

County Planning Board of Adjustment Minutes

December 15, 2025

The Codington County Board of Adjustment met for their monthly meeting on December 15, 2025, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Calvin Mack, Mel Ries, Rodney Klatt, Mark O'Neill, Liam Culhane, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present: Woody Krog, Mike Bunkers, and Becky Goens.

Chair Hanten brought the meeting to order at 9:03 am.

Motion by Johnson, second by Ries, to approve the November 17, 2025 meeting minutes. Motion passed unanimously.

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

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

Motion by Johnson, second by Culhane, to approve the Conditional Use Permit request by The Towers, LLC to construct a cell tower on property leased from Michael and Kathleen Lindner. Property description is N1/2 of NE1/4, less N507' of E615', Section 16-T118N-R52W, in the Sisseton-Wahpeton Indian Reservation, Codington County, SD. If approved, the applicant will 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. 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.
- C. 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 152nd Street
Summit, SD 57266-5112
 2. Watertown Regional Airport
2416 Boeing Avenue
Watertown, SD 57201

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.

Muller read the Staff Report (attached). No one was present to speak on this request. Public hearing closed. 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 by Klatt, second by Culhane, to recommend approval to the Board of County Commissioners the Petition to Vacate request by Michael and Diane Bunkers; and Janet and Joseph Bevers. Property is described as the public access road located between Lots 10-12 of the Plat of Lots 1-13 of Polze Subdivision in Government Lot 4 of Section 17-T116N-R53W, Codington County, SD; and Lot 14C of the plat entitled: Schwandt's Pelican View Subdivision, Codington County, in Government Lot 4, Section 17-T116N-R53W, Codington County, SD. If approved, the applicant shall agree to providing a dedicated emergency ingress/egress upon some portion of the former right-of-way and surrounding property which meets the minimum requirements established in International Fire Code. Muller read the Staff Report (attached). No one was present to speak on this request. Public hearing closed. Motion passed unanimously.

Motion by Culhane, second by Ries, to recommend approval to the Board of County Commissioners the Plat of Bunkers Addition located in Government Lot 4, Section 17-T116N-R53W, Codington County, SD. Motion passed unanimously.

Muller advised the board of a recent manure spill in the county which was brought to his attention by a letter received from Department of Agriculture and Natural Resources. This issue is being handled in a timely and efficient manner.

Motion to adjourn made by O'Neill, second by Ries. Motion passed unanimously. Meeting adjourned at 10:21 am.

Respectfully Submitted,

Becky Goens

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

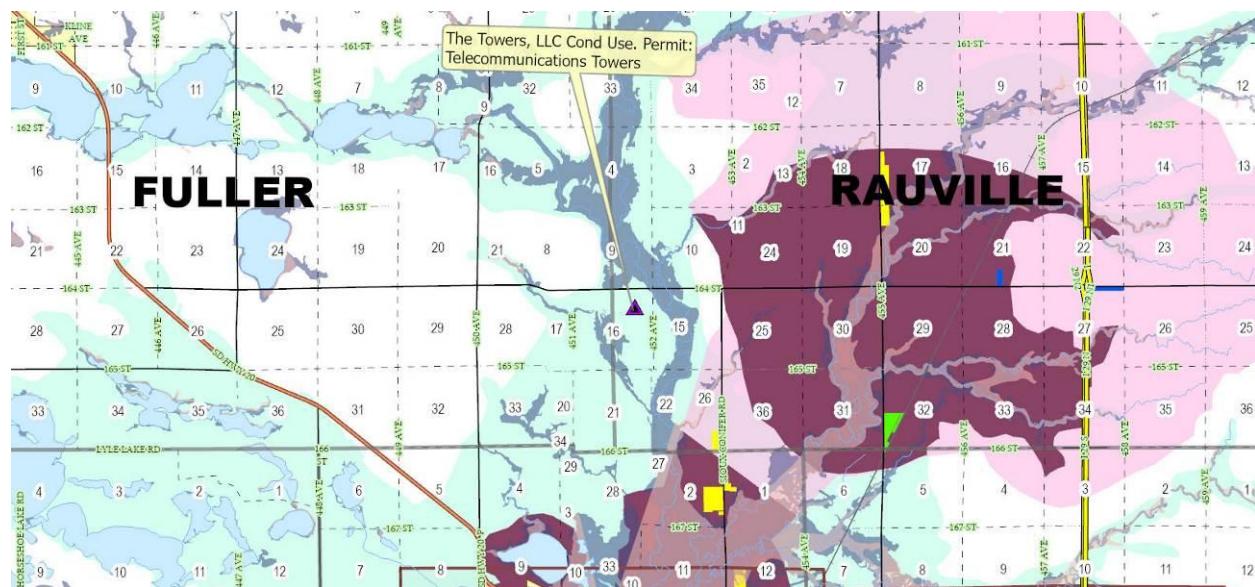
ITEM #1 CONDITIONAL USE

Applicant: Woody Krog on behalf of The Towers, LLC

Owner: Michael and Kathleen Lindner

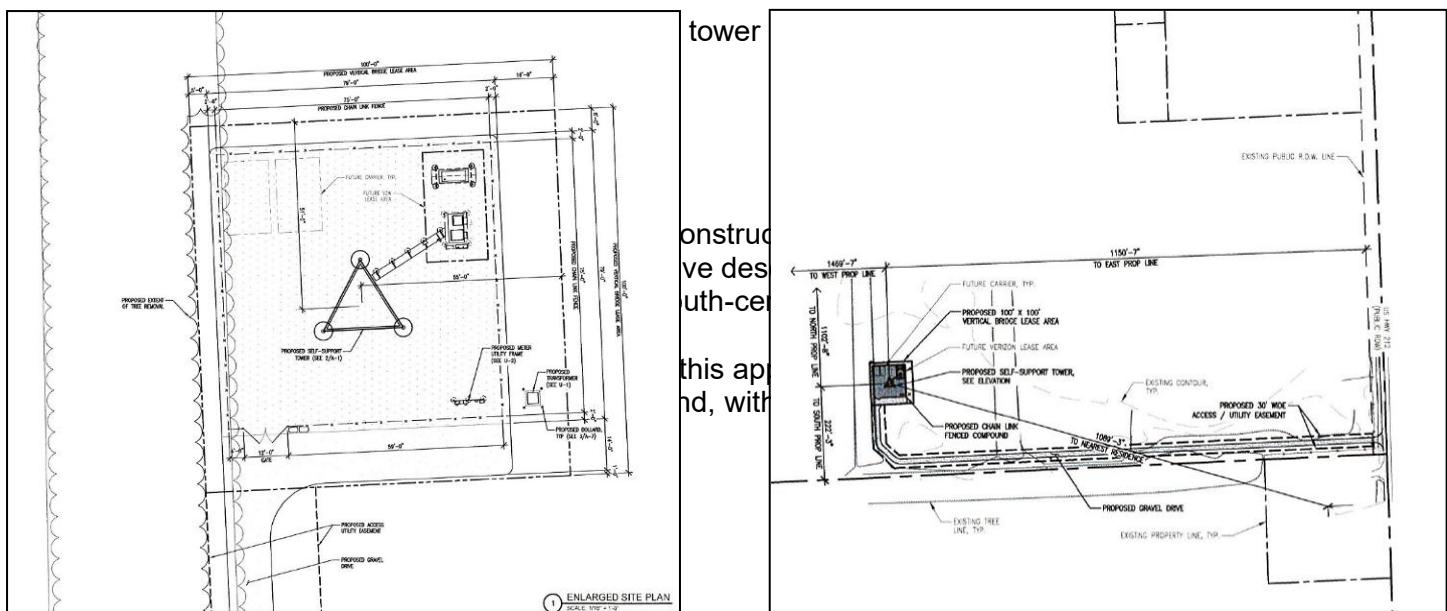
Property Description: The North Half of the Northeast Quarter, less the North 507 Feet of the East 615 Feet, of Section 16, Township 118 North, Range 52 West of the 5th Prime Meridian in the Sisseton and Wahpeton Indian Reservation, Codington County, South Dakota. (Rauville Township)

Latitude/Longitude: 45.003047°/-97.168894° (Tower Location)



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

Zoning Designation: Agricultural District



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 452nd Ave (mislabeled on sheet A-1 "Overall Site Plan" as US HWY 212).
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 A-1 of The Towers Application Packet (AP)	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 Vertical Bridge	<ul style="list-style-type: none"> • Structure was designed at least 3 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 for co-location – engineered plans provided with application
5.24.02.3(a)	Contact/project info	Conditional Use application; and AP Sheet T-1	
Section	Title	Reference Page	Notes
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	The nearest telecommunications "towers" are accessory to utility structures (water tank/tower), and both are greater than ½ mile from this structure.
5.24.02.3(d)	Description of design plan	Verizon 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	Verizon Letter	Verizon has been authorized to use the same technology nationwide. Though not expected based on experience, if problems do occur Verizon 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 (Preliminary Engineering included in AP.)

5.24.02.3(j)	Meeting FCC Standards	Letter from Verizon	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)
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, conical zone, and horizontal zone for Watertown Airport and below the 200' requirement (typically used) for lighting, the applicant already included documentation from FAA for its approval.
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 1,084' (Mitchell). Nearest Business from Lat/Long is measured at 2,778' (Clark Rural) where 1,000 Feet is required.
5.24.03.2.b	Setbacks from public right-of-way	At least 200'	~1,000' from 164 th Street right-of-way. Zoning Drawing. (& Publicly available data)
5.24.03.2.c	Setbacks from property line	At least 300'	220' from nearest (south) 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 cell towers less than 5 miles away (exceeds greatest separation distance required of ½ mile.)
5.24.06	Tower Height	Tower height provided in Scope of work	199.5' above grade.
Section	Title	Reference Page	Notes
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.



The Towers LLC 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:

- E. Applicant agrees that it will not charge co-location fees in excess of commercially reasonable industry amounts.
- F. 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.
- G. 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:
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Summit, SD 57266-5112

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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.

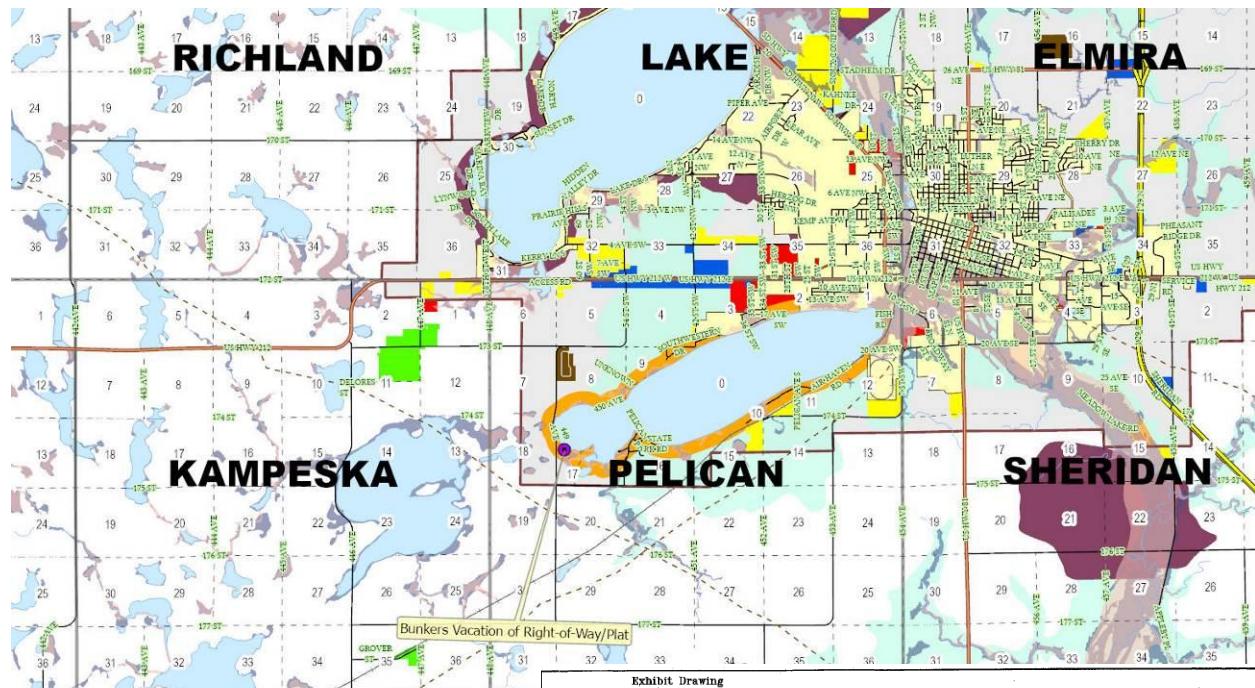
CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 VACATION OF RIGHT-OF-WAY

Property Owner/Applicant: Michael and Diane Bunkers; and Janet and Joseph Bevers

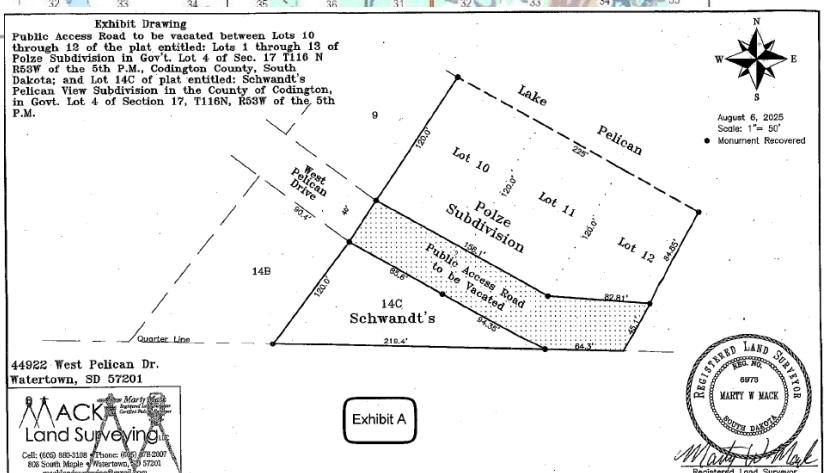
Action Item – Recommend approval of petition to vacate alley right-of-way.

Property Description: Public access road located between Lots 10 through 12 of the Plat of Lots 1 through 13 of Polze Subdivision in Government Lot 4 of Section 17, Township 116 North, Range 53 West of the 5th P. M., Codington County, South Dakota; and Lot 14C of the Plat entitled: Schwandt's Pelican View Subdivision in the County of Codington, in Government Lot 4 of Section 17, Township 116 North, Range 53 West of the 5th P. M., Codington County, South Dakota (Pelican Township)



Request: Vacate the above described alley.

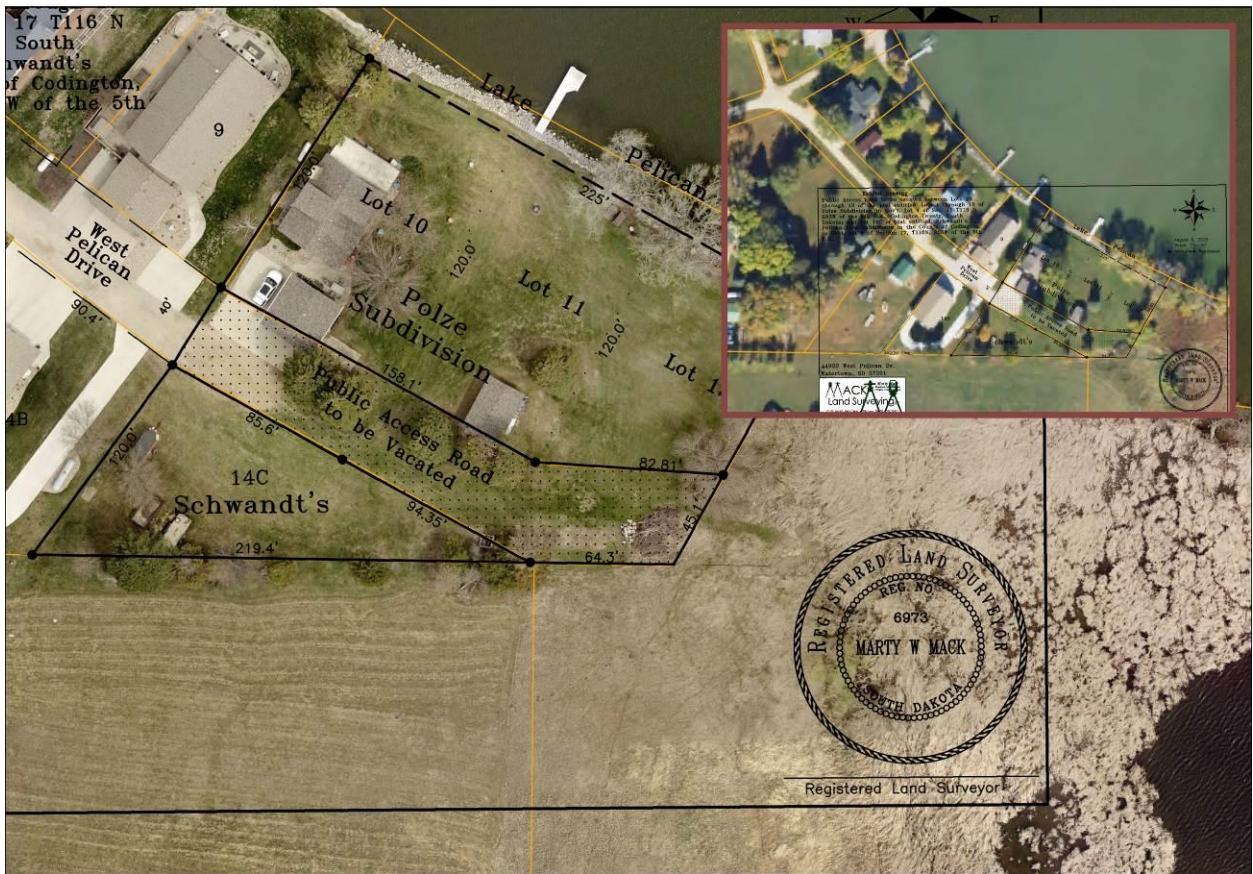
History:



1. The petitioners own the above described properties.
2. The subject right-of-way is not on the County Road system; however Pelican Township has noted the right-of-way is not on its road system either.
3. State law allows the County to vacate a right-of-way which is not on any jurisdiction's "road system." Codington County policy is to require the petitioners to ask whether the Township would prefer to hear the request or that the request come to the County. On the previous request to vacate a portion of this access road, the township requested the County address the vacation, with no objection from the township.
4. The right-of-way primarily serves as access for Bunkers (house on north side of stretch to be vacated).
5. West Pelican Drive is maintained by the adjacent property owners.
6. Much of the "road" presently crosses Lot 13 rather than being within the actual right-of-way.
7. Mr. Bunkers intends to plat the 4 lots into a single lot to construct a shed on the lot and other improvements.
8. The planning commission makes a recommendation on this matter since the planning commission is also involved in recommending whether a road is created and how wide it should be.
9. State law requires that the County Commission only vacate right of way when it determines the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located.
10. Petitioners request the vacation on the grounds that the access/road is not in use [for anyone other than the petitioners].
11. Watertown Fire Rescue requests that approval be subject to, in accordance with International Fire Code, an easement be dedicated upon the petitioners property with the subsequent plat to allow an emergency turnaround.
12. Staff Summary and Recommendation – Based on the comments by the township supervisors that this street is not on its road system, the fact that access to the petitioners will not be affected; and that substantial public benefit may be accomplished by dedicating an emergency turnaround; there is evidence that the vacation of the right-of-way will better serve the public interest. Since the road dead-ends into private property, at best it presently attracts the potential trespassing of travelers beyond providing access for the petitioners.



Bunkers/Bevers Vacation of Right-of-Way:



If the Planning Commission would recommend approval, the following findings may be used to justify the decision:

The Planning Commission agrees that the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located because:

- The right of way serves only as access to the lots owned by the petitioners, resulting in a dead-end.
- Pelican Township does not maintain the right-of-way, therefore it is privately maintained and access will still be provided to the petitioners' property.
- West Pelican Drive is not on the Township's road system. Action to vacate this right-of-way is based only upon the understanding that this public access easement is not on the Pelican Township Road System.
- Watertown Fire Rescue recommends approval and subsequent replat be conditioned upon dedication of an emergency turnaround to meet ICC and IFC minimum requirements:
 - Therefore the Planning Commission recommends approval be subject to the dedication of an emergency ingress egress upon some portion of the former right-of-way and surrounding property which meets the minimum requirements established in International Fire Code.

If the Planning Commission would recommend denial, the following findings may be

used to justify their decision:

The Planning Commission **does not agree** that the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located because:

- The public benefit to vacating this right-of-way is insufficient to warrant vacation of the platted right-of-way; or
- The action should be taken up directly by Pelican Township, if they choose not to act, then the vacation should not be acted upon.

ITEM #2 PLAT

Applicant/Owner: Michael and Diane Bunkers

Property Description: Bunkers Addition located in Government Lot 4 of Section 17, Township 116 North, Range 53 West of the 5th P.M., Codington County, South Dakota (Pelican Township)

Action Items – Plat approval.

Zoning Designation: Lake Park District

Request: Plat a 1.04 acre lot, with an emergency turnaround easement connecting to West Pelican Drive near the west boundary of the property as a condition of approval of vacation of right-of-way.

