

Codington County Planning Board of Adjustment Minutes

June 15, 2026

The Codington County Board of Adjustment met for their monthly meeting on June 15, 2026, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Mark O'Neill, Rodney Klatt, Liam Culhane, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Board members Mel Ries and Calvin Mack were absent. County Commissioner Tyler McElhany resided on the Board in their place.

Others present: Miles Schumacher, Steve Berkner, Erika Jacobson, Eric Jacobson, Bill Tostenson, Charlie Waterman, Betty Waterman, Daulton Pearson, Wayne Bertsch, Toby Reiss, Miken Kneth, Clay Camera, A.J. Howey, Amy Howardson, Lorna Hofer, Sam Froehlke, Linda Lindgren, Tim Lindgren, Ron Schmeling, Kara Kjenstad, Brandon Heim, Zach Thompson, Randy Schweer, Coni Stricherz, Amber Beisch, Raynelle Mueller, Cheryl Mack, and Becky Goens.

Chair Hanten brought the meeting to order at 7:30 pm.

Motion by Johnson, second by O'Neill, to approve the May 18, 2026 meeting minutes. Motion passed unanimously.

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

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

Motion by Klatt, second by Johnson, to approve the variance requested by Eric and Erika Jacobson to temporarily have two houses on one lot. Property is located on Lot 1, Jorgenson Addition in SW1/4, Section 26-T116N-R53W, Codington County, SD. Muller read Staff Report (attached). If approved, applicant would be required to sign 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. 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 Johnson, second by O'Neill, to approve the request by Crowned Ridge Wind, LLC and Crowned Ridge Energy Storage, LLC to amend the expiration of a Conditional Use Permit from September 17, 2026 to September 17, 2027 (unless construction starts first). Property is located in 1) Zemlicka Addition in N1/2 of Section 11-T118N-R51W and 2) Zemlicka Second Addition in N1/2 of Section 11-T118N-R51W, Codington County, SD. Muller read the Staff Report (attached). Daulton Pearson spoke on behalf of NextEra Resources. This request

is required due to the extended permitting process required by the PUC. Pearson explained the timeline as to why the project has not been completed and needs an extension. Tim Lindgren spoke in opposition indicating it will be bad for farming and the environment; road damage, noise, fire, explosion. Linda Lindgren spoke in opposition stating it's too big and indicates it is dangerous. Zach Thompson spoke as a neutral party stating some concerns about potential fire and if the local EMS is prepared and properly trained, energy benefits, but does trust the county to make a good decision. Amber Beisch is concerned about the fire safety hazard, water resource, and that the energy is being transported and used in MN, not SD; and the location of the school if there is a potential fire. Sam Froehlke (Deuel County resident) commented that SD transports electricity and just because we can do something doesn't mean we should. No one else was present to speak on this request. Public hearing closed. Board member Johnson asked Tim Lindgren about the condition of 464th Avenue today. They agreed the road is currently in better condition than it ever has been. The county made sure all roads were brought back to where they were. Johnson confirmed this site is located approximately 3 miles from Waverly School. Board members Klatt and Culhane clarified information regarding fire control/prevention, fire risk, noise levels, life span, decommissioning, and bonding. Motion passed unanimously.

Motion by Culhane, second by O'Neill to recess the Board of Adjustment and convene as the Planning Commission. Motion passed unanimously.

Motion by O'Neill, second by Johnson, to recommend approval to the Board of County Commissioners the Plat of Shodean Addition in the NW1/4 of Section 5-T117N-R51W, Codington County, SD. Motion passed unanimously.

Motion by Culhane, second by O'Neill, to recommend approval to the Board of County Commissioners the Plat of Dan and Rita Meseberg Addition in the SE1/4 of Section 25-T118N-R53W, Codington County, SD. Motion passed unanimously.

Motion by Culhane, second by O'Neill, to recommend approval to the Board of County Commissioners the Plat of Lanke Addition in the SE1/4 of Section 5-T119N-R55W, Codington County, SD. Motion passed unanimously.

Motion by McElhany, second by O'Neill, to recommend approval to the Board of County Commissioners the Plat of Fleming Addition in the SW1/4, Section 20-T118N-R53W, Codington County, SD. Motion passed unanimously.

Motion by Culhane, second by McElhany, to recommend approval to the Board of County Commissioners the Plat of Fleming Second Addition in the SW1/4, Section 20-T118N-R53W, Codington County, SD. Motion passed unanimously.

Motion by McElhany, second by Klatt, to recommend approval to the Board of County

Commissioners the Plat of Roe-Hindman Addition in Government Lots 4, 5, and 6, Section 31-T118N-R54W, Codington County, SD. Motion passed unanimously.

Discussion was held regarding the possibility of repealing the Joint Jurisdiction Zoning Ordinance. Muller provided the history of the creation of the Joint Jurisdiction Zoning Ordinance and how it could be repealed, if requested.

Muller advised the Board there are a couple of violations in the county that have been brought to his attention. One is located in the Joint Jurisdiction, and a Permit has not been applied for nor is the Use an allowable Use in the County. They have not reached out to the county but will be receiving an enforcement letter.

Motion by Culhane, second by McElhany, to reconvene jointly. Motion passed unanimously.

Motion to adjourn made by Culhane, second by Johnson. Motion passed unanimously. Meeting adjourned at 9:00 pm.

Respectfully Submitted,

Becky Goens

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

ITEM #1 (1) VARIANCE

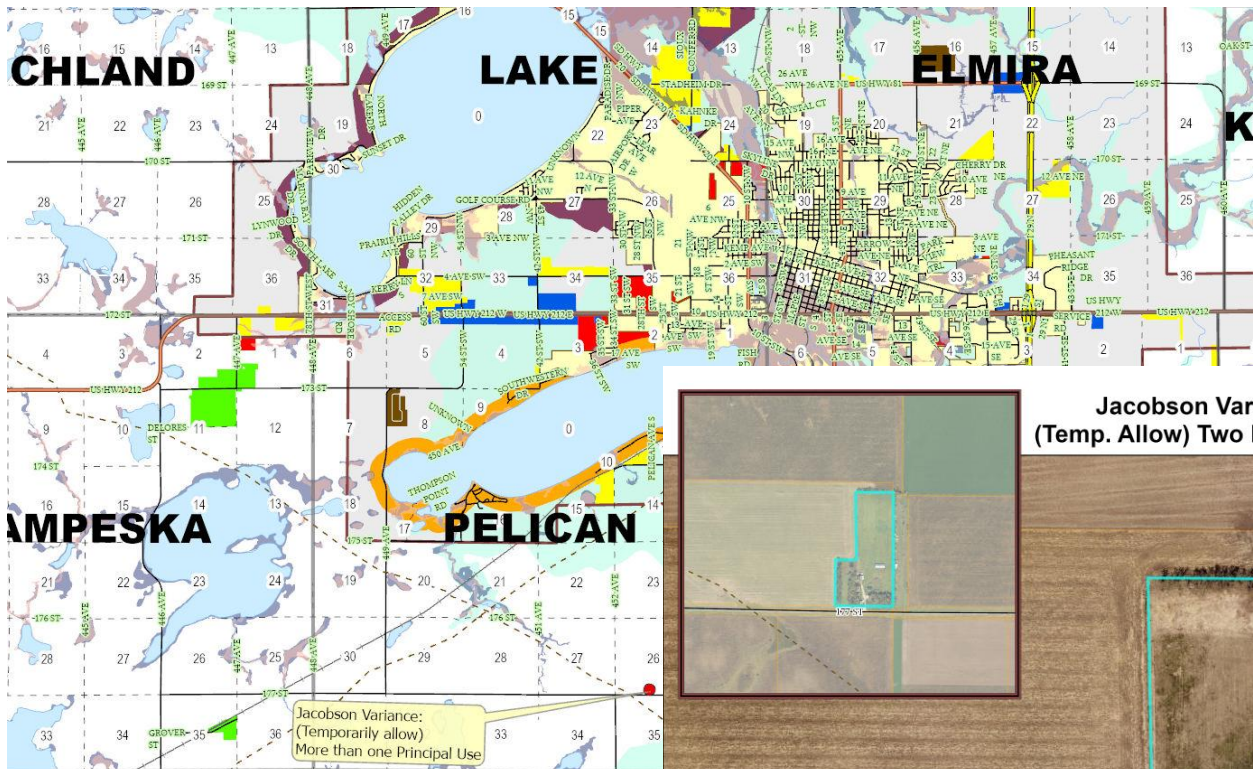
Owners/Applicants: Eric and Erika Jacobson

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)*

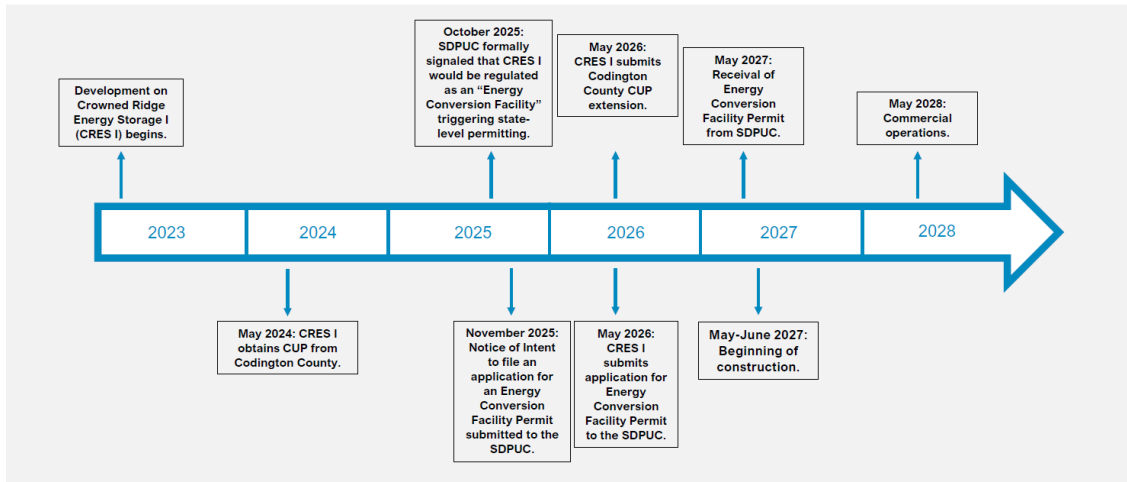
Action Item – Conditional Use – Extension to Conditional Use Permit Granted on May 20, 2024 for a Public utility and public service structure (including Substations)... (3.04.02.11)

Zoning Designation: Agricultural District

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

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