

**JUNE 15, 2026
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT
STAFF REPORT**

MONDAY – JUNE 15, 2026 – 7:30 p.m.

ITEM #1 (1) VARIANCE

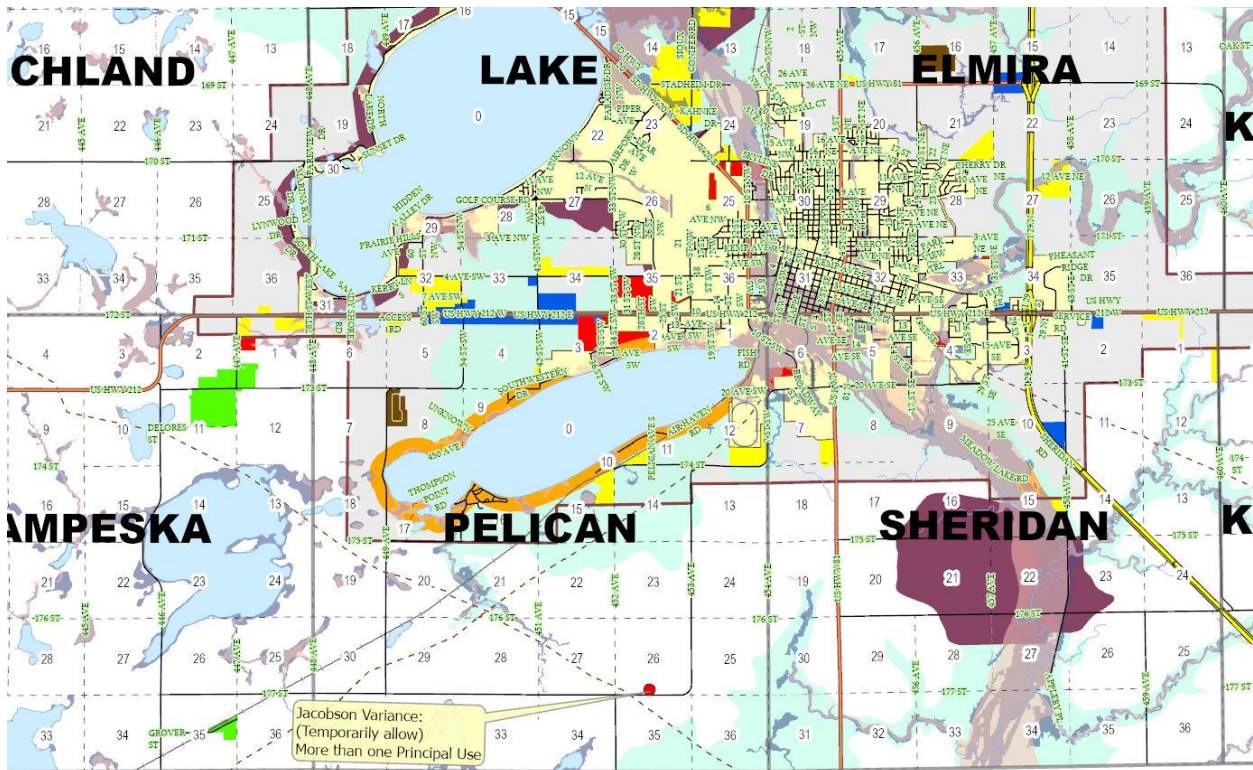
Owners/Applicants: Eric and Erika Jacobson

Property Description: Lot 1, Jorgenson Addition in the Southwest Quarter of Section 26, Township 116 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Pelican Township)

Lat/Long (at approach): 44.818241; -97.159061

Action Items –

Variance – more than one principal structure per lot (5.20)



Zoning Designation: Agricultural District

Request: The Jacobson's seek to replace their existing house on the above described property

History/Issue(s):

1. The Jacobson’s live on the above described property.
2. They seek to start construction on a new house in the same yard as the existing house.
3. The Jacobson’s seek to reside in the existing house until the new house is completed. Then to tear down, move off, or convert the old house to a different use.
 - a. The Board has repeatedly denied the ability to convert an existing (old) house to a different use since allowing Kellog’s to do so in 2010 resulted in repeated claims of allowing two houses in their case.
4. The existing 15 acre parcel was granted is a nonconforming lot of record.

Staff recommendations:

Variance to temporarily allow two principal structures on the same lot- Staff recommends approval of the variance for 2 principal structures subject to the applicant signing a letter of assurance agreeing to remove the existing residential structure from the above-described parcel within one year of taking occupancy of the new home.



ISSUE #2 EXTENSION OF CONDITIONAL USE

Applicant: Crowned Ridge Wind, LLC and Crowned Ridge Energy Storage, LLC

Owner: Crowned Ridge Wind LLC; and Raynelle Mueller and Bryan Zemlicka

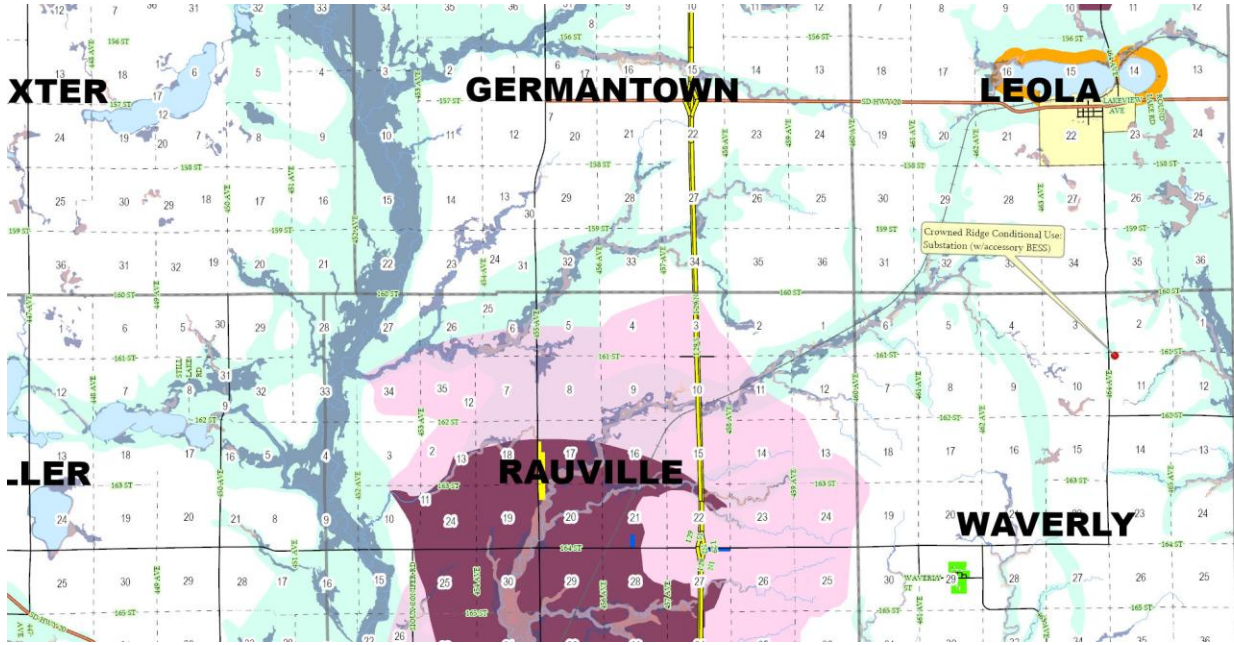
Property Description:

- *Zemlicka Addition in the North Half of Section 11, Township 118 North, Range 51 West of the 5th P.M., Codington County, South Dakota (Waverly Township); and*
- *Zemlicka Second Addition in the North Half of Section 11, Township 118 North, Range 51 West of the 5th P.M., Codington County, South Dakota (Waverly Township)*

Action Item – Conditional Use – Extension to Conditional Use Permit Granted on May 20, 2024 for a Public utility and public service structure (including Substations)… (3.04.02.11)

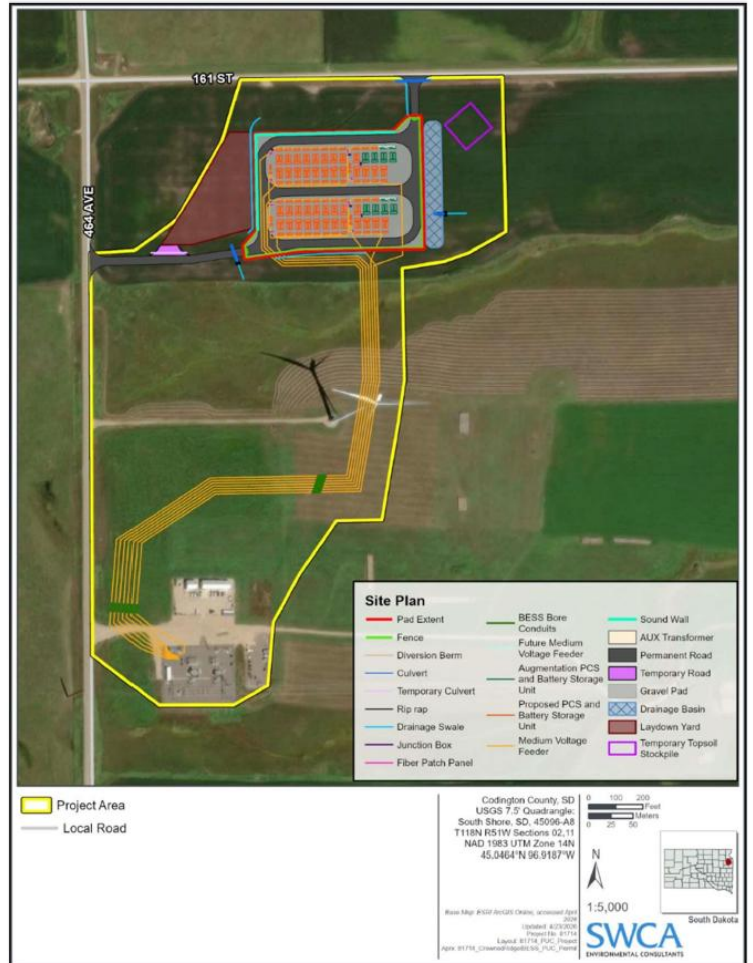
Zoning Designation: Agricultural District

Request: Applicant seeks to extend the expiration of the permit without commencement of construction to September 17, 2027.



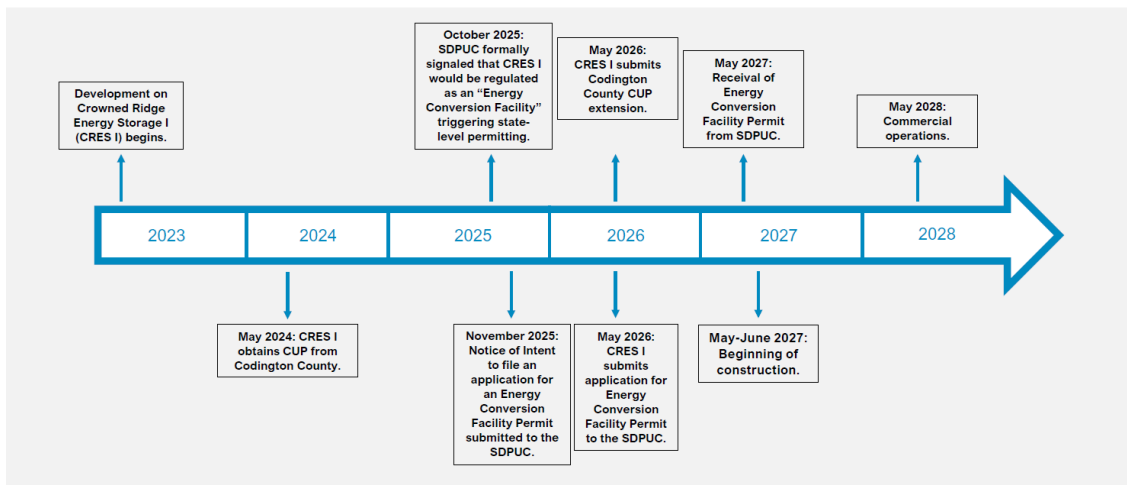
Specifics of Request:

1. On May 20, 2024 Crowned Ridge was granted a conditional use permit for a public utility structure, which allowed for the existing substation to be [effectively] divorced from the Wind Energy System for which it was previously considered accessory. The permit also specified a Battery Energy Storage Facility as being accessory to the Substation.
2. No expiration date was specified by the applicant, nor board, so by default the permit was set to expire on May 20, 2025 unless construction commenced without undue delay; or unless the decision was appealed to circuit court.
 - a. The decision of the Board of Adjustment was appealed to Circuit Court, with final decision (validating the permit) on September 17, 2024.
 - b. Therefore the permit is now set to expire unless construction has commenced without undue delay on or before September 17, 2026. (Ref. Section 4.05.01.9.b)
3. In the meantime, the South Dakota Public Utilities Commission has assumed Jurisdiction over the project and requires a permitting process with up to a 26 month process. (Not anticipated at time of original application.)



4. To date, no construction activities have commenced on site.
5. Construction of the facility is anticipated to start by June of 2027; with start of commercial operations scheduled for May of 2028.
6. The applicant requests an extension of one (1) year in accordance with Section 4.05.01.9.a of the zoning ordinance in order to allow the SDPUC process to continue/conclude prior to commencement of construction.

Crowned Ridge Energy Storage Project Timeline



Ordinance and Comprehensive Land Use Plan regarding this request:

1. The zoning ordinance specifies:

Unless otherwise specified by the Board of Adjustment, a Conditional Use Permit shall expire one (1) year from the date upon which it becomes effective if no actual construction has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

2. No conditions/stipulations are listed in ordinance for the granting of an extension.
3. Based on the first half of the first sentence in 4.05.01.9.a, the Board has the authority to extend the permit for a longer period of time.
4. Neither the merits of the previously issued permit, nor any conditions other than the expiration date are germane to this request.

Staff Summary

Regardless of the decision to extend the permit today, Crowned Ridge still has a valid conditional use permit to construct and operate a substation with accessory uses (including battery storage) subject to the conditions agreed upon by the Board and applicant. Since the battery storage portion of the substation site is extended onto a separate legal description where no previous construction has occurred, this application for extension was required. While it could be argued the need for the extension is moot since the Substation is already in operation, the Board would need to make such a finding to determine this extension is unnecessary. The only requirement listed in ordinance to obtain an extension to the conditional use permit is to make written request. There are no grounds for denial of the extension. The real question is whether an extension of Conditional Use Permit should be approved today provided the applicant adhere to some prescribed timeline.

Staff Recommendation

Extension of Expiration Date – **Public utility and public service structure (including Substations)...** (3.04.02.11): The Board may postpone the request, deny the request or approve the request. Staff recommends approval of the request to extend the expiration of the permit to September 17, 2027 with or without certain triggers established by the Board.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

Applicant/Owner: Dan and Tina Shodean

Property Description: Shodean Addition in the Northwest Quarter of Section 5, Township 117 North, Range 51 West of the 5th P.M. (Waverly Township), Codington County, South Dakota

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a 12.36 parcel. This parcel was granted an existing farmstead and subdivided in the past. The Shodean's are purchasing a former railroad right-of-way and incorporating it into their previous legal description (expanding the lot size.)

ITEM #2 PLAT

Applicant/Owner: Dan and Rita Meseberg

Property Description: Dan and Rita Meseberg Addition in the Southeast Quarter of Section 25, Township 118 North, Range 53 West of the 5th P.M. Codington County, South Dakota. (Rauville Township).

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a five-acre parcel at the site of an existing farmstead granted exemption on April 22, 2025.

ITEM #3 PLAT

Applicant/Owner: Nathan and Kathy Meland

Property Description: Lanke Addition in the Southeast Quarter (SE1/4) of Section 5, Township 119 North, Range 55 West of the 5th P.M., (Eden Township) Codington County, South Dakota.

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a ~8 acre parcel at the site of an existing farmstead granted in May 2026.

ITEM #4 PLAT

Applicant/Owner: Benjamin Fleming

Property Description: Fleming Addition in the Southwest Quarter (SW1/4) of Section 20, Township 118 North, Range 53 West of the 5th P.M., (Fuller Township) Codington County, South Dakota.

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a ~5 acre parcel at the site of an existing farmstead granted in April 2009.

ITEM #5 PLAT

Applicant/Owner: Loren and Rose Fleming

Property Description: Fleming Second Addition in the Southwest Quarter (SW1/4) of Section 20, Township 118 North, Range 53 West of the 5th P.M., (Fuller Township) Codington County, South Dakota.

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a 35 acre parcel consistent with variance to density/farmstead exemption granted in 2009 and updated in March 2023.

ITEM #6 PLAT

Applicant/Owner: Robin Roe Hindman Revocable Trust

Property Description: Roe-Hindman Addition in Government Lots 4, 5 and 6, Section 31, Township 118 North, Range 54 West of the 5th P.M., (Fuller Township) Codington County, South Dakota.

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat two nonconforming lots of record, split by Medicine Lake Road (purchased) right-of-way, created prior to October 26, 1976.

ITEM #7 DISCUSSION: Joint Jurisdiction Zoning Ordinance Repeal