

**BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY
STAFF REPORT**

Monday – December 9, 2024 – 6:30 p.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE

Applicant: Jeræ Wire - East River Electric Power Coop

Land Owner: East River Electric Power Coop

Property Description: Tract 1 of Deuel Switchyard Addition in the N1/2NW1/4 of Section 34-113-50, Grange Township, Deuel County, South Dakota.

Action Items – Conditional Uses Permit – (Section 1101.04.12 Essential Services System & Section 1101.04.13 Wireless Telecommunication Tower)

Zoning Designation: A – Agricultural District

Request: Applicant/Owner requesting an Extension for Expiration Date for a Conditional Uses Permit to construct electrical switch yard to connect the Toronto Substation to the existing WAPA line and to erect 95' 115' (to amend the height) private internal communication tower that was granted on January 22, 2024.

History/Issue(s):

Specifics of Request

• **Extension for Expiration Date for the Conditional Use Permits that were granted on January 22, 2024 Pursuant to Section 1101.04.12 Essential Services System & Pursuant to Section 1101.04.13 Wireless Telecommunication Tower Section 1101.04.12 Essential Services System & Pursuant to Section 1101.04.13 Wireless Telecommunication Tower & (to amend the height) private internal communication tower.**

1. On January 22, 2024 the applicant was granted a Conditional Use Permit to construct electrical switch yard and to erect 95' private internal communication tower to connect the Toronto Substation to the existing WAPA line in AG District.

a) This 115 kV switching station is needed by East River to accommodate load growth, mitigate potential voltage violations and thermal overloads, and to improve reliability in the Deuel County area. The temporary interconnect on the WAPA Watertown to Brookings 115 kV line is being placed into service for the Toronto Tap and Toronto Substation project.

b) The Toronto Substation project has been previously approved and is scheduled to be placed into service in 2024. To more effectively sectionalize the 115 kV transmission network in the area, a 115 kV switching station is needed on WAPA's networked transmission line per their interconnect standards, which will replace said temporary interconnect.

c) The switching station will be located adjacent to WAPA's 115 kV line that currently goes from the WAPA Watertown substation to the WAPA Brookings substation.

- This location is approximately 4 miles west of the East River Toronto Substation. The initial arrangement will be a three-position ring bus to interconnect the 115-kV line from WAPA Brookings and WAPA Watertown as well as provide source to the new Toronto Substation.

2) **Why East River is asking for an Extension for the Expiration Date of January 22, 2025 to January 22, 2026.**

- The original purchase agreement was signed by Jeffrey Watt and Christine Watt on July 20th, 2023, with closing to take place on or before February 1st, 2024, However Jeffrey passed away approximately three months later in 2023.
- A new purchase agreement as well as having to file paperwork with the courthouse due to Jeffrey's passing was done and processed, the new Purchasing Agreement was signed by Christine Watt on December 18th, 2023, with a new closing date to occur before July 1st, 2024. Christine then passed away before the property could be closed on.
- A new purchase agreement was signed with Samuel Watt on June 27th, 2024, with closing to take place before December 1st, 2024. With the passing of Jeffrey and Christine there were issues with getting the estate settled and being able to close which held up the process.

- After the needed documents were processed for the estate, we were able to close on the property September 25th, 2024.
- They could not start the process until they closed on the property and with the final closing on 9-25-24 they believe they do not have enough time to start the project before the expiration date of 1-1-2025.

3) They would like to **amend the height** the Conditional Use Permit that was granted on 1-22-2024 to construct electrical switch yard and to erect 95' to a 115' private internal communication tower to connect the Toronto Substation to the existing WAPA line in AG District.

- They are requesting to amend the height to from 95' to 115' since January 1-22-2024 there has been a bin site that was erected between this site and the Arlington Substation. Because of the height of the new bin East River needs to increase the tower that previously granted to allow the communication between the towers.
- While they are requesting Extension for the Expiration Date the CUP for approval of the switch yard and the internal communication tower and amending the height of the tower, they would need and other permitting with the PUC or with the FAA since substation is below permitting size for voltage and the tower is 115' which is below FAA regulations.
- East River will also need to meet Section 1216.04. Setbacks.
 - The proposed new site for the 115' tower exceeded the required distance from existing off-site residences, business and public buildings shall be one thousand (1,000) feet.
 - The site of the 115' tower is approximate 1200' from the Watt's house to the east.
 - The proposed tower is 115' from public right-of-way shall be the height of the tower.
 - The proposed tower is more than 115' from any property line shall be the height of the tower.

4) The Zoning Office also notified the impacted townships (Grange Township in Deuel) about your plans for the installation of the switch yard about any approaches.

5) Deuel County Ordinance requires that a land owner go through the Conditional Uses Permit Process to construct an electrical switch yard (Deuel Switchyard Addition) and to erect 115' private internal communication tower in the "AG" District.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Essential services are listed as a Conditional Uses in the A – Agricultural District.
 12. Essential services – Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures used by public for protection of the public health, safety or general welfare, including towers, poles, wires, mains drains, sewers, pipes, conduits, cables satellite dishes, and accessories in connection therewith. The Board attached the specific condition in accordance with its ability to add conditions to a conditional use permit.
 2. Wireless Telecommunication Towers are listed as a Conditional Uses in the A – Agricultural District.
 13. Wireless Telecommunication Towers and Facilities provided they meet requirements of Section 1216
 - Since this tower is 115' tall they have to meet Section 1216.04
 - Towers in excess of one hundred (100) feet in height shall meet the following:
 - a. Distance from existing off-site residences, business and public buildings shall be one thousand (1,000) feet. Distance from on-site or lessor's residence shall be five hundred (500) feet.
 - b. Distance from public right-of-way shall be the height of the tower.
 - c. Distance from any property line shall be the height of the tower.
 - Setback requirements for Towers shall be measured from the base of the of the Tower to the property line of the parcel of land on which it is located.
3. The Deuel County Comprehensive Land Use Plan states that the main goal is to accommodate growth and to minimize the disturbance of agricultural land.
4. This property is located out of the floodplain.

- o This lot will get access off of 195th Street;
- o They have efficient Off-street parking; ample room for parking
- o They have efficient utilities;
- o They have efficient Screening and Buffering; Applicant exceeds the setbacks and considering the location, no screening is necessary & chain link fence around the sites;
- o They will have a sign; signage being located on the entrance gates approximately 2' x 4'; commercial grade work lights during emergency or work situation.
- o They have have efficient yard space and other open space; General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and there is one residence (Watt's house) approximately 825' from the platted lot and the tower is approximate 1200' from the Watt's house to the east in the Agriculture Zoned District. .

Staff Summary

Conditional Use Permit – Essential Services & Wireless Telecommunication Tower: The application may be approved, postponed, or denied.

Staff recommendation:

Approval would be based on the applicant's ability to meet the requirements for a Conditional Use Permit described in ordinance - To grant the Extension for the Expiration Date of January 22, 2025 to January 22, 2026 for the Conditional Uses Permits to construct an electrical switch yard (Deuel Switchyard Addition) and to erect and Amend the height from 95' to 115' private internal communication tower in AG District.

The Board determined that it is empowered under the section of the ordinance described in the application to grant the Conditional Uses and that granting the Conditional Uses will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM # 2 PLAT

Applicant/Land Owner: Margaret Uckert

Property Description: Uckert Second Addition in NW1/4 of Section 19, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota.

Request: To plat Uckert Second Addition which contains 50.26 acres for transferring purposes.

Action Item –Plat approval.

ITEM # 3 PLAT

Applicants/Land Owners: Travous Milton, Lucas Milton, Jacob Milton, Ricky Milton, LeRoy & Judith Sonnenburg, Dennis Milton and Lonnie Milton

Property Description: Milton Addition in NW1/4 of Section 26, Township 114 North, Range 48 West of the 5th P.M., Deuel County, South Dakota.

Request: To plat Milton Addition which contains 13.50 acres for transferring purposes.

Action Item –Plat approval.

ITEM # 4 PLAT

Applicants/Land Owners: Russell & Lori Rogness & Lowell & Susan Crooks

Property Description: Rogness Addition in SE1/4 of Section 26, Township 113 North, Range 48 West of the 5th P.M., Deuel County, South Dakota

Request: To plat Rogness Addition which contains 3.66 acres to clean up the property lines and legal for transferring purposes.

Action Item –Plat approval.

ITEM # 5 PLAT

Applicant/Land Owner: Twila Hanten, Representative of the Blum Farm LLC

Property Description: Blum Homestead Addition in SW1/4 of Section 10, Township 114 North, Range 50 West of the 5th P.M., Deuel County, South Dakota

Request: To plat Blum Homestead Addition which contains 11.50 for transferring purposes.

Action Item –Plat approval.

Public Copy - Do Not Take