

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
July 17, 2023

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on July 17, 2023 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Mark O'Neill, Brenda Hanten, Liam Culhane, Blake Dahle, Myron Johnson, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present: Derrek Evenson, Bekah Evenson, Bruce Shaefer, Chris Bultsma, Jessica Kudrna, Roger Stimson, Todd Kuhlman, Penny Adler, Dave Eide, Myron Kuhlman, Vincent Cordell, Lonnie Becking, Jerae Wire, Tom Sweet, Roger Kouf, and Becky Goens.

Chair Hanten brought the meeting of the Joint Board of Adjustment to order at 7:33 pm.

Motion by Culhane, second by Dahle, to approve the minutes of the June 26, 2023 meeting. Motion passed unanimously.

Motion by Culhane, second by Dahle, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by Dahle, second by Culhane, to recess the City of Watertown/Codington County Board of Adjustment. Motion passed unanimously.

Motion by Johnson, second by Culhane, to reconvene the City of Watertown/Codington County Board of Adjustment. Motion passed unanimously.

Motion by Dahle, second by Culhane, to approve the Conditional Use Permit for East River Electric Cooperative to replace an existing electrical transmission line (power lines) upon a modified route in right-of-way or on easements on certain property situated in Sheridan, Pelican, Kampeska, Henry, and Graceland Townships. Muller reviewed Staff Report (attached). If approved, staff recommends, at a minimum, the applicant adhere to any agreements or licensure required by the applicable road authority(ies). Jarae Wire, representing East River Electric Cooperative, reiterated their request as stated by Staff and gave a brief history of East River Electric.

Those speaking in favor of the request were Dave Eide, manager of Codington-Clark Electric, states the line needs to be replaced as it is a reliability issue. Most outages are transmission line related.

Those speaking in opposition or neutral:

- Jessica Kudrna – inquired about the right-of-way distance from the center line, issues created with the fiber optic lines that were recently installed, an existing gas line, and is frustrated that she cannot be issued building permits on her property but the county would allow a transmission pole to be constructed on her property.
- Penny Adler – what is the current standard of transmission voltage and has concerns about potential noise (humming).

- Todd Kuhlman – what type of expansion could they do to this project and feels the route is longer than it needs to be.

No one else chose to speak. Public hearing closed. Applicant was invited to answer questions brought before the Board. The applicant indicated if there are conflicts with other utility services, they will adjust the poles or relocate fiber or gas lines if necessary. The new lines will be capable of a 115kv class, which is an across-the-board construction spec. They've never received noise complaints on the lines. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion to adjourn made by Johnson, second by Culhane. Motion passed unanimously. Meeting adjourned at 8:53 pm.

Respectfully Submitted,

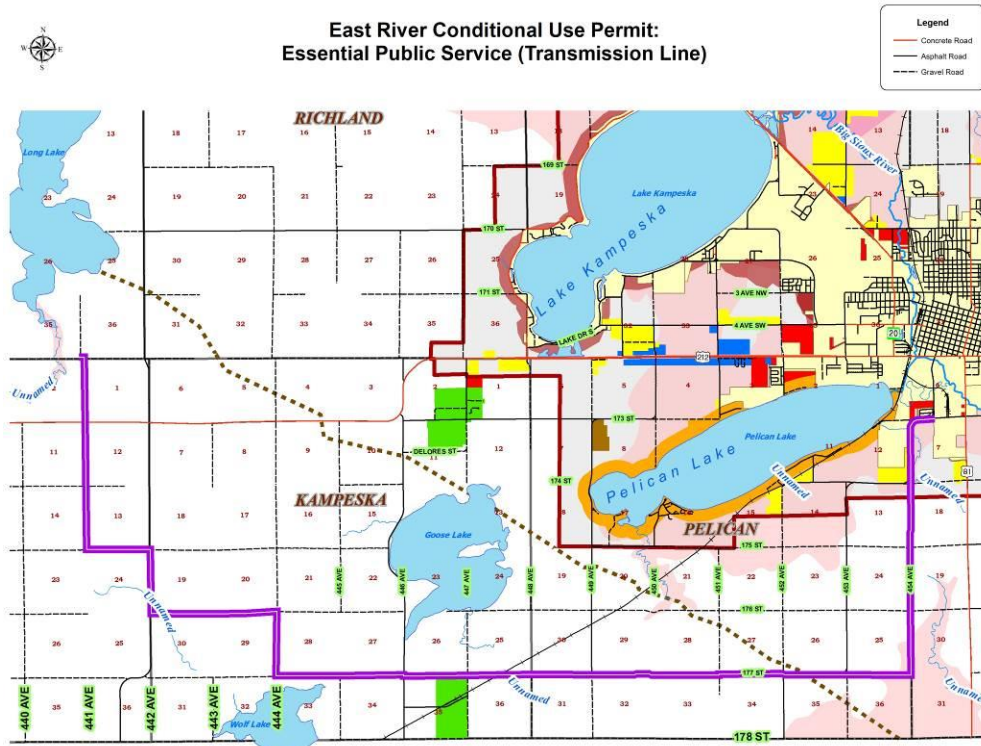
Becky Goens

JULY 2023
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT

ITEM #1 CONDITIONAL USE

Applicant: Jerae Wire on behalf of East River Electric Power Coop.

Property Description: certain property situated in Graceland, Henry, Kampeska, Pelican, and Sheridan Townships as displayed in the below map.



Action Item – Conditional Use Permit – Public utility and public service structure... (3.04.02.11) (requires motions to approve by both the County Board of Adjustment and the Joint City/County Board of Adjustment prior to proceeding.)

Zoning Designation: Agricultural District

Request: East River seeks to construct approximately 22 miles of electrical transmission lines from [near] Tinkertown to Watertown [south end].

History/Issue(s):

Specifics of Property/Request:

1. East River currently operates a transmission line which was constructed in 1952 from one mile north and one mile west of Tinkertown to a substation near the northeast corner of Lake Pelican (approximately 13.5 miles).
 - a. This route runs stays one-half mile south of US HWY 212 until in crosses HWY 212 one-half mile west (5.5 miles) of the former SDHWY 139 (Lake Drive – west of Lake Kampeska). After

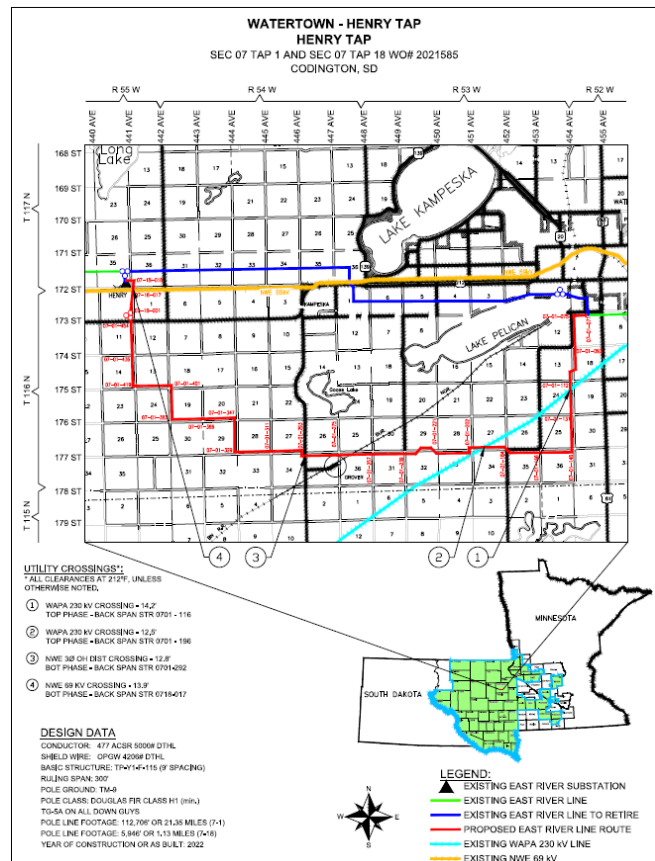
crossing HWY 212 it runs half mile north of HWY 212 and parallel for 6.5 miles. Except for crossings, the entire route is on private property (with easements). This route is being retired and replaced by the proposed new route which will avoid Lake Pelican and the City of Watertown as much as possible by running south before going east. It will connect with an existing line running in the (City of Watertown) 20th Avenue South right-of-way.

- b. The line is being replaced due to age, technology, possible conversion to 115kV line, and to move the line out areas where it is in the middle of private property/ or potholes.
2. Most of the construction can be completed without an outage.
3. Pole type will vary depending on whether location is in right-of-way or easement.
4. The telecommunications tower will be used exclusively for East River's private purposes and will not be used as a commercial cell tower.
5. Application included construction cross sections for the span of the project.
6. The route does cross a growth area for the City of Watertown, however this project is intended to retire several miles of lines in existing developed and growth areas for the City of Watertown.

Ordinance and Comprehensive Land Use Plan regarding this request:

- **Conditional Use Permit**

1. SDCL 47-21-66 allows for the construction and maintenance of transmission lines by electrical coops (such as East River) along and across public roads and streets.
2. The comprehensive land use plan encourages lowest public expenditures necessary to maintain utility networks in the county, and encourages clustering of non-ag uses to limit the amount of intrusion/removal of land from agricultural production.
3. The intent of the Ag District, and land use plan is to reserve land in the Ag District for agricultural uses.
4. No specific requirements are listed for public utilities such as this structure. Regarding the general requirements of the Zoning Ordinance with reference to conditional use in addition to:
 - a. Setbacks have not historically been applied to transmission lines or poles due to the above referenced pre-emption in state law.
 - b. The use is a listed use and therefore is “generally compatible” to other uses within the district according to the zoning ordinance.
 - c. No new access locations are requested.
 - d. No septic systems/sanitary sewer is proposed, nor necessary. There is no expected need for trash services.
 - e. No fencing is requested or expected.
 - f. No signs other than safety signs are proposed with this request.
5. The Codington County highway superintendent sent a copy of his agreement with East River for construction of this project.
6. Portions of this route are located within City Limits. No “use permits” (conditional or otherwise) are required for this (or any other utility transmission) project within city limits.



Staff Summary:

The use of “Transmission lines” is a listed conditional use and therefore compatible in the Ag District. State statute allows transmission lines to be placed within any right-of-way. Thus, the Board does not, at this meeting, have the authority to propose or require a new route. The only grounds for denial would be the inability to meet some federal, state, or county law. Staff is unaware of any federal or state statutes that the proposed route violates. Unless some reason tied to the general provisions of conditional use permits referenced above cannot be met, the Board(s) would be acting contrary to each respective zoning ordinance to deny the permit.

Staff Recommendation:

Staff Recommendation: Conditional Use Permit – **Public Utility and Public Service Structure:** The Board may postpone the request, deny the request or approve the request. If approved, the staff recommends, at a minimum, the applicant adhere to any agreements or licensure required by the applicable road authority(ies).