

## County Planning Board of Adjustment Minutes

May 19, 2025

The Codington County Board of Adjustment met for their monthly meeting on May 19, 2025, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Calvin Mack, Mark O'Neill, Mel Ries, Rodney Klatt, Liam Culhane, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present: Joyce Paulsen, Michael Paulsen, Woody Krog, Pam Cordell, Galen Cordell, Travis Dobberpuhl, Stacey Dobberpuhl, Marlin German, Karen German, and Becky Goens.

Chair Hanten brought the meeting to order at 8:03 pm.

Motion by Johnson, second by O'Neill, to approve the April 22, 2025 meeting minutes. Motion passed unanimously.

Motion by Klatt, second by Culhane, to approve the agenda as published. Motion passed unanimously.

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

Motion by Culhane, second by Johnson, to approve a Conditional Use Permit request by Riley Helmer to create a lot with less than 35 acres on the same legal description as an existing farmstead. Property is owned by Bret Lagodinski and located on a portion of N581' of NW1/4, Section 25-T120N-R52W, former Sisseton-Wahpeton Reservation, Codington County, SD. Muller read the Staff Report (attached). No one was present to speak on this issue. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Klatt, second by Culhane, to approve a Conditional Use Permit request by Woody Krog, as read by Staff, to install a communications tower with equipment shelter and generator. Property is owned by Michael and Joyce Paulsen Living Trust and is located in NW1/4, less the N229.6' of the W379.4' of Section 12-T116N-R54W, Codington County, SD. Muller reviewed Staff Report (attached). If approved, Staff recommends the applicant 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. Prior to issuance of buildings permit, applicant agrees to submit surveyed location of tower location that specifies the location will be not less than 1,000' from the nearest business; however, location shall not be located west of Longitude: -97.260756.

- C. The proposed Telecommunications Tower shall meet or exceed all requirements of the Federal Aviation Administration (FAA) and South Dakota Department of Transportation-Aeronautics Commission with regard to transmission of signals, height, marking, and registration of the Tower. If compliance is not necessary, documentation from the applicable agency shall be provided to the Zoning Officer and kept with this application.
- D. The Grantor further agrees to notify the following entities of the location (legal description & Latitude/Longitude coordinates) and height of the Tower via certified mail:
  - 1. Wilbur-Ellis Air LLC  
45149 152<sup>nd</sup> Street  
Summit, SD 57266-5112
  - 2. Watertown Regional Airport  
2416 Boeing Avenue  
Watertown, SD 57201
- E. 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.

Woody Krog, applicant, spoke on behalf of the application. A letter of opposition was presented by American Tower and was read by Staff. No one else was present to speak on this issue. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

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

Motion by Culhane, second by Ries, to recommend approval to the Board of County Commissioners the plat of Cordell Brothers Addition in the NE1/4, Section 17-T117N-R52W, Codington County, SD. Motion passed unanimously.

Muller drafted an ordinance for "Timber Services". It is horticultural related and would be a Special Permitted Use allowing landowners to cut and sell wood. A fee would need to be established for Special Permitted Uses. A question was raised by the Board about potential transfer of wood or insect diseases including but not limited to Emerald Ash Borer (EAB). Muller will contact the State Forester for advice, direction, and state rules/laws.

The June monthly meeting has been moved to June 23 with a start time of 6:30 p.m. due to a potentially large agenda.

Motion to adjourn made by Culhane, second by Ries. Motion passed unanimously. Meeting adjourned at 9:10 pm.

Respectfully Submitted,  
Becky Goens

**MAY 2025  
CODINGTON COUNTY  
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

**CODINGTON COUNTY BOARD OF ADJUSTMENT**

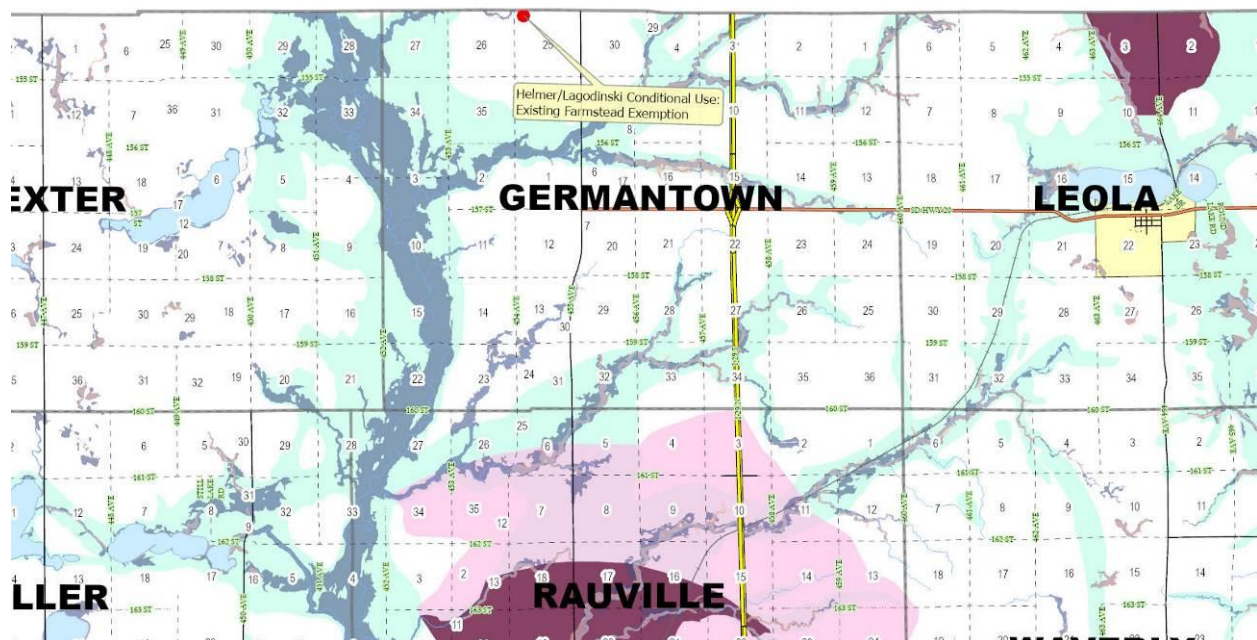
**ITEM #1 CONDITIONAL USE PERMIT**

**Applicant:** Riley Helmer / **Owner:** Brett Lagodinski

**Property Description:** A portion of the North 581 Feet of the Northwest Quarter, Section 25 Township 120 North, Range 52 West of the 5th P.M., Sisseton-Wahpeton Reservation, Codington County, South Dakota. (Germantown Township).

**Lat/Long (Existing Approach):** 45.148994°; - 97.117947°

**Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)**



**Zoning Designation:** Agricultural

**Request:** The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description as an existing farmstead.

**History/Issue(s):**

1. The Lagodinski's own the above described property and farm all but the old building site.
2. The property was a base for farming operations since prior to 1976.
3. Current owners do not recall the residence being occupied.
4. After a review of Director of Equalization records a house was located on that property with an assessed value similar to surrounding occupied residences; indicating it was occupied.
5. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.

6. It appears the parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
7. The Board has the ability to attach conditions it deems fit to meet the intent of the ordinance.
8. In one similar instance (Howey 2011), with no anecdotal evidence, only equalization records the Board of Adjustment allowed the Farmstead Exemption provided the applicant agree that no other house be constructed in the same Quarter-Quarter Section.

Helmer/Lagodinski Conditional Use Permit:  
Existing Farmstead



**Staff recommendation:** (Conditional Use Permit) –*Existing Farmstead Exemption* - Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after site visit and review of equalization records has determined that this parcel contained a house that was assessed similarly to occupied houses less than fifty (50) years ago; and was used as a base of farming operations prior to October 26, 1976. If approved it should be done so on the following conditions:

- a. That the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.
- b. Property Owner/Applicant agree that the granting of this conditional use permit does not allow a second residence in the same quarter-quarter section (NW1/4 of NW1/4).

## **ITEM #2 CONDITIONAL USE**

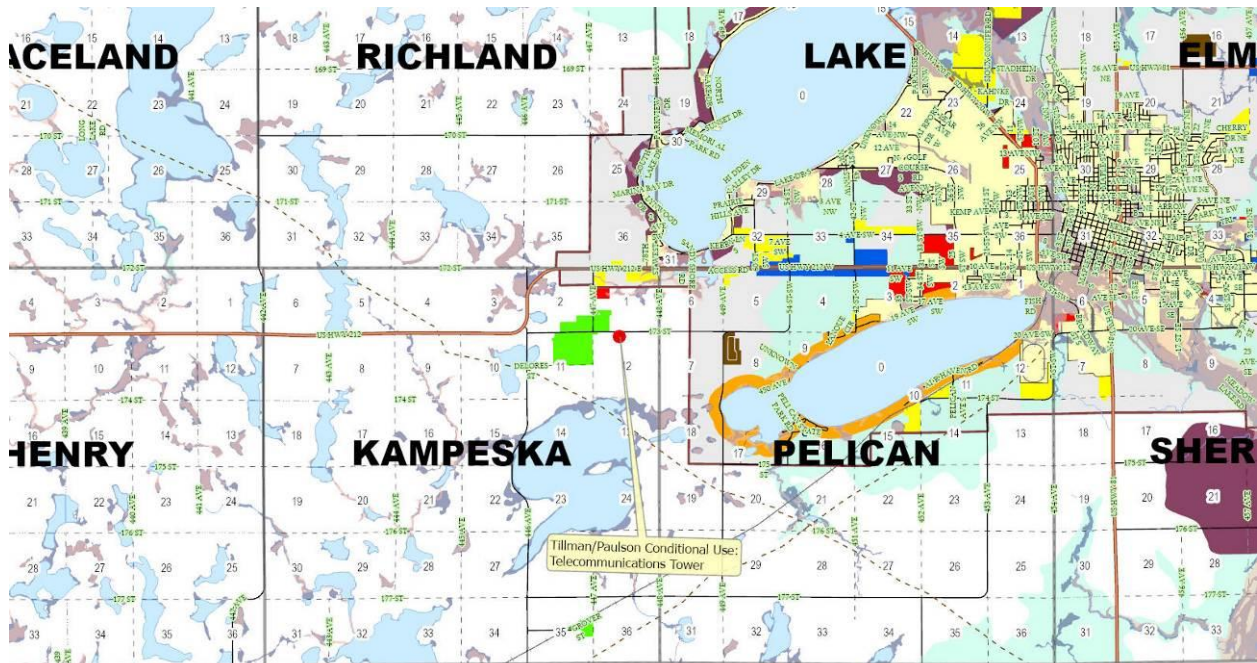
**Applicant:** Woody Krog on behalf of Tillman Infrastructure, LLC / **Owner:** Michael and Joyce Paulsen Living Trust

**Property Description:** The Northwest Quarter, less the North 229.6 Feet of the West 379.4



Feet, of Section 12, Township 116 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Kampeska Township)

Latitude/Longitude: 44.876616°/-97.260738° (Approach Location)



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

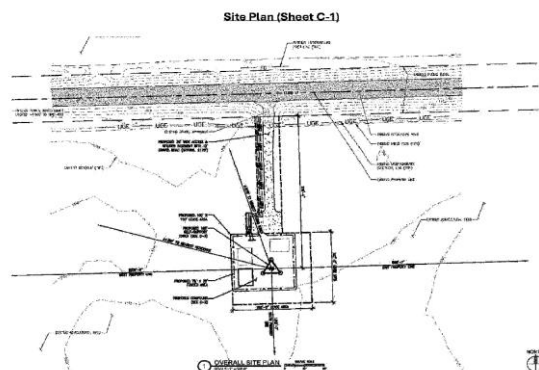
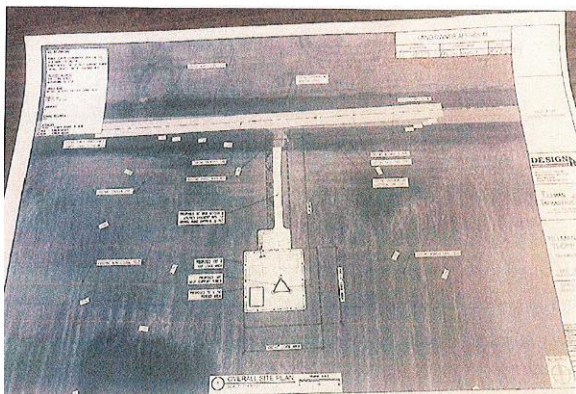
**Zoning Designation:** Agricultural District

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

**History/Issue(s):**

#### Specifics of Request:

1. Tillman Infrastructure seeks to construct a 199.5' tall (counting lightning rod), self supported lattice cellular tower on the above described property.
2. They will lease a 100' x 100' site in the northeast portion of this property, upon which the tower will sit.
3. Tillman requests no variances with this application.
4. The property is otherwise used for cropland.



Ordinance and Comprehensive Land Use Plan regarding this request

1. The comprehensive land use plan lists considerations for telecommunications towers on pages 69-71
2. Telecommunications towers such as this are listed and allowed as a conditional use in the Agricultural District subject to numerous conditions and considerations.
3. Access will be provided in a 30' Easement to the site with a 12' gravel drive accessing 173<sup>rd</sup> Street.
4. The following table outlines the review by the zoning officer of the application as presented by the applicant at the time of this report:

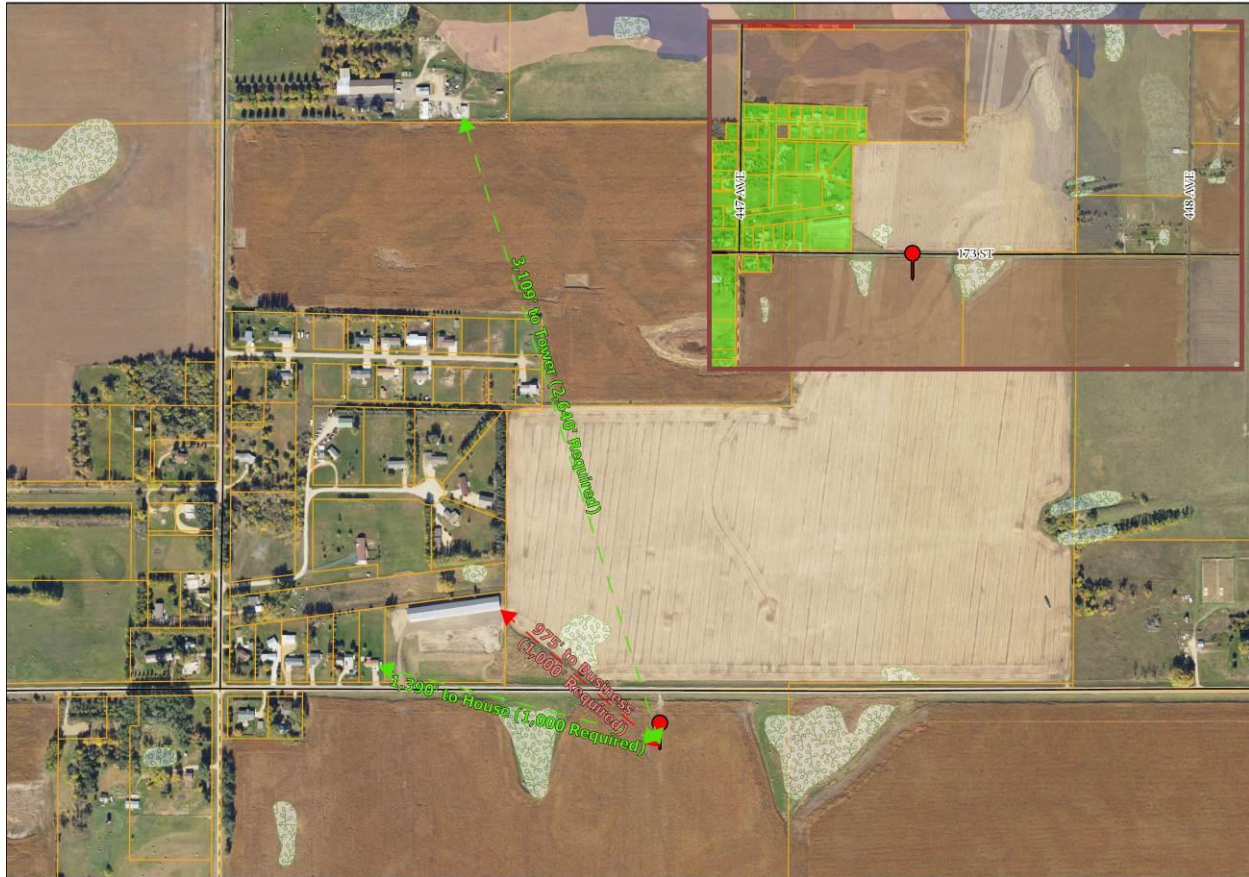
Section	Title	Reference Page	Notes
5.24.02.1	Exempt Towers	Sheet C-3 of Zoning Drawings and letter from AT&T	Tower over 150' tall, but under 200' in height. Typically the county requires markings in lieu of lighting if lighting is not required by FAA.
5.24.02.2	Co-location	Letter from Tillman	<ul style="list-style-type: none"> <li>• Structure was designed at least 3 antennae attachments. Applicant will use 1</li> <li>• Applicant shall not charge excessive co-location fees; and shall agree upon request to mount public safety/law enforcement apparatus.</li> <li>• Will provide certification from engineer to verify for co-location – engineered plans provided with application</li> </ul>
5.24.02.3(a)	Contact/project info	Conditional Use application; and T-1	
5.24.02.3(b)	Legal Description/Address	Attached to CU Application with more detail in lease agreements	
5.24.02.3(c, e, f)	towers w/in ½ mile	Applicant asserts no Cell Towers within one-half mile	Utilizing publicly available GIS information and the GPS coordinates the tower is over 3,100 feet from nearest Tower
5.24.02.3(d)	Description of design plan	AT&T Letter	Includes technology used. Microcell technology is inferior to the modern technology used.
5.24.02.3(g)	Will not interfere with other radio signals	AT&T Letter	AT&T has been authorized to use the same technology nationwide. Though not expected based on experience, if problems do occur AT&T agrees to work with applicable entities to fix the problem.
5.24.02.3(h) (i) and 5.24.04	Structural Requirements; Fire Marshal review	Reference sample report in application	Engineering Tower and Foundation plans to be provided prior to issuance of Building Permit (consistent with past practices for new towers and co-locates.)
5.24.02.3(j)	Meeting FCC Standards	Letter from FCC	Federal law gives the FCC Sole authority over radio wave transmission. RF and other radio signals may not be used as justification for denial. (repeated in County Ordinance

Section	Title	Reference Page	Notes
5.24.02.3(k)	No zoning violations	n/a	No violations on this property
5.24.02.3(l)	Other information		Though application is outside of the runway protection zone for Watertown Airport and below the 200' requirement (typically used) for lighting, the Board has a history of requiring applicants to notify local permitted crop dusters (airstrips) of the lat/long of the tower.
5.24.03.2.a	Setbacks from existing off-site residences, businesses and public buildings	Shall be 1,000 feet	Nearest Residence from Lat/long is 1,390'. Nearest Business from Lat/Long is measured at 975' where 1,000 Feet is required. Staff reiterates need to follow requirements to be at least 1,000' from storage business.
5.24.03.2.b	Setbacks from public right-of-way	At least 200'	216' from 173 <sup>rd</sup> Street right-of-way; No other applicable right of way. See "Zoning Drawing"
5.24.03.2.c	Setbacks from property line	At least 300'	598' from nearest (east) property line. ""Zoning Drawing".
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	199.5' above grade.
5.24.07	Illumination	Lighting Type not specified	Applicant agrees to meet FAA requirements – not expected to need lighting.
5.24.08	Exterior Finish	Telephone Communication	Finish is as typical of cell tower design. Applicant is willing to add lighting or markings to meet recommendations of local aviators/crop dusting.
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.



Tillman/Paulsen Conditional Use Permit:  
Telecommunications Tower



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 filed with the application:

- F. Applicant agrees that it will not charge co-location fees in excess of commercially reasonable industry amounts.
- G. Applicant agrees that upon the request of Codington County mount law-enforcement or public safety communications apparatus.
- H. Prior to issuance of buildings permit, applicant agrees to submit surveyed location of tower location that specifies the location will be not less than 1,000' from the nearest business; however, location shall not be located west of Longitude: -97.260756.
- I. The proposed Telecommunications Tower shall meet or exceed all requirements of the Federal Aviation Administration (FAA) and South Dakota Department of Transportation-Aeronautics Commission with regard to transmission of signals, height, marking, and registration of the Tower. If compliance is not necessary, documentation from the applicable agency shall be provided to the Zoning Officer and kept with this application.
- J. The Grantor further agrees to notify the following entities of the location (legal description & Latitude/Longitude coordinates) and height of the Tower via certified mail:



3. Wilbur-Ellis Air LLC  
45149 152<sup>nd</sup> Street  
Summit, SD 57266-5112
4. Watertown Regional Airport  
2416 Boeing Avenue  
Watertown, SD 57201

K. 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**

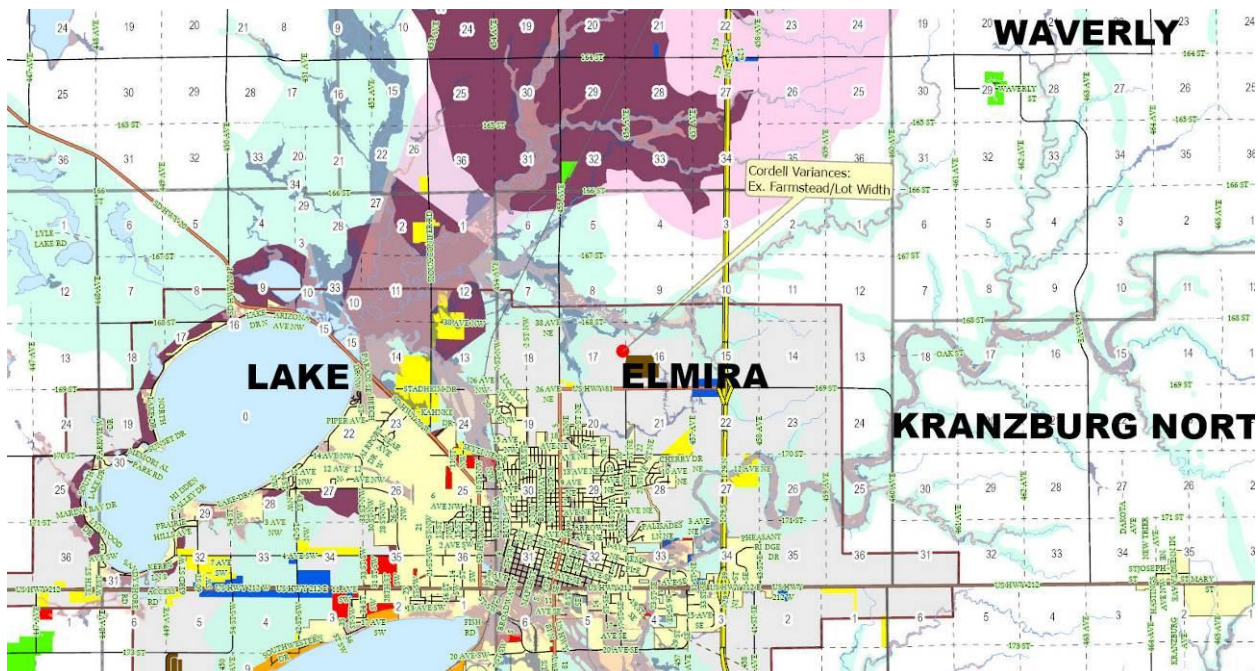
**Applicant/Owner: Stacey Dobberpuhl on behalf of Judy Cordell Estate**

**Property Description:** Cordell Brothers Addition in the Northeast Quarter of Section 17, Township 117 North, Range 52 West of the 5th P.M., Codington County, South Dakota

**Action Items – Plat approval.**

**Zoning Designation: Ag District**

**Request: Plat a 5 acre lot at site of existing farmstead.**





Cordell Variances:  
 Ex. Farmstead/Lot Width



## **ITEM #2 DISCUSSION: EXTENDED HOME OCCUPATION AMENDMENT**

At the previous meeting the Planning Commission asked the Zoning Officer to initiate an amendment to allow "Timber Services" (growing, cutting, and splitting timber potentially for sale on or off site) as an allowable extended home occupation. Staff has prepared and will distribute a draft at the meeting.