

County Planning Commission/Board of Adjustment Minutes

January 17, 2023

The Codington County Planning Commission met for their monthly meeting on January 17, 2023 via teleconference and at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were Rodney Klatt, Mel Ries, Myron Johnson, Brenda Hanten, Alex Kahnke, Calvin Mack, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Absent: Mark O'Neill.

Others present were Curt Walter, Terry Egerstrom, Becky Egerstrom, Randy Schweer, and Becky Goens.

Vice Chair Kahnke brought the meeting to order at 12:33 pm.

Motion by Johnson, second by Kahnke, to approve the December 19, 2022 meeting minutes. Motion passed unanimously.

Motion by Klatt, second by Hanten, to approve the agenda with a change to reorganize some of the agenda items. Motion passed unanimously.

Motion by Klatt, second by Ries, to nominate Brenda Hanten as Chairperson and Mark O'Neill as Vice Chairman and cast a unanimous ballot. Motion passed unanimously.

Motion by Johnson, second by Ries, to recess the Board of Adjustment and convene only as Planning Commission. Motion passed unanimously.

Motion by Kahnke, second by Ries, to approve a Conditional Use Permit request as presented by Muller for Vertical Bridge to install a 300' self-support tower with fencing and ground equipment on property owned by Terry Egerstrom located in E1/2 of SW1/4, Section 27-T116N-R53W. Muller reviewed Staff Report (attached). If approved, applicant would be required to sign a Letter of Assurance agreeing to the following conditions:

- A. Applicant agrees that it will not charge co-location fees in excess of commercially reasonable industry amounts.
- B. Applicant agrees that upon the request of Codington County mount law-enforcement or public safety communications apparatus.
- C. Applicant agrees to submit documentation of approval by the FAA or similar approving authority to indicate that the proposed tower will not encroach upon any runway protection/approach zones of the Watertown Regional Airport.
- D. Applicant agrees to inspect and verify that the tower is structurally sound every 2 years. Documentation of inspections shall be sent to the zoning officer upon request of the zoning officer to determine compliance with this condition.

Curt Walter, representative for Vertical Bridge, spoke briefly about the type of tower and offered to answer questions. Public hearing closed. Motion by Klatt, second by Johnson, to add

the condition that approval will be subject to discussion with WAPA regarding existing easements. Motion on the amendment passed unanimously. Motion on the CUP, with the amendment, passed unanimously.

Motion by Ries, second by Kahnke, to recess as Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

Motion by Johnson, second by Ries, to recommend approval to the Board of County Commissioners the Plat of K&V Peterson Addition located in Berg's Outlot in the NE1/4 of Section 11-T116N-R54W, Codington County, SD. Muller reviewed Staff Report (attached). Motion passed unanimously.

Muller introduced new board member, Calvin Mack. Muller also mentioned the March meeting date may need to be moved.

Motion to adjourn made by Hanten, second by Ries. Motion passed unanimously. Meeting adjourned at 10:25 am.

Respectfully Submitted,

Becky Goens

**JANUARY 2023
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

CODINGTON COUNTY BOARD OF ADJUSTMENT

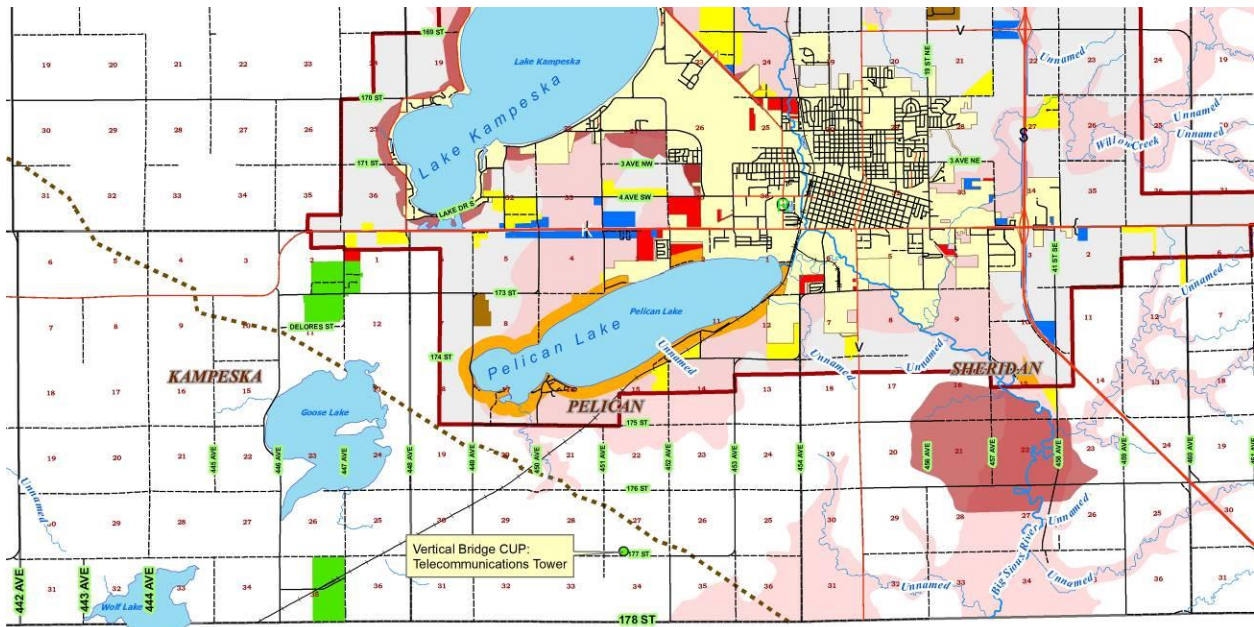
ITEM #1 CONDITIONAL USE

Applicant: Vertical Bridge

Owner: Terry Egerstrom

Property Description: East Half of the Southwest Quarter of Section 27, Township 116 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Pelican Township)

Latitude/Longitude: 44.819188°/-97.182391° (tower location)



Action Item – Conditional Use – Telecommunications (Cell) Tower (3.04.02.15)

Zoning Designation: Agricultural District

Request: Applicant seeks to construct a cell tower on a leased portion of the above described parcel.

History/Issue(s):

Specifics of Request:

1. Vertical Bridge seeks to construct a 300' tall, self supported lattice cellular tower on the above described property.
2. They will lease a 100' x 100' site upon which the tower will sit.
3. Vertical Bridge requests no variances with this application.

- Property is also crossed by major (electrical) transmission line (~300' on center from easement); and a natural gas pipeline (~2,000' on center from easement).

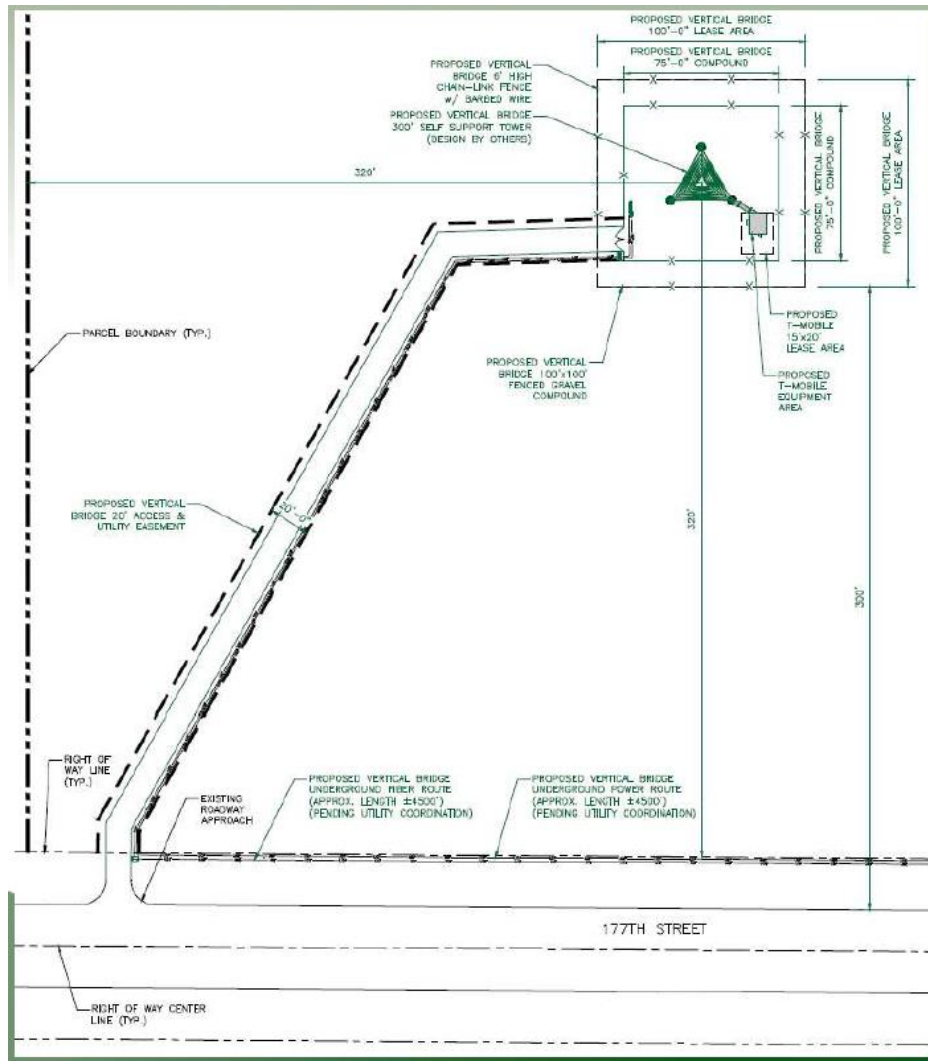
Ordinance and Comprehensive Land Use Plan regarding this request:

- The comprehensive land use plan lists considerations for telecommunications towers on pages 69-71
- Telecommunications towers such as this are listed and allowed as a conditional use in the Agricultural District subject to numerous conditions and considerations.
- Applicant will utilize a 20' access easement from 177th Street to the 100' x 100' leased site.
- The following table outlines the review by the zoning officer of the application as presented by the applicant at the time of this report:

Section	Title	Reference Page	Notes
5.24.02.1	Exempt Towers	N/A	
5.24.02.2	Co-location	"Tower Information Tab" <i>Excel Document Provided electronically;</i> personal correspondence with applicant	<ul style="list-style-type: none"> Structure was designed/tested for 9 antennae attachments. Applicant will use 1 Applicant shall not charge excessive co-location fees; and shall agree upon request to mount public safety/law enforcement apparatus. Will provide certification from engineer to verify.
5.24.02.3(a)	Contact/project info	Building Permit/ Conditional Use applications	
5.24.02.3(b)	Legal Description/Address	Building Permit/ Conditional Use applications	
5.24.02.3(c, e, f)	towers w/in ½ mile	"US-SD-5037-Zoning Proposal" attachment (p2)	None within half mile (Nearest is 0.77 miles). SW corner of SE ¼ Section 28 (west of site)
5.24.02.3(d)	Description of design plan	"US-SD-5037-Zoning Proposal" attachment (p2)	Includes technology used. Microcell technology is inferior to the modern technology used.
5.24.02.3(g)	Will not interfere with other radio signals	A1-R0841A_RF Letter	FCC says it's good. (re-stated in letter of assurance)
5.24.02.3(h) and 5.24.04	Structural Requirements	A1-R0841A_US-SD 5037_A C-1 – C7	
5.24.02.3(j)	Meeting FCC Standards	A1-R0841A_RF Letter	FCC says it's good.
5.24.02.3(k)	No zoning violations	n/a	No violations on this property
Section	Title	Reference Page	Notes
5.24.02.3(l)	Other information		Applicant is in contact with Watertown Airport regarding runway protection zone. Applicant agrees

			to submit plans for review with FAA and provide documentation of correspondence with this office prior to issuance of building permit.
5.24.03.2.a	Setbacks from existing off-site residences, businesses and public buildings	Shall be 1,000 feet	Measured by zoning officer. Nearest structure not operated by the applicant is 1,900' (Scott and Tammy Lowe)
5.24.03.2.b	Setbacks from public right-of-way	At least 300'	320' from 177 th Street right-of-way; No other applicable right of way. See "US-SD-5037-Zoning Proposal" attachment (p5)
5.24.03.2.c	Setbacks from property line	At least 300'	320' from property line. "US-SD-5037-Zoning Proposal" attachment (p2). ZONING STAFF REVIEW INDICATES THIS LAT/LONG IS LESS THAN 300' UTILIZING OTHER INFORMATION. Staff reiterates need to follow requirements to be at least 300' from west property line.
5.24.04	Structural Requirements	See 5.24.02.3(h) above	
5.24.05	Separation of Buffer Requirements	Comprehensive Land Use Plan & Lat/Long	No towers less than half mile away (exceeds greatest separation distance required.)
5.24.06	Tower Height	Tower height provided in Scope of work	300' above grade.
5.24.07	Illumination	Lighting Type not specified	Applicant agrees to meet FAA requirements
5.24.08 & 5.24.09	Not applicable		
5.24.10	Certificates and Inspections	No information required at time of application	Required to be inspected and verification sent to zoning office at the tower is structurally sound every 2 years. Zoning officer requests that inspections be sent upon request, rather than every two years.

5. Non commercial structures, according to state law are required to meet the latest edition of the International Building Code. Applicant agrees to meet requirements.



Staff recommendation:

Conditional Use Permit: Telecommunications Tower. The Board may postpone the request, deny the request, or approve the Conditional Use Permit(s). The Zoning officer recommends that, if approved, the applicant agree to the following conditions in a letter of assurance to be recorded at the Codington County Register of Deeds:

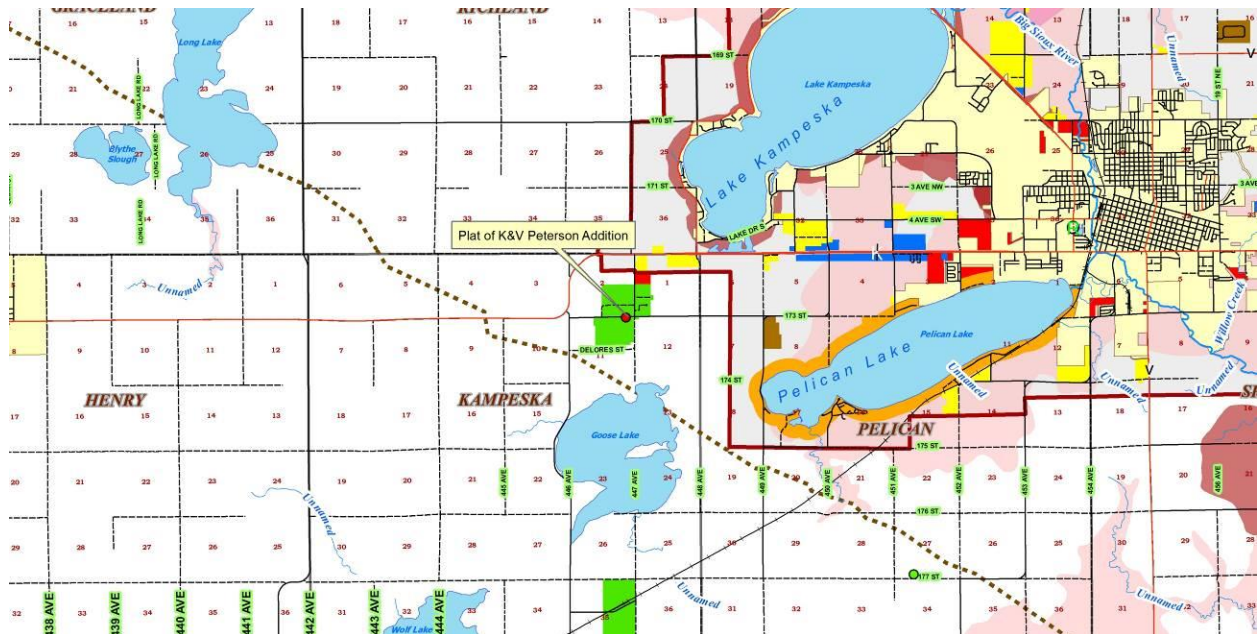
- E. Applicant agrees that it will not charge co-location fees in excess of commercially reasonable industry amounts.
- F. Applicant agrees that upon the request of Codington County mount law-enforcement or public safety communications apparatus.
- G. Applicant agrees to submit documentation of approval by the FAA or similar approving authority to indicate that the proposed tower will not encroach upon any runway protection/approach zones of the Watertown Regional Airport.
- H. Applicant agrees to inspect and verify that the tower is structurally sound every 2 years. Documentation of inspections shall be sent to the zoning officer upon request of the zoning officer to determine compliance with this condition.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

Applicant/Owner: Vicki and Kevin Peterson

Property Description: Plat of K & V Peterson Addition in Berg's Outlot of the Northeast Quarter of Section 11, Township 116 North, Range 54 West of the 5th P.M, Codington County, South Dakota (Kampeska Township).



Action Items – Plat approval.

Zoning Designation: Town District

Request: Plat a one acre lot at the west end of the property.

Summary:

1. Plat meets the minimum lot area of the Town District
2. Access is proposed to be to 173rd Street (paved County Road.)
3. Although it may be further subdivided in the future, the remainder of Berg OL may only be built upon if accessory to a house on a neighboring property unless and until replatted.

