

Monday, August 10, 2026

The Deuel County Zoning Board met on Monday, August 10, 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, Keven DeBoer, 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 July 13, 2026 and July 21, 2026 meetings were reviewed.

Motion by Grabow, seconded by DeBoer, to approve the July 13 and July 21 minutes. All voted in favor, and the motion carried unanimously. (Kanengieter was absent for vote)

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

Dahl advised the public that anyone wishing to address the Board regarding an item not on the agenda would be allowed up to five minutes during the public comment portion of the meeting.

Dahl asked whether any Board member had a potential conflict of interest regarding an agenda item. A potential conflict was identified regarding Item 9. F. (Hazy Moon Plat) for Mike Lammers; the matter was acknowledged for the record.

Motion by Lammers, seconded by DeBoer, to approve the Monday, August 10, 2026, agenda. All voted in favor, and the motion carried unanimously. (Kanengieter was absent for vote)

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

Item #1 – Variance Request – Dustin & Lynelle Jorgensen

Theisen presented the variance request pursuant to Section 1103.06, Minimum Lot Area and Yard Requirements, which requires a 25-foot rear yard setback for lots not adjacent to the lake within the Lake Park (LP) District.

The applicant reported that the existing deck was approximately 21 feet from the rear property line. Theisen conducted a site visit and measured the deck. The closest portion of the deck is approximately 20 feet from the rear lot line, with the opposite corner approximately 21 feet from the rear lot line, resulting in an approximately four- to five-foot encroachment into the required setback.

Dustin Jorgensen explained that the deck was constructed to provide a safe, level access area to the campers, which are used primarily to accommodate visiting family members. He stated that removing the encroaching portion would eliminate an area used by the family and that there is undeveloped property and trees behind the lot.

The Board discussed the location of the deck, surrounding properties, setbacks, and whether neighboring property owners had raised concerns. No objections from neighboring property owners were reported

Motion by DeBoer, seconded by Grabow, to approve the Variance to allow the existing deck to remain no closer than approximately 20 feet from the rear lot line. All voted in favor, and the motion carried unanimously. (Kanengieter was absent for vote)

Item #2 – Conditional Use Permit & Variance – Sterzinger Crushing Inc.; Owners Nate & Chuck Atyeo

Theisen presented the Conditional Use Permit (CUP) request pursuant to Section 1101.04.04, allowing sand, gravel, or quarry operations, mineral exploration and extraction, and rock crushers, provided the requirements of Section 1219 are met.

The variance was requested pursuant to Section 1219.03 regarding the required 1,000-foot setback from residences. The proposed operation involves a unified gravel mining site on the south half of Section 18, consisting of the southeast and southwest quarters. Both landowners signed the joint application, and written waivers were submitted concerning the residences located within the 1,000-foot setback.

Theisen reviewed the proposed mining area, access, the Wellhead Protection Area and shallow aquifer, the proposed mining depth, stormwater requirements, reclamation standards, and the township haul-road agreement. The applicant indicated the operation is expected to mine approximately 10 to 14 feet on average and remain above the water table.

The Board discussed groundwater protection and the difficulty of establishing the precise water-table elevation across the property. The Board also discussed the soil borings performed by the applicant and the importance of establishing elevations at the boring locations so the allowable excavation depth can follow the existing ground contour.

After discussion, the Board determined that the mining depth should be limited and tied to the existing ground elevation at the applicant's test/boring locations. The Board directed that the Letter of Assurance be amended to require the applicant to provide the elevations of the test/boring locations before mining begins and to limit excavation to no more than 15 feet below the existing ground elevation at the applicable location, following the contour of the existing ground.

The Board also discussed fuel storage and fueling procedures due to the site's location within the Wellhead Protection Area. The applicant described a secondary containment system for temporary fueling, including a steel containment barrier, an impermeable liner, and spill-response equipment. The Board discussed requiring appropriate secondary containment and operator presence during fueling.

Additional conditions discussed included compliance with DANR mining and stormwater requirements, progressive reclamation, setbacks from public rights-of-way and property lines, dust and noise control, drainage and runoff control, temporary portable rock crushing, and the prohibition of permanent asphalt or concrete batch plants.

Motion by DeBoer, seconded by Grabow, to approve a Variance to Section 1219.03 allowing a gravel or quarry operation, mineral exploration and extraction, and the use of rock crushers within 1,000 feet of an existing residence, expressly excluding concrete batch plants and asphalt mixing plants, based upon the submitted written waiver from the affected landowners (Chuck Atyeo and Nate Atyeo).

All voted in favor, and the motion carried unanimously.

Motion by Kanengieter, seconded by Lammers, to approve a Conditional Use Permit request by Sterzinger Crushing Inc., on behalf of landowners Nate and Chuck Atyeo, to allow sand, gravel, or quarry operations, including mineral exploration and extraction and the use of rock crushers, expressly excluding concrete batch plants and asphalt mixing plants, subject to signing the Letter of Assurance as discussed in the meeting.

All voted in favor, and the motion carried unanimously.

Item #3 – Conditional Use Permit – Ronald Ruud

Theisen presented the Conditional Use Permit request submitted by Ronald Ruud to construct a 48-foot by 50-foot accessory storage shed on Lot 9, Grabow Addition, located in the NE¼ of Section 5, Norden Township. The proposed accessory structure would be located on a lot separated from the applicant's principal residence—located on Lots 18, 19, and 20, Severson Bay—by Edgewater Drive.

Theisen explained that Mr. Ruud owns both the subject lot and the principal residence, qualifying the request under Section 1103.05.8 of the Deuel County Zoning Ordinance, which requires a Conditional Use Permit for accessory structures placed on a lot across a public roadway from the principal use.

Theisen reviewed the proposed building plans, noting that the structure will be a wood-framed shed, finished to resemble the applicant's home, and used for storage of a boat, pontoon, trailer, lawn equipment, and miscellaneous items. No plumbing or bathroom facilities were proposed. Theisen stated the building meets all required Lake Park District setbacks, including approximately 50 feet from the road, 13 feet from one side property line, and 39 feet from the other.

The Board discussed the request. No concerns were raised, and there were no public comments offered.

Motion by DeBoer, seconded by Grabow, to approve the Conditional Use Permit allowing construction of the accessory storage building on Lot 9, Grabow Addition, subject to compliance with all applicable provisions of the Deuel County Zoning Ordinance. All voted in favor, and the motion carried unanimously.

All voted in favor, and the motion carried unanimously.

Item #4 – Conditional Use Permit – Bonnie & Robert Merritt & Brent & Toni Merritt

Theisen presented the Conditional Use Permit request submitted by Bonnie & Robert Merritt and Brent & Toni Merritt to relocate and place a 12-foot by 16-foot accessory storage shed on Lot 8A, Agnes Place Addition (Replat of Outlot 34), located in Government Lot 8, Section 5, Norden Township.

Theisen stated the shed had been moved in prior to the meeting, and that Bonnie Merritt contacted the office but could not be scheduled until this meeting. Theisen described the site visit and measurements: the shed sits approximately 25 feet from the front (roadside) property line and approximately 11 feet from the side property line, meeting all minimum setback standards in the Lake Park District. The shed will be used for general storage; no bathroom or plumbing is proposed.

Theisen clarified that because the shed is located on a lot containing a camper—not the Merritts' principal residence—a Conditional Use Permit is required under Section 1103.05.8. The Board confirmed setbacks were met and discussed access and utility needs. No issues were raised.

The meeting was opened for public comment. During discussion, Board Member Kim Harringa asked about the enforcement process for violations and the fee for the Conditional Use Permit. The Board responded that violations are addressed through the procedures outlined in the Letter of Assurance, and noted that the CUP fee is \$250 under the county fee schedule. Reed Andries, representing Brookings-Deuel Rural Water, asked whether the Conditional Use Permit has an end date. The Board stated that the CUP does not contain a specific expiration date, although the applicant's state mining permit includes its own operational and reclamation timelines.

Motion by DeBoer, seconded by Grabow, to approve the Conditional Use Permit allowing relocation and placement of the 12-foot by 16-foot storage shed on Lot 8A, Agnes Place Addition, subject to compliance with all applicable provisions of the Deuel County Zoning Ordinance. All voted in favor, and the motion carried unanimously.

Item #5 – Conditional Use Permit & Variance – Parkwin LLC (Twin Home)

Theisen explained that the Conditional Use Permit (CUP) was requested pursuant to Section 1103.05.06 – Multiple Family Dwellings, which requires CUP approval for twin homes in the Lake Park (LP) District. The Variance request was submitted under Section 1103.06 – Minimum Lot Area and Yard Requirements to reduce the required side-yard setbacks from 10 feet to 9 feet on each side due to the lot's width constraints.

Theisen noted that the public hearing notice also included a rear-yard (high-water-mark) variance request. This variance was originally requested because the initial draft site plan appeared to place the cantilevered balconies within the required 50-foot high-water-mark setback. After an on-site review, it was determined that the applicant's building designer had incorrectly interpreted the required 30-foot front setback as being measured from the front property line, instead of from the edge of the road, as stated in ordinance. This error caused the balconies to appear non-compliant in the original drawing. After the corrected interpretation was applied, the applicant shifted the building footprint approximately six feet toward Edgewater Drive, resolving the issue. With the corrected layout, the balconies and the entire structure remained fully outside the 50-foot high-water-mark setback, and the rear-yard variance was withdrawn.

Representatives James Winterboer and Jay Parker explained that the 90-foot lot width leaves only 70 feet of buildable area after applying standard side-yard setbacks, while the narrowest feasible twin-home design is 72 feet wide. They noted that further narrowing of the design would reduce functional room sizes and restrict the hallway adjacent to the stairwell to an impractically narrow width, creating a practical need for a one-foot variance on each side.

Theisen reported that after the corrected staking, the twin home is positioned approximately 26 feet from the front property line, 62 feet from the edge of the road, and well outside the 50-foot high-water-mark setback. Side-yard encroachment is limited to one foot on each side.

The Board discussed the updated site measurements, the lot-width constraint, functional limitations, and the minimal nature of the requested variances. Theisen stated the application meets applicable ordinance requirements.

During the public comment period, a question was raised regarding whether the proposed twin home could be rented out or used as an Airbnb. Theisen explained that the county does not regulate short-term rentals unless food service is provided, which would classify the use as a bed-and-breakfast requiring state licensing. She further stated that the dwelling is considered a single-family residence and may not house more than three unrelated occupants under county ordinance.

Motion by DeBoer, seconded by Lammers, to approve the Conditional Use Permit for a twin home.

All voted in favor, and the motion carried unanimously.

Motion by DeBoer, seconded by Kanengieter, to approve the Variance requested by Parkwin LLC under Section 1103.06 to allow the proposed twin home to be constructed no closer than 9 feet from each side property line, subject to the following:

- a. The twin home shall not extend any closer than 9 feet from either side property line.
- b. Any further structural changes must comply with all applicable LP District and ordinance requirements.
- c. This variance shall not be interpreted to permit any additional setback reductions beyond those approved herein.

The motion carried on a vote of 4-1.

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 #6 – Plat of Boeke's Second Addition

The Board reviewed the Plat of Boeke's Second Addition, located in the E½ NW¼ of Section 29, Township 115 North, Range 48 West, Clear Lake Township. The proposed plat totals 8.51 acres and is intended to replat Lot 1, Boeke Addition, by expanding the acreage and consolidating all existing buildings onto a single parcel for clearer property boundaries and more functional use.

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

Item #7 – Plat of Lot 1A, Tolrud Addition

The Board reviewed the Plat of Lot 1A, Tolrud Addition, located in the NW¼ of Section 19, Township 113 North, Range 48 West, Scandinavia Township. The proposed plat totals 27.4 acres and incorporates additional land offered to the Adees during a recent land transaction, providing more space between their residence and the surrounding farmland

Motion by DeBoer, seconded by Kanengieter, to approve the Plat of Lot 1A Tolrud Addition and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #8 – Plat: Schmidt's Addition

The Board reviewed the Plat of Schmidt's Addition in the SE¼ of Section 26, Township 114 North, Range 48 West, Norden Township. The proposed acreage totals 5.18 acres and is intended to formally establish the parcel for future estate-planning purposes.

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

Item #9 – Plat: Jaeger Pasture Addition

The Board reviewed the Plat of Jaeger Pasture Addition in the NW¼ of Section 27, Township 117 North, Range 50 West, Rome Township. The plat totals 33.64 acres and is intended to formally establish and separate pasture land from the remaining farm ground for future estate-planning purposes

Motion by Kanengieter, seconded by Lammers, to approve Plat of Jaeger Pasture Addition and forward the recommendation to the Deuel County Commissioners. All voted in favor, and the motion carried unanimously.

Item #10 – Plat: Kruse Second Addition

The Board reviewed the Plat of Kruse Second Addition in the SW¼ of Section 20, Township 117 North, Range 47 West, Antelope Valley Township. The proposed acreage totals 20.268 acres and is intended to formally establish the acreage separate from surrounding farmland for estate-planning purposes.

During review, the Board noted that the proposed lot line runs through the existing driveway, and the plat did not include a recorded ingress/egress easement to ensure legal access. Board members expressed concern that approving the plat without an easement could create future access issues. State's Attorney

Evenson advised that an easement must be recorded either on the plat or through a separately recorded instrument before approval.

An initial motion to approve the plat, made by DeBoer, failed due to lack of a second. After further discussion, the Board agreed that the plat should not proceed until an ingress/egress easement is provided.

Motion by Grabow, seconded by Lammers, to postpone action on the Plat of Kruse Second Addition until documentation of a recorded access easement is submitted. All voted in favor, and the motion carried unanimously.

Item #11 – Plat: Hazy Moon Ranch Second Addition

The Board reviewed the Plat of Hazy Moon Ranch Second Addition in the NW¼ of Section 15, Township 116 North, Range 50 West, Goodwin Township. The proposed acreage totals 20.26 acres and is intended to formally establish the acreage with an expanded boundary to accommodate replacement of a storm-damaged shed. The added square footage allows the new, larger shed to meet the required side-yard setback standards.

Motion by Grabow, seconded by DeBoer, to approve Hazy Moon Ranch Second Addition and forward the recommendation to the Deuel County Commissioners. Motion carried 4-0, with Lammers abstaining due to previously declared conflict.

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

Chairman Dahl opened the meeting for public comment.

Steve January spoke about the proposed 765-kV transmission line, reporting pressure tactics used by right-of-way agents and concerns regarding health and property impacts. He advised landowners to seek legal counsel and stated these disputes are handled between landowners and utilities.

Kim Harringa asked why the July 13 and July 21 minutes were not posted prior to the meeting. She stated that, without the minutes available, the public could not know that ordinance-related discussion — including Val Trooien's suggestion — might occur during this meeting.

Zoning Officer Jodi Theisen explained that minutes are not posted until formally approved at the next meeting. State's Attorney Craig Evenson stated that state law requires minutes to be approved before publication. Sheila Monnier noted that some counties do publish unapproved minutes and asked whether Deuel County could consider doing the same. After discussion, motion by DeBoer, seconded by Grabow, to recommend that the County Commissioners make unapproved minutes available upon request. Motion carried.

Kim Harringa asked whether ordinance discussions from previous meetings were intended to continue tonight.

Grabow stated the purpose of the moratorium is to allow time for ordinance review before additional projects proceed.

Frank James stated that members of the public who worked on the referendum have continued meeting to develop ordinance concepts for power plants, data centers, solar farms, and similar projects. He said the group plans to take these ideas to the public for additional input before presenting a packet of recommendations to the Planning and Zoning Board

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

Wind-Project Update – Molly Malone, Deuel Harvest South (Invenergy)

Molly Malone, representing Deuel Harvest South (Invenergy), provided an update on the proposed wind-energy project. Malone reported that the grid interconnection agreement has been executed and a long-term power purchase agreement (PPA) has been finalized. The project is currently scheduled to be operational in 2030, with efforts underway to accelerate construction to 2029. She noted that FAA determinations for turbine locations remain delayed due to a federal court order affecting radar-siting reviews nationwide. Malone also stated that Invenergy has invested approximately \$17 million in the project to date.

Board members asked questions regarding the construction timeline, the status of mud-mat installation, lease renewals, federal tax-credit requirements, and how the delays relate to the validity of the Conditional Use Permit. Malone stated that approximately 85% of participating landowners have renewed their leases and confirmed that Invenergy may only construct turbines on land where leases are signed.

During public comment, a resident asked Malone whether she could provide a list of absentee landowners and identify how many turbine sites are located on land owned by Deuel County residents. Malone stated she could not provide specific names or parcel-level details due to privacy and project-confidentiality requirements but could provide percentage information, noting that more than half of the participating landowners reside in Deuel County. She also stated she would continue providing updates to the Board as the project progresses.

State's Attorney Craig Evenson provided clarification on the definition of "actual construction" under state law and discussed how ordinance changes interact with previously issued Conditional Use Permits. He recommended that Invenergy present a detailed overview of permit obligations, timeline considerations, and legal implications at the Board's next meeting on September 14, 2026.

Ordinance and Moratorium Discussion

Several members of the public addressed the Board regarding ordinance development and the current moratorium.

Kevin DeBoer: stated he was encouraged by the level of public involvement and excited to hear the ideas the community was preparing. He said this was the purpose of the moratorium to pause new development until the Board and public can work together on ordinance updates.

Jay Grabow: said the Board needs to begin defining environmental-study parameters, including water, air, noise, lighting, and community impacts. He emphasized the Board must decide what the study must include before contacting firms and suggested placing environmental-study parameters on the next meeting agenda. He also noted population challenges tied to agricultural efficiency and the need for long-term planning.

Frank James: stated that environmental studies especially for power-plant proposals should follow EPA-style standards and include review of groundwater, the shallow aquifer, surface water, and wildlife. He emphasized that Deuel County's shallow aquifer is a critical resource. James said

environmental studies should be part of the formal permitting process. He also recommended evaluating whether past projects, including the existing power plant, met their tax and employment promises. James referenced the Deuel County Comprehensive Plan, which directs industrial-scale projects to towns or industrial-zoned areas to preserve agricultural land.

Chairman Mike Dahl: noted that environmental and community studies will be costly and asked who would pay for them. He stated that any development, even within towns tends to reduce agricultural land and must be carefully weighed.

Sheila Monnier: stated Deuel County's quiet rural environment and small school districts continue to attract families from larger communities such as Brookings and Watertown. She encouraged preserving these qualities when developing ordinances.

Michelle Oftedahl: stated Deuel County does not need large-scale industrial projects and could benefit more from small- to medium-sized agricultural-processing or manufacturing operations that provide local jobs and fit the rural character.

Steve January: asked how acreage values might be affected near the proposed transmission line and whether residents would want to live near such large infrastructure.

Jennifer Quail: encouraged the Board to view environmental studies as an investment, not simply an expense, because they will guide Deuel County's future direction.

Jay Grabow (closing remark): stated that once environmental-study parameters are set, the Board can begin soliciting proposals from qualified providers and continue ordinance development under the moratorium.

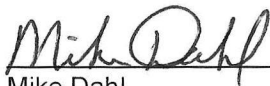
Chairman Dahl concluded the discussion and stated the Board will continue working on parameters at the next meeting.

Staff Report

Theisen reminded the Board that the next regular meeting is scheduled for Monday, September 14, 2026.

Motion by DeBoer, seconded by Grabow, to adjourn the meeting at 9:38 p.m. All voted in favor, and the motion carried unanimously.



Jodi Theisen
Zoning Officer

Mike Dahl
Chairman, Zoning Board