McPherson County Zoning Board and Board of Adjustment
January 20th, 2026
10:00 AM
Commissioner's Room
Proposed Agenda

Call to Order

Approval of Agenda

Approval of Minutes
December 2nd, 2025

Conflict of Interest

Public Comments

Board Reorganization – Chairman Mardian relinquished the Chair to the Zoning Administrator for the purpose of reorganizing the board for the year 2026 – (2025 Chair Mardian and Vice-Chair Kolb)
Nomination(s) for Chairman:____Motion and second to close nominations and cast a unanimous ballot (or vote)
Nomination(s) for Vice-Chair:____Motion and second to close nominations and cast a unanimous ballot (or vote)
Zoning Administrator relinquished Chair to Chairman _____

Move into Board of Adjustment

Variance – 26-V-01 – Sid Feickert – Place house and garage less than 150 feet from the center of the road.

Move out of Board of Adjustment

New Business

- **Discussion and possible action on Data Center Ordinance**

Plats

Building Permits
25-38 - American Towers LLC – Modify Existing Cell Tower
25-39 - Dale Orth – Sunroom Addition on House
25-40 - Michael Mettler – Pole Barn
26-01 – AJ Whited – Shop, House remodel, Decks
26-02 – Sean Frerk – Siding, windows, patio doors

Adjourn

Per SDCL 1-25-1, A quorum of County Commissioners may be present during a Zoning Board meeting. The Commission does not control the agenda, and the Zoning Board fulfills the notice requirements in SDCL 1-25-1.1.

mcphersondoe@valleytel.net

From: Mike Lapka <mjlapka@hotmail.com>
Sent: Wednesday, January 14, 2026 12:41 PM
To: Hunter Heinrich; mike mardian
Subject: Data Center

In reviewing the Data Centers Ordinance, 5.33.01 C. states that a front buffer yard of 150' but 5.33.01 2. States a minimum front yard equipment and structures setback of 50' they both can't be right.

We should consider in 5.33.05

Contamination prevention.

Stem walls must be constructed of impermeable materials and designed to a height sufficient to contain not less than two (2) times the maximum volume of coolant used within the individual structure. In the event of a release or spill, all coolant must be promptly recovered and removed via an approved sump system to prevent infiltration into surrounding soils or discharge to any floor drain or stormwater system.

Where any portion of the coolant system is located outside the structure, an impermeable secondary containment berm must be installed around the structure or equipment. The containment capacity of the berm must be designed to hold not less than two (2) times the maximum volume of coolant used within the individual structure. In the event of a release, the coolant must be recovered and removed using an approved sump system to prevent contact with surrounding soils or environmental discharge.

I am working from my phone so I am sending several emails

Thank you
Mike Lapka RLS

Sent from my iPhone

mcphersondoe@valleytel.net

From: Mike Lapka <mjlapka@hotmail.com>
Sent: Wednesday, January 14, 2026 1:21 PM
To: Hunter Heinrich; mike mardian
Subject: Data Centers

In light of all the recent controversy over Data Centers and us living in close proximity to one I think we should revisit a few of the requested studies. Especially with HB1005 being legislated.

1. Tax Revenue Impact Study

A tax revenue study for a Bitcoin data center in McPherson County, South Dakota, evaluates the potential economic impact of the facility on local tax revenues. This study helps determine how the data center's construction, operation, and future growth might generate revenue for the county through various types of taxes, including property, sales, and business taxes. The goal is to quantify how much money the data center will contribute to the county's budget and whether these revenues will offset any costs associated with the facility's presence (such as infrastructure upgrades, public services, or environmental mitigation).

- Property Taxes: The Bitcoin data center's property, including buildings, equipment, and land, will be assessed to determine its value and the annual property tax revenue it will generate for the county. The center's infrastructure, such as mining rigs and power systems, will contribute significantly to tax revenue.
- Sales & Use Taxes: Evaluates the sales tax revenue generated from the purchases of equipment, supplies, and services used by the data center. The facility's operational needs, including energy and maintenance, will also contribute to local sales taxes.
- Business & Occupational Taxes: Assesses taxes from business operations, employee wages, and payroll taxes, including state income tax withholding.
- Energy Consumption Taxes: Due to the high energy demands of Bitcoin mining, the study will consider any utility taxes on electricity consumption and assess potential impacts on local energy infrastructure.
- Long-Term Revenue Projections: Projections for the growth in tax revenues over time, factoring in both the potential for increased operations and the volatility of Bitcoin mining operations.

2. EMF Exposure Study

Safety for the part time and permanent employees

An EMF (Electromagnetic Field) Exposure Study for a Bitcoin data center assesses the levels of electromagnetic radiation emitted by the facility's high-powered electronic equipment and evaluates potential health and environmental risks. Since Bitcoin mining operations rely on thousands of powerful processors, cooling systems, and electrical infrastructure, they generate both low-frequency (LF) and radio-frequency (RF) electromagnetic fields, which may have biological and environmental effects.

1. Identification of EMF Sources

• Mining Rigs & Servers – High-performance processors generate low-frequency electromagnetic radiation.
• Power Infrastructure – Transformers, high-voltage power lines, and substations emit extremely low-frequency (ELF) EMF.
• Wireless Networks – If the facility uses Wi-Fi, Bluetooth, or 5G for data transmission, it produces radio-frequency (RF) EMF.

2. Measurement of EMF Levels
• Conducts onsite EMF readings at different distances from the facility.
• Compares exposure levels to established safety guidelines from the FCC, ICNIRP, and WHO.
• Identifies potential EMF hotspots where exposure
Is above safety levels.

Again I am working from my phone so I am sending several emails

Thank you

Mike Lapka. RLS

Sent from my iPhone

mcphersondoe@valleytel.net

From: Mike Lapka <mjlapka@hotmail.com>
Sent: Wednesday, January 14, 2026 1:56 PM
To: Hunter Heinrich; mike mardian
Subject: Data Centers

Studies to consider

3. Energy Consumption Study:

An energy consumption study for a Bitcoin data center analyzes the facility's power requirements, efficiency, and potential impact on the local electrical grid. Bitcoin mining is extremely energy-intensive, so this study is essential for understanding sustainability and infrastructure needs.

Power Demand Analysis

- **Estimates the facility's total electricity consumption, typically measured in megawatts (MW).**
- **Evaluates the power usage effectiveness (PUE) to determine energy efficiency.**
- **Considers peak and off-peak demand to assess strain on the local grid.**

Source of Energy

- **Identifies where the electricity will come from (e.g., coal, natural gas, renewable sources).**
- **Assesses the proportion of power drawn from sustainable sources like solar, wind, or hydroelectricity.**
- **Evaluates the carbon footprint and potential for reducing emissions.**

Grid Impact & Infrastructure Requirements

- **Determines if the local power grid can handle the data center's demand.**
- **Assesses the need for grid upgrades, new substations, or dedicated power lines.**
- **Evaluates potential risks of power shortages or outages affecting local residents and businesses.**

Efficiency & Cooling Systems

- **Examines cooling methods, such as air cooling, liquid cooling, or immersion cooling, to improve energy efficiency.**
- **Looks at ways to reduce wasted energy through heat recapture or more efficient hardware.**

Cost Analysis

- **Estimates the facility's energy costs based on local electricity rates.**

4. Biodiversity & Wildlife Impact Study:

Examines whether the facility might disrupt local wildlife habitats or ecosystems, particularly if located near natural resources, livestock or agricultural land.

Thank you
Mike Lapka RLS

mcphersondoe@valleytel.net

From: Austin B. Hoffman <austinhoffman@valleytel.net>
Sent: Thursday, January 15, 2026 9:56 AM
To: mcphersondoe@valleytel.net
Subject: Re: Zoning Board Meeting and Agenda on January 20th, 2026

In regards to the front buffer yard and front yard equipment and structure setback in the data center ordinance.

If you look at the definition of front yard on page 29 of Zoning Ordinance 24-01, it states "A yard extending across the front of a lot between the sideyard lines, and being the minimum horizontal distance between the road right-of-way line and the main bearing wall of the main building or any projections thereof other than the projections of the usual steps, unenclosed balconies or open porch."

The important words here are "the main bearing wall of the main building or any projections thereof...." Therefore, the front buffer yard is the distance between the right of way line and the *main building.*

However, the front yard equipment and structure setback would be controlling over secondary outbuildings (sheds, storage buildings, ect.) and any fixed permanent equipment.

If memory serves me right, someone brought up this same question when we were passing this ordinance as well.

Regarding taxes, the county only has control over and receives direct funding from property taxes. The remainder of them are state and/or city tax sources. A property tax study and long-term revenue projections study would certainly be fair because they have a direct impact to the county. Outside of that, it is a state issue.

EMF exposure, that would be directly related to the health and safety of citizens. I believe this is something we could do.

Regarding the contamination prevention, the issue we could run into here is a data center arguing they are being treated differently than other sources of possible chemical contamination or environmental hazards. Ex: fuel storage (most farms have large fuel tanks), agricultural chemical storage, feedlots. I believe we can accomplish the same goal a different way. Instead of requiring the stem walls, just put in the ordinance that a data center must use a closed loop cooling system with non-toxic coolant. This also kills

two birds with one stone. A closed loop cooling system uses far, far less water than an open system. I believe the data center that had been looking at being built in McPherson stated they were using a closed loop system and the coolant was food grade (meaning it is harmless). I can not remember the exact amount of water they would need but let's just say it is 250,000 gallons and would need to be replaced every two years. Over time, that averages out to 125,000 gallons of water a year. While that sounds like a lot of water, in the big picture, it's not. The average cow requires 13 gallons of water a day. (There are varying numbers for this and 13 is on the low end of the averages out there). The average cattle producer in South Dakota has 300 head of cattle. That comes out to 1,423,500 gallons of water a year. The average single family home uses between 100,000 and 108,000 gallons of water per year. These numbers can vary and there are arguments they should be lower or higher, but theyre close.

Thank you. Austin

On 2026-01-15 08:29, mcphersondoe@valleytel.net wrote:

> Hello, first I would like to welcome Mike Lapka as our new zoning board member if you have not already heard. He will be replacing Richard Kolb who retired after 45 years of service.
>
> Please look at the attached agenda and pdf. I will need all corrections and additions to the zoning agenda by Friday, January 16th, at 1:00 PM.
>
> Thanks,
>
> Hunter Heinrich
> Deputy Assessor
> McPherson County Courthouse
> P.O. Box 50
> Leola, South Dakota
> 57456
> mcphersondoe@valleytel.net
> (605)-439-3663

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Austin B. Hoffman
McPherson Co. States Attorney
PO Box 188

MCPHERSON COUNTY
CONDITIONAL USE/VARIANCE APPLICATION

PERMIT NUMBER 26-V-01
Variance - $100 Conditional Use - $250

APPLICANT (PRINT): Sid Feickert **PHONE:** 605-380-1332

ADDRESS: 10635 Cedar Rd. Long Lake, S.D.

OWNER (PRINT): _____ **PHONE:** _____
IF DIFFERENT THAN APPLICANT

ADDRESS: _____

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE MCPHERSON COUNTY SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT OR VARIANCE FOR THE PROPERTY DESCRIBED AS:
(CIRCLE APPROPRIATE)

LEGAL DESCRIPTION (Please print or type)

NW¼SE¼ Sec. 3-127-68

GENERAL AREA OR STREET ADDRESS: Cedar Rd.

EXISTING LAND USE: Pasture **EXISTING ZONING:** Ag

SIZE OF PARCEL: ACRES 3 LOT DIMENSIONS: WIDTH _____ LENGTH _____ DEPTH _____

SURROUNDING LAND USE

NORTH: Pasture
SOUTH: Pasture
EAST: Pasture
WEST: Crop ground

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT (attach a separate sheet of paper if necessary)

Build Home on West side of Cedar Rd.

IF YOU ARE SEEKING A VARIANCE, PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (Proof of hardship is on the applicant - Hardship examples are odd size or shape of the lot, unusual topography, etc. attach a separate sheet of paper if necessary)

Will be close to 150' to the center of Cedar Rd.

SIGNATURE OF APPLICANT Sid Feickert

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

1. NORTH DIRECTION
2. DIMENSIONS OF PROPOSED STRUCTURE
3. STREET NAMES
4. OTHER INFORMATION AS MAY BE REQUESTED
5. LOCATION OF PROPOSED STRUCTURE ON LOT
6. DIMENSIONS OF FRONT AND SIDE SET BACKS
7. LOCATION OF ADJACENT EXISTING BUILDINGS

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

***PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.*

N

House 32'x52'+22'x24'

Garage 36'x47'

110' from cent. of road

No adjacent Bldgs