be used for cement, concrete, and heavy equipment transport.

o Permittee shall make arrangements with the applicable governing body for construction, maintenance, and repair of haul roads affected by project activities.

### **3. Setback – Noise**

o Noise levels at residences shall not exceed 45 dBA, average A-weighted sound pressure.

o Noise is to be measured at the perimeter of existing residences.

o Property owners have the right to waive respective setback requirements, provided the waiver is in writing and filed with the Zoning Office.

## **Supplemental Information Submitted by Applicant**

*(Received March 6, 2026)*

On March 6, 2026, Missouri River Energy Services (MRES) submitted supplemental information in support of the rezoning request and Conditional Use Permit application for the proposed Toronto Power Plant Project.

The supplemental filing provides additional technical and operational details regarding the proposed facility, its design, operations, and compliance with Deuel County Zoning Ordinance standards.

## **Project Ownership and Operation**

Missouri River Energy Services (MRES) is a not-for-profit municipal power agency owned by 61 municipal electric utilities located in South Dakota, North Dakota, Minnesota, and Iowa.

Western Minnesota Municipal Power Agency (WMMPA) will own and finance construction of the facility. MRES will manage and operate the power plant once operational.

The facility is intended to support existing and future energy demands of MRES member utilities and their customers, including several municipal electric systems located in South Dakota.

The project is not being developed for a specific private industrial project or data center.

## **Facility Description**

The proposed project is a 145-megawatt dual-fuel combustion turbine power plant capable of operating on:

- Natural gas (primary fuel)
- Fuel oil/diesel (backup fuel)

The site would occupy approximately 20 acres of the 71-acre parcel.

Major facility components include:

- Combustion turbine generator units
- Turbine hall and engine building
- Fuel gas supply and conditioning equipment connected to the Northern Border Pipeline
- Fuel oil storage and handling facilities

- Cooling systems and water treatment systems
- A 345 kV substation and generator step-up transformer
- Administrative offices and control room
- Electrical switchgear and auxiliary equipment buildings

The turbine exhaust stacks are proposed to be approximately 90 feet in height and will not require FAA lighting.

### **Fuel Storage**

The facility will include:

- Two fuel oil storage tanks (345,000 gallons each)
- Secondary spill containment systems
- Compliance with the South Dakota Storage Tank Program

The fuel oil storage capacity is designed to allow approximately 60 hours of full-load operation if backup fuel is required.

### **Water Supply and Wastewater Management**

Service water and fire protection water would be supplied by two onsite wells, stored in a 200,000-gallon fire/service water storage tank.

Additional water management components include:

- Water treatment equipment for turbine maintenance and cooling
- Wastewater collection tanks for plant drains
- Oil-water separator for non-contact wastewater
- Onsite septic system for sanitary waste
- Evaporation pond for certain non-contact water discharges

The facility is proposed to operate as a zero-discharge facility, meaning water would leave the site only through evaporation or offsite disposal.

### **Noise Analysis and Mitigation**

A baseline noise monitoring study was conducted from October 14 through October 31, 2024 to determine existing background sound levels near the project site.

Noise modeling was performed using CadnaA acoustic modeling software, an industry-standard tool for industrial noise analysis.

Mitigation measures proposed include:

- Turbine intake and exhaust silencers
- Sound-rated building construction around turbine equipment
- Acoustic louvers on ventilation openings
- Noise limits incorporated into equipment procurement contracts

The project is designed to comply with the Deuel County Zoning Ordinance noise limit of 45 dBA at existing residences.

### **Lighting Mitigation**

The facility lighting design will incorporate measures to reduce light pollution, including:

- Shielded lighting fixtures
- Downward-directed lighting
- Warm color lighting tones
- Lighting levels minimized to operational safety requirements

Lighting design is intended to follow DarkSky International outdoor lighting principles.

## **Traffic and Access**

The facility will have two access points from County Road 315 / 479th Avenue.

Expected operational traffic is limited and includes:

- Approximately 6 full-time employees commuting to the facility
- Occasional fuel oil delivery trucks during winter operations
- Periodic maintenance contractor vehicles

Fuel deliveries are estimated at approximately 30–40 truck deliveries per year, typically during extreme winter conditions.

MRES indicates it will enter into haul road agreements with Deuel County and affected townships to ensure roads are maintained or restored following construction activities.

The South Dakota Public Utilities Commission may also require a road bond under SDCL 49-41B-38.

## **Transmission Line**

The project includes construction of a 345 kV transmission line connecting the proposed power plant substation to the Astoria Substation located southeast of the site.

Transmission line easements are required from several property owners along the route. According to the applicant:

- Seven property owners have signed easement option agreements
- Two additional agreements are pending
- Negotiations continue with remaining landowners

## **Compatibility with Surrounding Land Uses**

The applicant notes the project area already contains several forms of energy infrastructure, including:

- Wind turbines
- A wind turbine maintenance facility
- The Northern Border natural gas pipeline
- The Otter Tail Power Company Astoria Power Plant (approximately 4 miles away)
- The Astoria electrical substation

The applicant indicates the facility footprint represents a relatively small portion of the surrounding agricultural land base and that mitigation measures are intended to minimize potential impacts related to noise, lighting, traffic, and environmental effects.

## **Staff Summary:**

- The Board of Adjustment postponed action on the CUP at the March 17, 2026 meeting to April 13, 2026
- CUP approval is contingent on the outcome of the rezoning request to be considered by the Deuel County Board of Commissioners on April 7, 2026
- If the rezoning request is denied, the CUP application should be removed from the agenda
- If the rezoning request is approved, it will not become effective until after publication and the required 20-day referendum period
- No permits or construction activity may occur until the rezoning is fully effective
- CUP review will consider compliance with all CI district standards and Section 1247 requirements (federal/state compliance, haul roads, noise, and setback mitigation)

If they Board of Adjustment approves Conditional Use Permit under Deuel County Zoning Ordinance Section 1102.04.07 – “Public and Private Utilities” has been granted by the Deuel County Board of Adjustment to Missouri River Energy Services (MRES), with property owner James E. Peterson (James E. Peterson Living Trust), to construct and operate a power generation facility and associated substation on the subject property.

1. **Federal, State, and PUC Compliance:** The facility shall meet or exceed all applicable federal and state regulations, including standards under South Dakota State Statutes and any applicable federal or state regulatory agencies, including obtaining a permit from the South Dakota Public Utilities Commission (SD PUC).
2. **Setback and Noise Mitigation:** Noise levels at nearby residences shall not exceed 45 dBA (average A-weighted sound pressure), measured at the perimeter of existing residences. Property owners may waive setbacks in writing, filed with the Zoning Office. Noise mitigation measures shall include enclosed turbines, silencers, sound-rated buildings, and acoustic louvers. MRES shall provide documented proof, measured by qualified personnel (e.g., acoustic engineer or certified industrial hygienist), demonstrating compliance with this limit. The Deuel County Zoning Officer may rely on this documentation for enforcement purposes.
3. **Lighting Mitigation:** Outdoor lighting shall follow Dark Sky principles, including shielded fixtures, downward-directed lighting, and minimum operational levels necessary for safety.
4. **Roads and Access:** Prior to construction, MRES shall identify all state, county, and township haul roads that will be used for the project and coordinate with the governing bodies for approval and inspection. MRES shall make satisfactory arrangements with the applicable jurisdictions for the maintenance and repair of haul roads that will experience additional wear and tear due to construction and transportation of equipment or facility components. Existing roads and county haul roads shall be used whenever practical. The Deuel County Zoning Officer is not responsible for technical inspection or approval of haul roads but may request documentation of approvals and maintenance agreements from the appropriate governing bodies.
5. **Fuel Storage and Spill Prevention:** The facility shall maintain fuel storage in compliance with the South Dakota Storage Tank Program. Secondary containment shall be provided for all fuel tanks, and operations shall ensure safe handling to prevent spills.
6. **Water Supply and Wastewater Management:** Service and fire protection water shall be supplied by onsite wells, with storage tanks as needed. Non-contact wastewater shall be handled through oil-water separation, onsite septic, or evaporation ponds. The facility shall operate as a zero-discharge site.
7. **Traffic and Access Control:** Facility access is limited to two points from County Road 315 / 479th Avenue. Heavy equipment deliveries, fuel deliveries, and contractor vehicles shall be coordinated to minimize conflicts with local traffic and agricultural activities.
8. **Transferability:** This Conditional Use Permit is transferable, provided that any new owner signs a Letter of Assurance agreeing to the conditions of this permit.
9. **Enforcement:** The Deuel County Zoning Officer is authorized to conduct site inspections to ensure compliance with all CUP conditions. Any violations may result in a hearing before the Board of Adjustment to consider revocation of the permit. The Zoning Officer may rely on documentation, reports, and verified data from MRES or qualified personnel to determine compliance with noise, road, and other technical requirements.
10. **Rezoning Contingency:** Approval of this CUP is contingent upon rezoning of the property to C1 Commercial/Industrial District. If the rezoning is approved on April 7, 2026, the zoning ordinance will be published on April 15, 2026, with a 20-day referendum period. No building permits or construction may commence until the referendum period concludes and zoning becomes effective.

**ITEM #5 – PLAT**

**Applicants/Owners:** Robert & Brenda Chamberland

**Property Description:** Plat of Lots 22A and 23A, Grabow Second Addition in Government Lot 2 in the NE1/4 of Section 5, Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota.

**Request:** The applicants, Robert & Brenda Chamberland, are requesting approval to replat two existing tracts of land that they currently own. The tracts in question are Lot 22 (3.00 acres, containing an existing house and garage) and Lot 23 (3.01 acres, currently a vacant lot) of Grabow Second Addition.

The proposed replat would transfer approximately 10' x 80' from Lot 23 to Lot 22, and approximately 10' x 80' from Lot 22 to Lot 23.

The purpose of the replat is to allow the applicants to construct an accessory shed near their residence. The proposed location of the shed would have been situated along the existing lot line between the two parcels. The replat adjusts the lot boundaries to accommodate the structure while ensuring compliance with property line and setback requirements.

**Action Item – Plat Approval**

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