

October 13, 2020

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Paul Harens
☐ Zane Williams
☐ Dan Klimisch

☐ Joe Healy
☐ Chris Barkl
☐ Doug Hevle

☐ Kristi Schultz
☐ Dennis Michael
☐

7:00 P.M.

Call Meeting to Order
Roll Call
Approve Minutes from previous meetings
Items to be added to Agenda
Approval of Agenda
Conflict of Interest Declarations

7:05 P.M.

Peter Rosberg – Conditional Use Permit

Applicant is requesting a Conditional Use Permit for an increase in maximum structure size in a dual zoned Low Density Rural Residential (R1) and High Density Rural Residential (R3) District. The applicant currently has 1,272 sq. ft. in accessory structure and is requesting an additional 1,920 sq. ft. accessory structure which is an increase of 1,592 sq. ft. in a High Density Rural Residential District. Said property is legally described as Lot 6, Block 1, Riverside Acres North Addition, County of Yankton, South Dakota as per plat as recorded in Book S13, Page 126, Section 22, T93N R56W, hereinafter referred to as Utica South Township, Yankton County, South Dakota. The E911 address is 116 Nome St, Yankton, SD.

7:10 P.M.

Ryken's RV Park (Matt Evans) - Rezone

Applicant is requesting to rezone from an Article 7 Moderate Density Rural Residential District (R2) to an Article 13 Planned Unit Development (PUD). Said property is described as Nedved's Addition as platted in Book S10, page 56, excepting therefrom Lot 1, Nedved's Addition as platted in Book S17, page 135, and excepting Lots 9 and 10, Nedved's Addition as platted in Book S20, page 228, and further excepting Lots 1A and 2, Nedved's Addition as platted in Book S18, page 195, all located in the NW1/4 of Section 17, T94N, R56W of the 5th P.M., hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is TBD 435th Ave, Yankton, SD.

7:15 P.M.

Velocitel/AT&T – Conditional Use Permit

Applicant is requesting a Conditional Use Permit for a Communications Tower. Said property is legally described as Kabeiseman's Tract 4, as platted in Book S10, page 22, excepting therefrom the E590.30' of the S590.30' of Kabeiseman's Tract 4 as shown on survey, located in the N1/2 and excepting the E590.30' of the N590.30' of Section 12, T93N, R57W of the 5th PM, Yankton County, South Dakota less highways and roads hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 398 Wildflower Rd, Yankton, SD.

7:20 P.M.

Bruce Jensen

Petition for Review Committee Appointment and Open Meeting Law

7:25 P.M.

Plats

Plat of Lot 17 of Sundance Ridge, Located in the W1/2 of Section 12, T93N, R57W, of the 5th PM, Yankton County, South Dakota

Preliminary Plat of Lots 1 through 10 of Block 4, Lots 1 and 2 of Block 5 and Lots 1 through 12 of Block 6, Law Overlook Subdivision, in the SE1/4 of Section 7 and in the NE1/4 of Section 18, all in T93N, R56W of the 5th PM, Yankton County, South Dakota

Plat of Lot 2 of Block 5, Law Overlook Subdivision, in the SE1/4 of Section 7 and in the NE1/4 of Section 18, all in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Plat of Lot 17, in Gavins Gulch, Located in Engen Tract 14, Section 15, T93N, R57W of the 5th PM, Yankton County, South Dakota

Plat of Lot 4, Located in Engen Tract 13, in Section 15, T93N, R57W, of the 5th PM, Yankton County, South Dakota

Plat of Lots 456 and 678, Block 1, Marina Dell Two Subdivision, in the N1/2 of the NW1/4 of Section 17, T93N, R56W of the 5th PM, Yankton County, SD.

7:30 P.M.

Joe Healy

Presentation on Article 5

7:35 P.M.

Discussion on possible ordinance changes

Public Comment

Adjourn

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 9/8/20 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Atkinson, Vetter

ROLL ☐ FRENG ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS
CALL:

APPROVAL OF MINUTES: MOTION BY: Harens SECOND BY: Healy

PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

APPROVAL OF AGENDA: MOTION BY: Klimisch SECOND BY: Healy

PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS
Remove both Law Overlook plats from Agenda.

Move to approve agenda with corrections

CONFLICT OF INTEREST: Doug Hevle conflict of interest on agenda item AT&T/Velocitel

AGENDA ITEM: **Bryce Morgan and White Crane Estates – Conditional Use Permit**

ADDRESS/LEGAL: Lots 28, 29 and 30, Crestview Homes Subdivision, in the NE1/4, Section 21 T93N R56W

COMMENTS: Conditional Use Permit for Dwellings, Two Family (Duplex) in a Moderate Density Rural Residential District (R2)

PUBLIC COMMENT: Cathy Tierney

MOTION: Move in favor of Conditional Use Permit

APPROVAL: MOTION BY: Harens SECOND BY: Hevle

PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

AGENDA ITEM: **SAT Enterprises – Variance**

ADDRESS/LEGAL: E150' of the W200' EXC S942.85' IN THE S1/2 W1/2 W1/2 NW1/4, Section 15 T93N R56W

COMMENTS: Variance of the Minimum Side Yard Requirement of 25 feet to 17 feet, a variance of 8 feet in a Commercial District (C).

MOTION: Move to accept variance

APPROVAL: MOTION BY: Harens SECOND BY: Healy

PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

AGENDA ITEM: **Just Kidding Farms, LLC – Rezone**

ADDRESS/LEGAL: Block 7 of Deer Run Subdivision in the W1/2 of the SE1/4, Exc Tract A Section 1 T93N R57W

COMMENTS: Rezone a Moderate Density Rural Residential District (R2) to a Low Density Rural Residential District (R1).

PUBLIC COMMENT: Andrea Maibaum
Gary Wood

MOTION: Motion to approve rezone from Moderate Density to Low Density Residential

APPROVAL: MOTION BY: Klimisch SECOND BY: Hevle
PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

AGENDA ITEM: **Just Kidding Farms, LLC – Conditional Use Permit**
ADDRESS/LEGAL: Block 7 of Deer Run Subdivision in the W1/2 of the SE1/4, Exc Tract A Section 1 T93N R57W
COMMENTS: Conditional Use Permit for a Hobby Farm in a Low Density Rural Residential District (R1).
PUBLIC COMMENT: Brooks Ugofsky
MOTION: Move approval of the Conditional Use Permit on the condition of lot getting rezoned to Low Density Rural Residential (R1)
APPROVAL: MOTION BY: Healy SECOND BY: Williams
PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

AGENDA ITEM: **Velocitel/At&T – Conditional Use Permit**
ADDRESS/LEGAL: Kabeiseman's Tract 4, as platted in Book S10, page 22, excepting therefrom the E590.30' of the S590.30' of Kabeiseman's Tract 4 as shown on survey, located in the N1/2 and excepting the E590.30' of the N590.30' of Section 12, T93N, R57W
COMMENTS: Conditional Use Permit for a Communications Tower.
PUBLIC COMMENT: Andrea Maibaum
Ron McCabe
Ken Guenther
Todd Huber
Bill Maibaum
Lisa Huber
Ken Bertsch
Deidre Wood
John Siekmeier
Tammy Ugofsky
Adam Schilousky
Marcia Labounty
Tim Thorson

MOTION: Move to postpone for one month
APPROVAL: MOTION BY: Harens SECOND BY: Michael
PLANNING: ☒ BARKL ☐ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS
Doug Hevle abstained

AGENDA ITEM: **Lot 16 of Sundance Ridge, Located in the W1/2 of Section 12, T93N, R57W, of the 5th PM, Yankton County, South Dakota**
ADDRESS/LEGAL:
COMMENTS:

MOTION: Move approval
APPROVAL: MOTION BY: Klimisch SECOND BY: Michael
PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

AGENDA ITEM: Article 5 Discussion

ADJOURN: Motion: Williams Second: Klimisch
PLANNING: ☒ BARKL ☒ HEVLE ☒ KLIMISCH ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HEALY ☒ HARENS

**Yankton County Planning Commission
Yankton County Board of Adjustment**

Applicant

Peter Rosberg – Conditional Use Permit

District type: ☐ AG ☒ R1-Low ☐ R2-Moderate ☒ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☐ Section 707 ☒ Section 807

☒ Section 1805 ☐ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for an increase in maximum structure size in a dual zoned Low Density Rural Residential (R1) and High Density Rural Residential (R3) District. The applicant currently has 1,272 sq. ft. in accessory structure and is requesting an additional 1,920 sq. ft. accessory structure which is an increase of 1,592 sq. ft. in a High Density Rural Residential District.

PC: Article 8 Section 807

Article 18 Section 1805

BOA: Article 8 Section 807

Article 19 Section 1905

Planning Commission date: 10-13-20
Board of Adjustment date:

Time: 7:05 PM
Time:

Permit Number: CUP-2020-18

Yankton County

 Variance X Conditional Use Rezoning

Owner: Peter Rosberg

Owners Address: 116 Nome St.

Owners Phone: 605-661-0150

Applicants Name,
if different from

Owner: Peter Rosberg

Applicants

Address: _____

Job Address: 116 NOME ST

Legal: 1998 PATRIOT SN:LPP8280BAIN 28X48 & LT 6 BLK 1 RIVERSIDE

Section,

Township, Range: 22-93-56

Zoning

Classification: LD

Affected Zoning

Ordinance: Section 807,Section 1805Section 807,Section 1805

Reason for Request: To store camper and clean up property 48long 40wide 12 high

List Specific Hardships: I live on a gravel road with a corn field in the back yard. My back yard is zoned low density and the front is height density

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 10/13/2020 7:05

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$300.00 Check #: 137 Receipt #:

Date:

Signature: _____

Pete Rosberry

Peter Rosberg

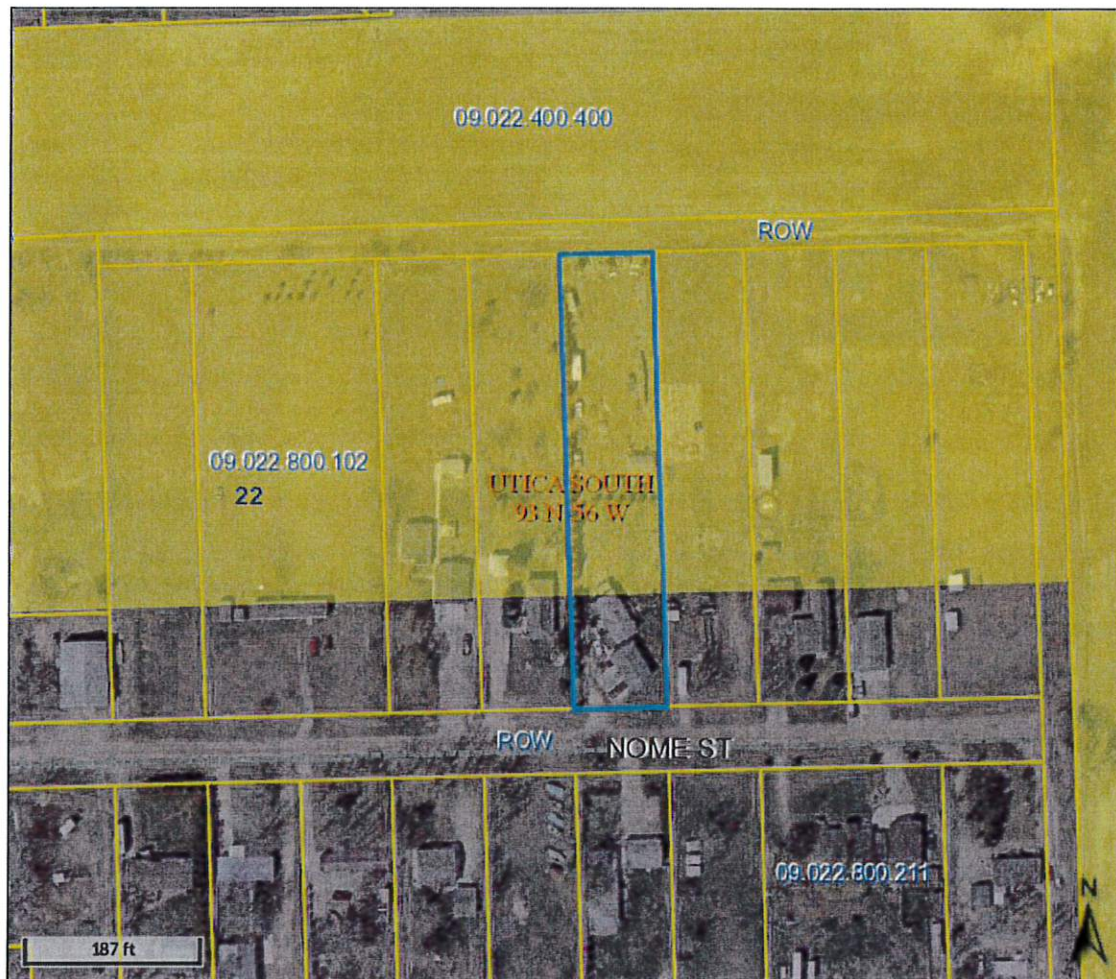
09/17/2020

Site Map



Parcel Number: 09.022.800.106

Site Description:



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- Streams
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

Parcel ID - 09.022.800.106
 Address - 116 NOME ST
 Owner - ROSBERG, PETER P (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 9/17/2020
 Last Data Uploaded: 9/17/2020 12:34:41 PM

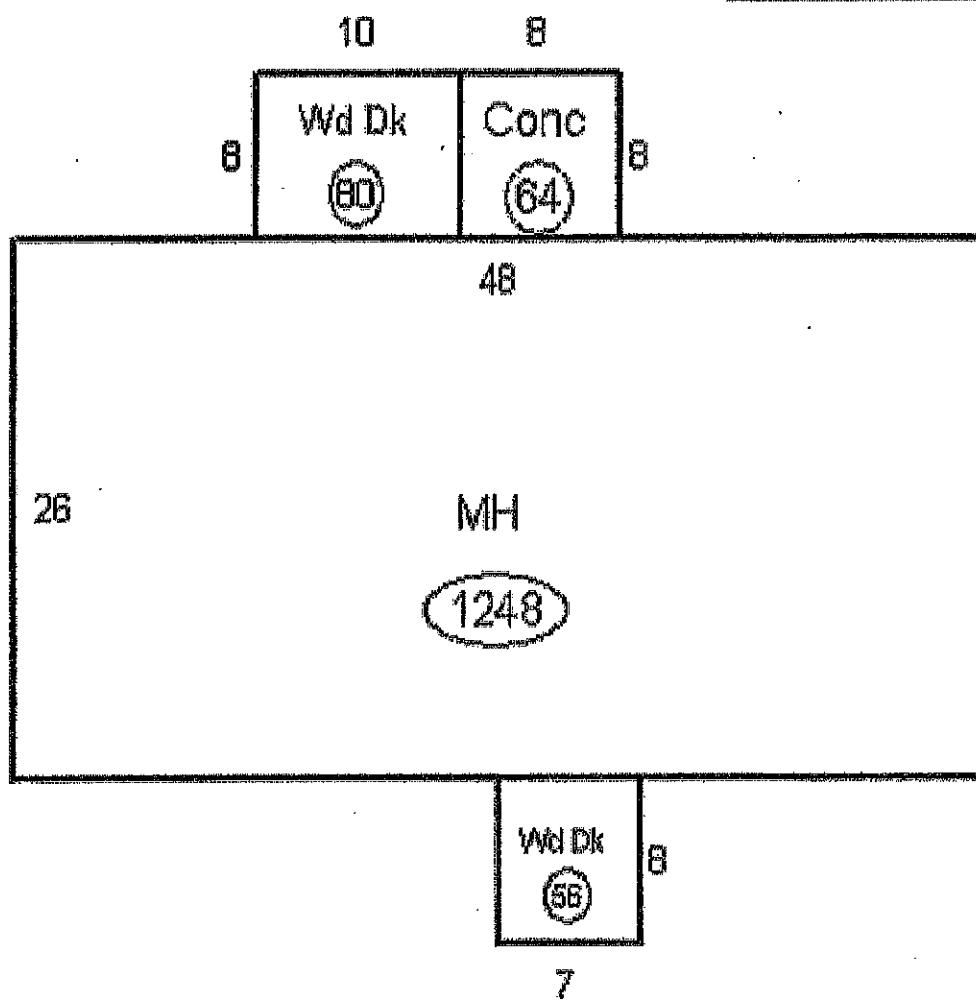
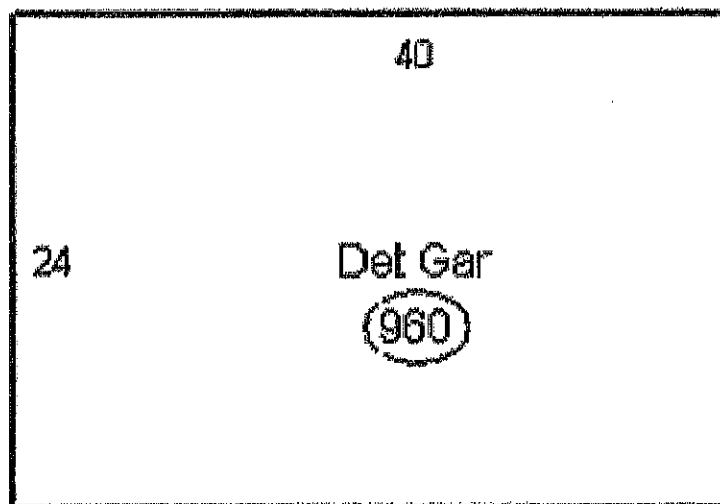
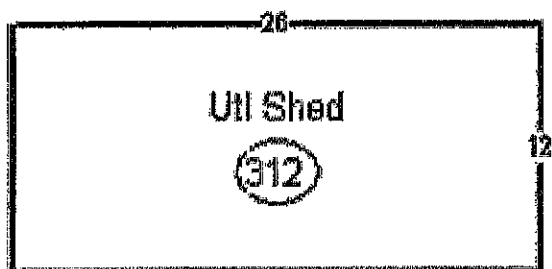
Developed by

DRAFT YANKTON COUNTY BUILDING PERMIT APPLICATION

Each building site must have a separate site plan

JOB ADDRESS 116 NOME ST, YANKTON, SD 57078		PARCEL ID 09.022.800.106		
LEGAL DESCRIPTION 1998 PATRIOT SN:LPP8280BAIN 28X48 & LT 6 BLK 1 RIVERSIDE ACRES NORTH ADDN				
OWNER NAME AND MAILING ADDRESS ROSBERG, PETER P 116 NOME ST YANKTON SD 57078		PHONE/CELL 605-661-0150 /		
CONTRACTOR Self	MAIL ADDRESS	PHONE		
ARCHITECT OR DESIGNER	MAIL ADDRESS	PHONE		
USE OF BUILDING: to store camper		SETBACKS		
CLASS OF WORK: New		Front: 384 Rear: 26		
DESCRIBE WORK: 48' long by 40' wide by 12' high		Side: 15 Side: 40		
VALUATION OF WORK: \$		Mobile/Manufactured Home Tax Affidavit:		
SPECIAL CONDITIONS:				
App. Accepted By:	Site Plans Check By:	Approved for Issuance By:	PERMIT FEE: \$0.00 Check #	
<p style="text-align: center;">NOTICE</p> <p>THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY ZONING ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING CONSTRUCTION ACTIVITIES OR THE USE OF ANY PROPERTY.</p> <p style="font-size: 1.5em; color: blue; margin-top: 20px;">Pete Rosberg</p> <p style="text-align: right; margin-top: 10px;">09/17/2020</p>		Type of Construction	Sewer	Water
		Steelsteel with tin	Septic	B-Y Water
		Total Square Feet	Number of Stories	
		1920	1	
		Zoning District	Number of Accessory Buildings	
		LD	Yes	
Number of Dwelling Units	Property/Parcel/Lot Size (Acres)			
0	0			
<p>Signature of Land Owner</p> <p style="text-align: right;">Date</p> <p>BY THIS SIGNATURE, THE ZONING ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION</p>		<p>For County Officials Use Only</p> <p>When properly validated (in this space), this is your permit.</p> <p>The above application is hereby approved.</p> <p>Building Permit Number:</p> <p>Post Construction?</p>		
		Date		





FINDINGS OF FACT – CONDITIONAL USE PERMIT

Peter Rosberg-- CUP-2020-18

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – Published –
3. Attend the public hearing	
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	
5. Planning Commission must make written findings certifying compliance with specific rules including:	
a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;	
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	
d. Utilities, with reference to locations, availability, and compatibility;	
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	
g. Required yards and other open spaces; and	
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	

AFFIDAVIT OF MAILING

I, Peter P Rosberg, hereby certify that on the 29 day of September 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

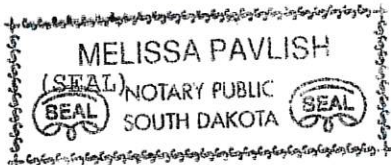
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 30 day of September, 2020.

Pete Rosberg
(Name)
Affiant

Subscribed and sworn to before me this 30th day of September, 2020.

Melissa Pavlish
Notary Public - South Dakota
My commission expires: June 5, 2024



NOTIFICATION

October 3, 2020

Peter Rosberg
116 Nome St
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 13th day of October, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for an increase in maximum structure size in a dual zoned Low Density Rural Residential (R1) and High Density Rural Residential (R3) District. The applicant currently has 1,272 sq. ft. in accessory structure and is requesting an additional 1,920 sq. ft. accessory structure which is an increase of 1,592 sq. ft. in a High Density Rural Residential District. Said property is legally described as Lot 6, Block 1, Riverside Acres North Addition, County of Yankton, South Dakota as per plat as recorded in Book S13, Page 126, Section 22, T93N R56W, hereinafter referred to as Utica South Township, Yankton County, South Dakota. The E911 address is 116 Nome St, Yankton, SD.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Peter Rosberg
Petitioner

ACKLIE, GERALD L (D)
114 ROBIN ST
YANKTON SD 57078

ADAM, ROLAND A (D)
317 S DEER BLVD
YANKTON SD 57078

BAKLEY, DEVIN W (D)
3710 STACI LN
YANKTON SD 57078

BECKEL, CHARLEEN (D)
119 NOME ST
YANKTON SD 57078

BOUSKA, LILLACE (D)
107 NOME ST
YANKTON SD 57078

BROMLEY, TRICIA D (D)
1507 RIVER ASPEN RD
YANKTON SD 57078

BRYAN, ANDREW D (D)
3711 KRISTI LN
YANKTON SD 57078

CASS, REBECCA D (D)
% HABITAT FOR HUMANITY
218 CAPITAL ST
YANKTON SD 57078

CHRISTENSEN, MELINDA S (D)
512 S DEER BLVD
YANKTON SD 57078

CHRISTENSEN, TAYLOR L (D)
%HABITAT FOR HUMANITY
218 CAPITAL ST
YANKTON SD 57078

CONRAD, LEE C (D)
113 RAINBOW ST
YANKTON SD 57078

CONTRERAS, JOSE J (D)
116 RAINBOW ST
YANKTON SD 57078

CORBIT, LANCE W (D)
3704 STACI LN
YANKTON SD 57078

CURTIS, JUSTIN W (D)
119 RAINBOW ST
YANKTON SD 57078

DIEFENDERFER, TERRY (D)
102 VIOLET DR
YANKTON SD 57078

DIMMER, NATHAN P (D)
111 RAINBOW ST
YANKTON SD 57078

DOLEJSI, WANDA L (D)
1109 CEDAR ST
YANKTON SD 57078

DONLIN, CHAD (D)
120 RAINBOW ST
YANKTON SD 57078

ESKENS, JUSTIN W (D)
106 ROBIN ST
YANKTON SD 57078

FLYNN, RODNEY J (D)
107 TOOTY'S AVE
YANKTON SD 57078

FOXHOVEN, TIMOTHY G (D)
101 VIOLET DR
YANKTON SD 57078

FRANK, FRED C (D)
102 NOME ST
YANKTON SD 57078

FRENCH, PETER B (D)
3710 KRISTI LN
YANKTON SD 57078

FRICK, BREA R (D)
115 ROBIN ST
YANKTON SD 57078

GOULD REVOCABLE TRUST (D)
108 RAINBOW ST
YANKTON SD 57078

GP PROPERTY VENTURES LLC (D)
805 RYLEE WAY
YANKTON SD 57078

GUTHMILLER, KEVIN D (D)
105 VIOLET DR
YANKTON SD 57078

HAAS, TIMOTHY A (D)
3704 KRISTI LN
YANKTON SD 57078

HAUSMANN, KENNETH M (D)
107 ROBIN ST
YANKTON SD 57078

HEENEY FAMILY TRUST (D)
502 DEER BLVD
YANKTON SD 57078

HEIER, JEFF A JR (AKA JEFFREY) (D)
107 CURLIES ST
YANKTON SD 57078

HEILMAN, THOMAS L (D)
3708 STACI LN
YANKTON SD 57078

HEINE FARMS (D)
PO BOX 477
YANKTON SD 57078

HENDERSON, GREGORY W (D)
3708 KRISTI LN
YANKTON SD 57078

HENDRIX, BRADIE A TRUST (D)
3702 STACI LN
YANKTON SD 57078

HOCHSTEIN, GERALDINE (D)
%HABITAT FOR HUMANITY
218 CAPITAL ST
YANKTON SD 57078

HOILLEN, MATTHEW (D)
101 CURLIES ST
YANKTON SD 57078

HUBBARD, JOHN JR (D)
104 CURLIES ST
YANKTON SD 57078

HUBER, MATTHEW L (D)
104 TOOTY'S AVE
YANKTON SD 57078

HUCHTMEIER, MICHAEL C (D)
124 ROBIN ST
YANKTON SD 57078

JACOBS, TERRY W (D)
106 TOOTY'S AVE
YANKTON SD 57078

JANSSEN, LOWELL REV TRUST (D)
1112 TIMBERLAND DR
YANKTON SD 57078

KABELLA, DAWN R (D)
105 NOME ST
YANKTON SD 57078

KATHOL, KEVIN (D)
3709 KRISTI LN
YANKTON SD 57078

KOKESH, DAVID L (D)
3705 KRISTI LN
YANKTON SD 57078

KORTAN, ZACHERY D (D)
100 CURLIES ST
YANKTON SD 57078

KUEHLER, MARK E (D)
100 VIOLET DR
YANKTON SD 57078

LACROIX, BETTY (D)
PO BOX 503
YANKTON SD 57078

LAMBERTZ, CHARLES E (D)
109 RAINBOW ST
YANKTON SD 57078

LIPPERT, WADE ALLEN (D)
3702 KRISTI LN
YANKTON SD 57078

MCMLLEN, ROBERT (D)
117 ROBIN ST
YANKTON SD 57078

MINES, DAVID L (D)
104 ROBIN ST
YANKTON SD 57078

MORKVE, JENNIFER (D)
%HABITAT FOR HUMANITY
218 CAPITAL ST
YANKTON SD 57078

NELSON, JOHN R JR (D)
%HABITAT FOR HUMANITY
218 CAPITAL ST
YANKTON SD 57078

NEU, JOHN J (D)
3706 KRISTI LN
YANKTON SD 57078

NEU, JUDITH L TRUST (D)
3706 STACI LN
YANKTON SD 57078

NOVAK, SHEILA K (D)
116 ROBIN ST
YANKTON SD 57078

PAVELKA, GREGORY A (D)
3707 STACI LN
YANKTON SD 57078

PEKAREK, CURT J (D)
511 EAST 9 ST
MORRIS MN 56267

PEPPER, SARA L (D)
107 VIOLET DR
YANKTON SD 57078

PHIL SPADY CHRYSLER-JEEP-DODGE (I
316 CAPITOL ST
YANKTON SD 57078

RAMSDELL, CLARENCE W (D)
109 NOME ST
YANKTON SD 57078

ROBINSON, DONALD (D)
122 NOME ST
YANKTON SD 57078

ROBINSON, DONALD E (D)
122 NOME ST
YANKTON SD 57078

ROESLER, MARTY (D)
113 TOOTY'S AVE
YANKTON SD 57078

ROSBERG, PETER P (D)
116 NOME ST
YANKTON SD 57078

RUNGE, DAVE (D)
104 NOME ST
YANKTON SD 57078

SCHILD, ALLEN M (D)
123 NOME ST
YANKTON SD 57078

SCHMITT, ALAN (D)
1921 W 300 N
WEST POINT UT 84015

SCHMITZ, PATRICK (D)
2133 300 AVE
ALBION NE 68620

SCHULTE, LEON K (D)
3711 STACI LN
YANKTON SD 57078

SEDLACEK, MELVIN R (D)
3703 STACI LN
YANKTON SD 57078

SHELBURG, JEREMY (D)
1405 EAST SIDE DR
YANKTON SD 57078

SHELDON, TODD M (D)
3705 STACI LN
YANKTON SD 57078

SKELHOUSE 1 LLC (D)
11707 ASTER WAY
WOODBURY MN 55125

SMITH, ETHAN A (D)
101 TOOTY'S AVE
YANKTON SD 57078

SOMER, HAL L (D)
3709 STACI LN
YANKTON SD 57078

SPARKS, RAYMOND W (D)
115 NOME ST
YANKTON SD 57078

STEFFEN, MERLIN (D)
104 RAINBOW ST
YANKTON SD 57078

STEFFEN, MERLIN J (D)
104 RAINBOW ST
YANKTON SD 57078

STODDARD, CHARLES A (D)
105 CURLIES ST
YANKTON SD 57078

THOMAS, TERESA M (D)
120 NOME ST
YANKTON SD 57078

TUCKER, BRANDON (D)
103 CURLIES ST
YANKTON SD 57078

URNESS, DOUGLAS L (D)
115 RAINBOW ST
YANKTON SD 57078

WAIT, BRUCE A (D)
3301 RIVER ASPEN RD
YANKTON SD 57078

WEBB, ROSE S (D)
106 CURLIES ST
YANKTON SD 57078

WECHSLER, TIMOTHY J (D)
3703 KRISTI LN
YANKTON SD 57078

WENTZ, CHELSEA J (D)
3704 KRISTI LN
YANKTON SD 57078

WEST YANKTON INC (D)
PO BOX 477
YANKTON SD 57078

WEYDERT, NICHOLAS J (D)
3707 KRISTI LN
YANKTON SD 57078

WIESELER, CONNIE F (D)
111 NOME ST
YANKTON SD 57078

WINCHELL, ROBERT W (D)
102 RAINBOW ST
YANKTON SD 57078

ZAVADIL, VERNON J (D)
105 TOOTY'S AVE
YANKTON SD 57078

ZIMMERMAN, KENNETH (D)
103 TOOTY'S AVE
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Rykens RV Park (Matt Evans) – Rezone

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 607 ☐ Section 705 ☐ Section 715 ☐ Section 1007

☒ Section 1809

NOTE:

Applicant is requesting to rezone from an Article 7 Moderate Density Rural Residential District (R2) to an Article 13 Planned Unit Development (PUD).

PC: Article 13

Article 17 Section 1709

Article 18 Section 1809

BOA:

Planning Commission date: 10/13/20

Time: 7:10 PM

Board of Adjustment date:

Time:

Permit Number: REZ-2020-19

Yankton County

 Variance Conditional Use X Rezoning

Owner: Rykens rv park

Owners Address: 2512 west 8th street

Owners Phone: 605-689-2727

Applicants Name,
if different from

Owner: Matt Evans

Applicants

Address: 31120 435th ave

Job Address: tbd 435th ave

Legal: NEDVED'S ADDN EXC N700' E750' & EXC LT 1, 1A & 2 NW4

Section,
Township, Range: 17-94-56

Zoning
Classification: MD

Affected Zoning

Ordinance: Article 13, 1709, 1809Article 13, 1709, 1809

Reason for planned unit development

Request: _____

List Specific Hardships: r2 restrictions do not allow

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 10/13/2020 7:10

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$450.00 Check #: 1395 Receipt #:

Date:

09/23/2020

Signature: _____ 09/23/2020

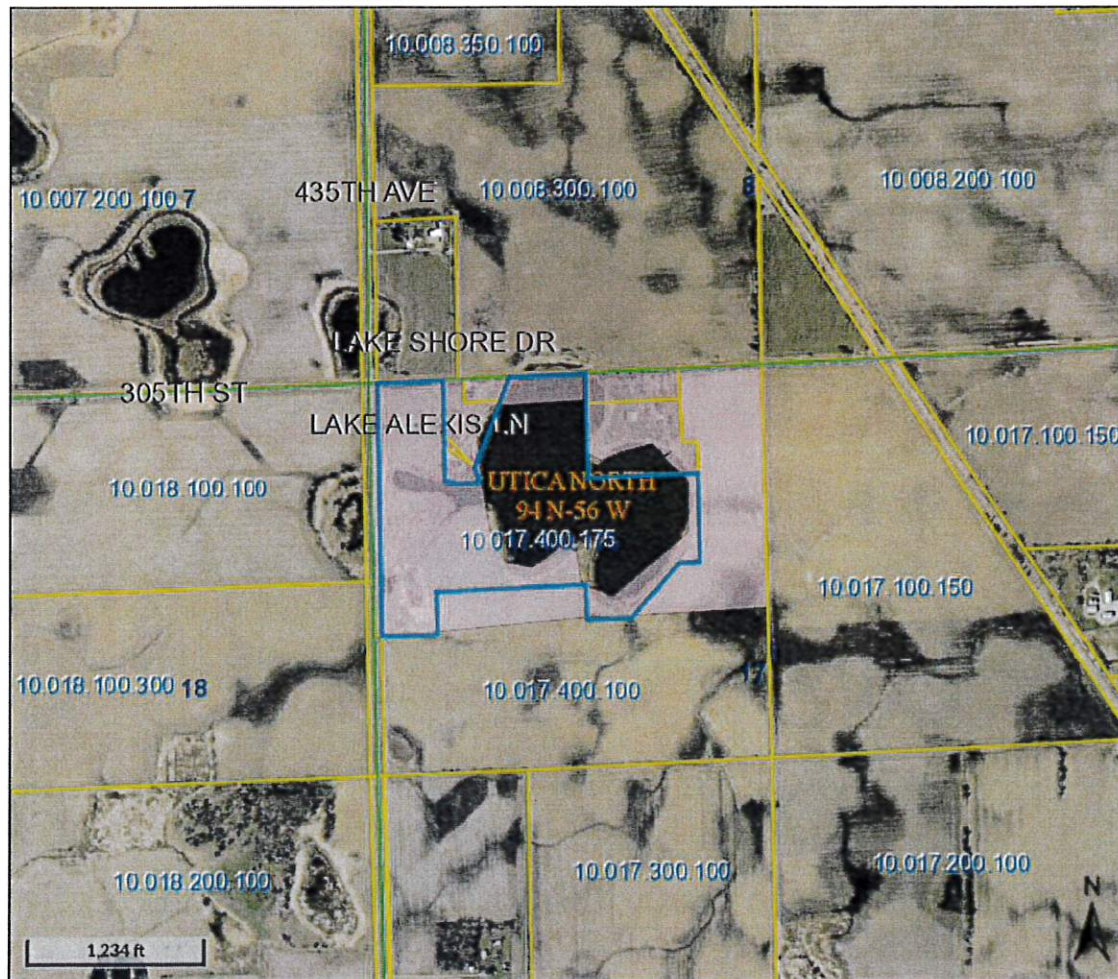
Ryken's rv park

Site Map



Parcel Number: 10.017.400.175

Site Description:



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- City ETJ (Extra Territorial Jurisdiction)**
- <all other values>
- 0
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

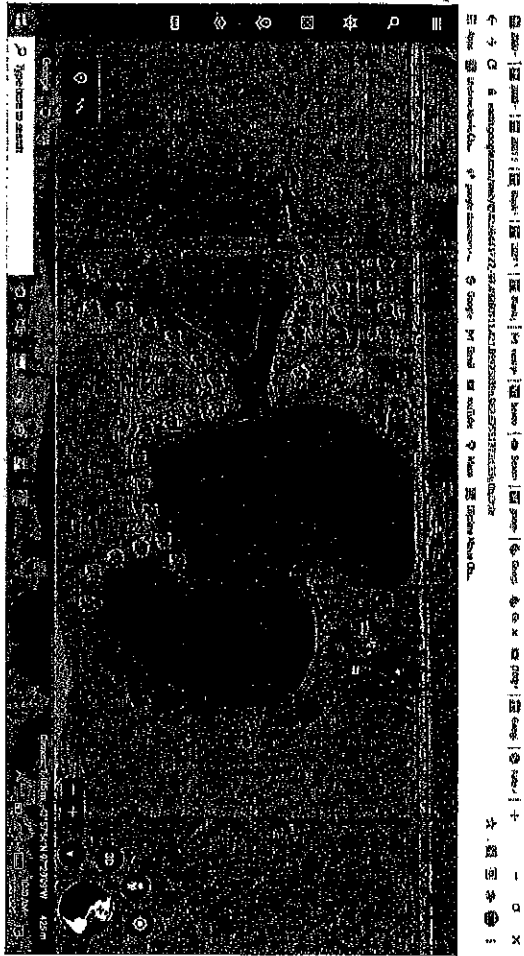
Parcel ID - 10.017.400.175
 Owner - RYKENS RV PARK INC (D)
 Acres - 55.93

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.



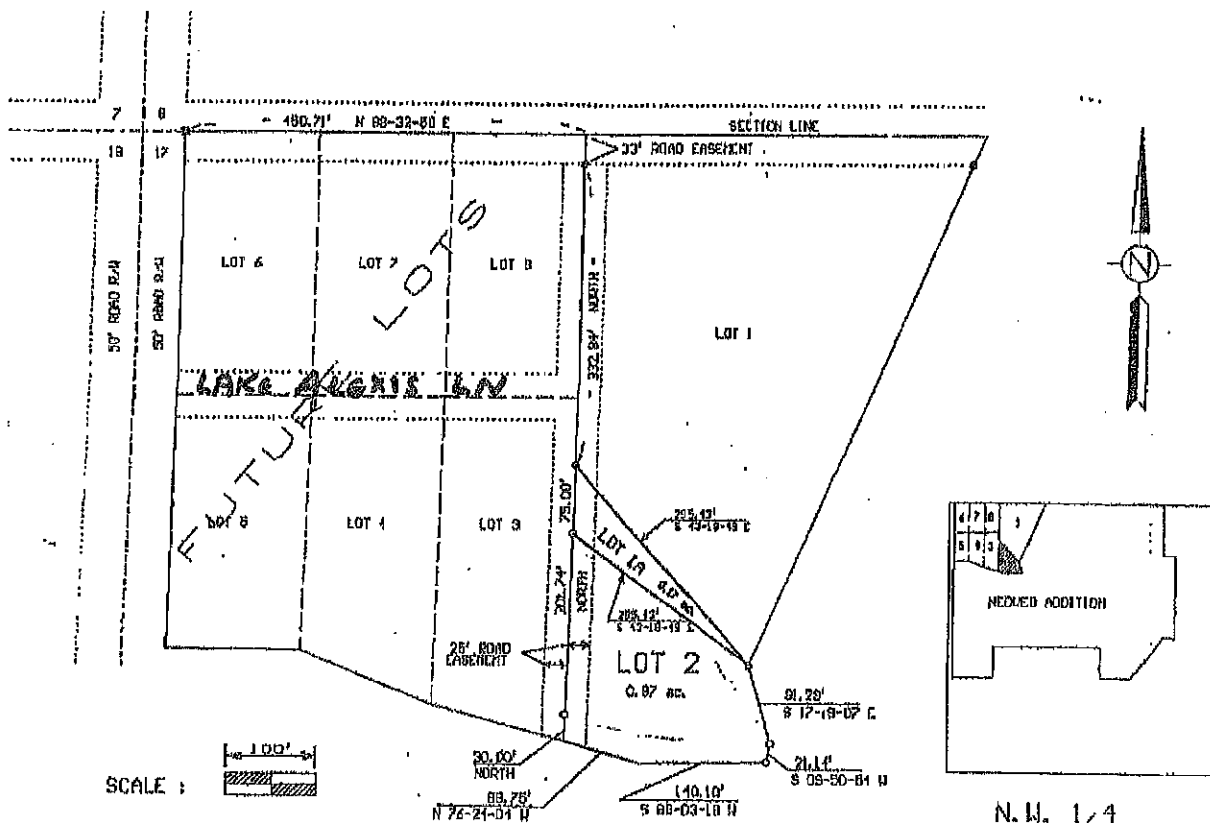
Water & Sewer

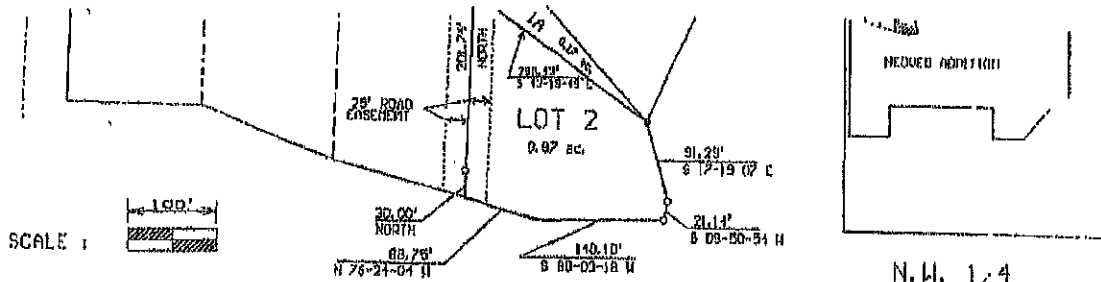
80 camp sites 30x50'w
 20 houses on South side of lake
 12 houses on North side of lake - 6 acres
 Septic Tanks 3000 gallon per 20 units/Houses
 Water line in
 Electric line in



518-195 5CL

PLAT OF LOT 1A AND LOT 2, IN NEDVED'S ADDITION, IN THE N.W. 1/4, SECTION 17, T94N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA





- R FOUND NAIL
- S FOUND 5/8" REBAR WITH CAP STAMPED
- TOM WEEK PELS 2912
- O SET 5/8" REBAR WITH CAP STAMPED
- TOM WEEK PELS 2912

SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF LOT 1A AND LOT 2, IN NEDVED'S ADDITION, IN THE N.W. 1/4, SECTION 17, T94N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 15TH. DAY OF JULY, 2000.

Thomas Lynn Week
THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

OWNERS CERTIFICATE

WE, JON A. LANE JR. AND JULIE LANE, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY, LOT 1A AND LOT 2, IN NEDVED'S ADDITION, IN THE N.W. 1/4, SECTION 17, T94N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. LABELED ROAD EASEMENTS ARE DEDICATED FOR PUBLIC ACCESS. LOT 1A WILL ONLY BE SOLD WITH LOT 1 OR LOT 2.

DATED THIS 20TH DAY OF JULY, 2000.

STATE OF *South Dakota*
COUNTY OF *Yankton*

ON THIS 20TH DAY OF JULY, 2000, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JON A. LANE JR. AND JULIE LANE, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES 1-21-2005

Julie Lane
JULIE LANE

Barbara Swenson
NOTARY PUBLIC

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY, LOT 1A AND LOT 2, IN NEDVED'S ADDITION, IN THE N.W. 1/4, SECTION 17, T94N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, BETTY MARUSKA, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS 15TH DAY OF JULY, 2000.

Betty Maruska
COUNTY AUDITOR

Brian J. Hunkoff
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT, DATED THIS 20TH DAY OF JULY, 2000.

Barbara Swenson
DIRECTOR OF EQUALIZATION, YANKTON COUNTY, S.D.

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE DUE UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID, DATED THIS 20TH DAY OF JULY, 2000.

Pamela Macdonald
TREASURER, YANKTON COUNTY, S.D.

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS 20TH DAY OF JULY, 2000, 1:25 O'CLOCK P.M., AND DULY RECORDED IN BOOK 185, PAGE 195.

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

Lyndee H. S. Swenson
REGISTER OF DEEDS, YANKTON COUNTY, S.D.

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
RUNNING WITH THE LAND**

We, the undersigned owners of the real properties described after our names hereby declare our real estate herein described subject to the following restrictive covenants, which covenants shall run with the land.

Jon A. and Julie L. Lane, Jr., the owners of the following described property, to wit:

Nedved's Addition Northwest Quarter (NW ¼), Section Seventeen (17), Township Ninety-four (94), Range Fifty-six (56), except for the North 700 feet of the East 750 feet, Yankton County, South Dakota.

Stanley G. and Judy S. Ray, the owners of the following described property, to wit:

Lot 1, in Nedved's Addition in Northwest Quarter (NW ¼), Section Seventeen (17), Township Ninety-four (94), Range Fifty-six (56) of the 5th P.M., Yankton County, South Dakota.

Douglas D. and Susan E. Ray, the owners of the following property, to wit:

The North 158 feet of Lot One (1), Except the West 144 Feet thereof, Nedved's Addition in the Northwest Quarter (NW ¼), Section Seventeen (17), Township Ninety-four (94), Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota, subject to covenants and restrictions.

and it being the intention of some Owners to sell individual parcels of the above-described real estate and all owners desire to place restrictive covenants running with the land on each of the individual parcels which are sold, they hereby make the following Declarations of Covenants, Conditions, and Restrictions Running with the Land, and the real property described herein shall be subject thereto, and all conveyances hereafter made shall be subject to these covenants and all grantees shall be deemed to have consented to the same.

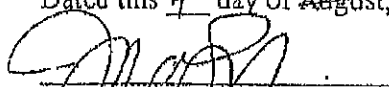
Lots are herein referred to collectively as the "lots" and individually as each "lot". The declarant desires to provide for the preservation of values and amenities of such community and for the maintenance of the character of the residential integrity of the lots.

Therefore, the declarants hereby declare that each lot and all lots shall be held, sold and conveyed subject to the following restrictions, covenants and conditions. These restrictions, covenants and conditions shall be binding to any of this property even if platted into at any part of these descriptions. These restrictions, covenants and conditions shall be passed on to anyone buying any of the above described real estate.

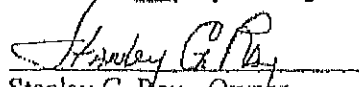
- 17) All lots shall be kept free from weeds and debris whether such lot is improved or unimproved. No dangerous, diseased or otherwise objectionable shrub, tree, or vegetation will be maintained on any lot so as to constitute an actual or potential public nuisance, create a hazard or undesirable proliferation, or detract from a neat and trim appearance. Vacant lots shall not be used for dumping of earth or any waste material.
- 18) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance and nuisance to the neighbors or the neighborhood. This includes excessive noise producing activities which might not otherwise be considered offensive.
- 19) Owners acknowledge that noise in and of itself can be a form of pollution and nuisance. As such, no excessive noise by the residents or their guests will be tolerated, including noise from moto-cross, dirt bikes, three-four wheelers, loudspeakers, stereos, or otherwise. The listing of some noise devices or vehicles here are examples only and are not the limitation nor an exclusive list.
- 20) No mowing or other loud house, building or lawn maintenance noise may be conducted before 8:00 a.m. nor after 7:00 p.m. to preserve the peaceful morning and evening tranquility.
- 21) No industry, business, trade, occupation, profession or organized group of any kind, commercial, religious, educational or otherwise, whether designed for profit, charity or otherwise, shall be conducted, maintained or permitted on any of the lots.
- 22) No businesses may be allowed to operate on any of the lots.
- 23) No peddling or soliciting is allowed on any of the lots.
- 24) No advertising signs, political signs or posters of any kind except residential "for sale" signs shall be erected or displayed on any building or lot.
- 25) No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, bred or maintained. No animals may run loose, but must be confined within a fenced or electronically fenced area on the owner's lot. Any animal that causes a noise problem to the area is prohibited and shall be considered a nuisance. South Dakota laws of "nuisance" shall apply to animals and their owner(s). Animals causing noise problems shall be banished from the property.
- 26) No stable or other shelter for any animal, livestock, fowl or poultry shall be erected, altered, placed or permitted to remain on any lot with the exception of a dog house with a kennel. There shall be no horses, livestock, fowl or poultry allowed.
- 27) No tank for the storage of fuel, except propane gas, may be maintained on any of the lots.
- 28) No automotive, boat, motorcycle, camper, or similar type of vehicle repair or rebuilding can be done on any lot with the exception of the lot owner's personal vehicle(s). No unlicensed vehicles may be stored on this property in excess of six months' time.
- 29) No vehicles, boats, campers and the like which are offensive to the neighborhood shall be kept, stored, parked, abandoned or left exposed on any lot. No unused building material, junk or rubbish shall be left exposed on the lot except during actual building operations and then only in as neat and inconspicuous a manner as possible.

- 43) There will be no organized ski club allowed unless agreed upon by the lot owners, and all skiers must be made aware that when they are skiing it will be at their own risk.
- 44) No one will be allowed to ski unless a lot owner is present and in the boat at all times. No one will be allowed to attempt the slalom course or ski jump unless she/he is qualified. All skiers, boaters and swimmers do so at their own risk.
- 45) Water-skiing will be allowed from sun up to sundown on any day of the week.
- 46) Wake producing boat or boat activity is prohibited within 150 feet of shoreline of Lot 1 of Lake Alexis Estate.
- 47) At this time there is no Association, Board of Directors or similar governing body. The need for such will be determined by the existing lot owners no later than January 1, 2000. Whoever is a lot owner at that time shall have the opportunity to decide if an Association, along with a Board of Directors, shall be needed. If it is determined that there is a need, the Board of Directors, along with the lot owners, shall decide if there are to be any Association fees for the purpose of upkeep of roads, improvements to both land and water, etc. If the lot owners cannot agree, a simple majority vote of lot owners will prevail.
- 48) Owners reserve the right by recorded instrument to subsequently amend, alter or change these covenants and restrictions with respect to the property in which owners at the time still have an interest.
- 49) Invalidity of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
- 50) Any person, successor in interest or his heirs, representatives, or assigns, acquiring right, title or interest in and to any portion of the above-described real estate, who shall violate any of the covenants herein set out, shall be subject to prosecution at criminal or civil law or in equity by any other persons owning real property in said tract for the recovery of damages and/or costs, including attorney's fees, to the prevailing party for the enjoinder from further violations of said covenants.

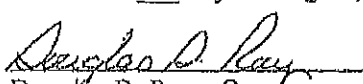
Dated this 4 day of ^{Sept} ~~August~~, 1998


Jon A. Lane, Jr. - Owner

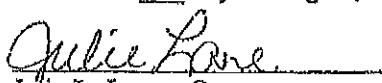
Dated this 26 day of August, 1998


Stanley G. Ray - Owner

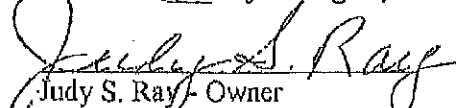
Dated this 28 day of August, 1998


Douglas D. Ray - Owner


Dated this 4th day of ^{Sept} ~~August~~, 1998


Julie L. Lane - Owner

Dated this 26 day of August, 1998


Judy S. Ray - Owner

Dated this 27th day of August, 1998


Susan E. Ray - Owner

FINDINGS OF FACT – REZONE

Rykens RV Park (Matt Evans)– REZ-2020-19

Are the requirements of Section 1723 met?	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.	
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state: <ul style="list-style-type: none"> a. Special conditions and circumstances exist which require the land to be rezoned; b. The special conditions and circumstances do not result from the actions of the applicant; and c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area. 	
3. Notice of public hearing shall be given, as in Section 1803 (3-5).	
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.	
5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include: <ul style="list-style-type: none"> a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone; 	
<ul style="list-style-type: none"> b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure; 	
<ul style="list-style-type: none"> c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and 	

<p>d. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.</p>	
<p>6. No petition for amendment or change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.</p>	
<p>7. Before any amendment or petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:</p> <ul style="list-style-type: none"> a. The Comprehensive Plan; b. Specific rules governing land uses; c. Zoning district regulations; and d. Satisfactory provision and arrangement has been made concerning the following, where applicable: 	
<ul style="list-style-type: none"> 1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations; 2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; 3. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the amendment or rezone on adjoining properties and properties generally in the district; 4. Refuse and service areas, with particular reference to the items in (A) and (B) above; 5. Utilities, with reference to locations, availability, 	

<p>and compatibility;</p> <p>6. Screening and buffering with reference to type, dimensions, and character;</p> <p>7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;</p> <p>8. Required yards and other open spaces; and</p> <p>9. General compatibility with adjacent properties and other property in the district.</p>	
<p>8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</p>	

AFFIDAVIT OF MAILING

I, Matt Evans, hereby certify that on the 2nd day of October, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

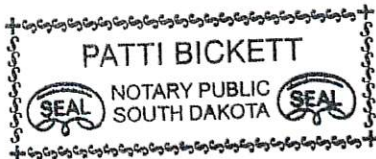
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 2nd day of October, 2020.

[Signature]
(Name)
Affiant

Subscribed and sworn to before me this 2nd day of October, 2020.



Patti Bickett
Notary Public - South Dakota
My commission expires: 11-12-21

(SEAL)

NOTIFICATION

October 3, 2020

Rykens RV Park
Matt Evans
31120 435th Ave
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County South Dakota, at 7:10 P.M. on the 13th day of October, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said continuance of the hearing is to consider the following:

Applicant is requesting to rezone from an Article 7 Moderate Density Rural Residential District (R2) to an Article 13 Planned Unit Development (PUD). Said property is described as Nedved's Addition as platted in Book S10, page 56, excepting therefrom Lot 1, Nedved's Addition as platted in Book S17, page 135, and excepting Lots 9 and 10, Nedved's Addition as platted in Book S20, page 228, and further excepting Lots 1A and 2, Nedved's Addition as platted in Book S18, page 195, all located in the NW1/4 of Section 17, T94N, R56W of the 5th P.M., hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is TBD 435th Ave, Yankton, SD.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Rykens RV Park
Matt Evans
Petitioner

AHLERS, MARLENE M (D)
2703 DEER BLVD
YANKTON SD 57078

AHRENS, MATTHEW L (D)
43513 305 ST
UTICA SD 57067

CAP, ROBERT A (D)
30777 436 AVE
YANKTON SD 57078

CELMER, LARRY J REV TRUST (D)
2807 LAKEVIEW DR
YANKTON SD 57078

CRESCENT HEART LLC (D)
2503 DUNHAM DR
YANKTON SD 57078

HEINE FARMS SD LLC (D)
1719 BROADWAY AVE
YANKTON SD 57078

HUGHES, SCOTT P (D)
30494 435 AVE
UTICA SD 57067

KRALICEK, FRANK T (D)
30612 438 AVE
YANKTON SD 57078

LANGE FAMILY PROTECTION TRUST (D)
118 LAKE SHORE DR
UTICA SD 57067

PATTON, DAVID M (D)
PO BOX 874
YANKTON SD 57078

PETERSON, DAWN E (D)
43537 305 ST
UTICA SD 57067

ROLFS, ROBERT REVOCABLE TRUST (D)
30450 436 AVE
UTICA SD 57067

RUMSEY, MATTHEW D (D)
122 LAKE SHORE DR
UTICA SD 57067

RYKENS RV PARK INC (D)
31120 435 AVE
YANKTON SD 57078

SCHENKEL, DARRELL (D)
412 N MORNING RAIN AVE
BRANDON SD 57005

SMITH LLC (D)
2832 MARY ST
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Velocitel/AT&T – Conditional Use Permit

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☐ Section 707 ☒ Section 807

☒ Section 1805 ☐ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for a Communications Tower. Said property is legally described as Kabeiseman's Tract 4, as platted in Book S10, page 22, excepting therefrom the E 590.30' of the S 590.30' of Kabeiseman's Tract 4 as shown on survey, located in the N1/2 and excepting the E 590.30' of the N 590.30' of Section 12, T93N, R57W of the 5th PM, Yankton County, South Dakota less highways and roads hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 398 Wildflower Rd, Yankton, SD.

PC: Article 8 Section 807

Article 18 Section 1805

BOA: Article 8 Section 807

Article 19 Section 1905

Planning Commission date: 10/13/20
Board of Adjustment date:

Time: 7:15 PM
Time:

Yankton County

 Variance X Conditional Use Rezoning

Owner: Joseph and Teri Creager

Owners Address: 3012 Moon Meadow, Rapid City, SD 57702

Owners Phone: 605-660-0317

Applicants Name,
if different from

Owner: AT&T/Velocitel LLC

Applicants

Address: 6100 W 110th Stree, Bloomington, MN 55438

Job Address: 398 WILDFLOWER RD

Legal: KABEISEMAN TRACT 4 EXC E590.3' S590.3' & EXC E590.3' OF

Section,

Township, Range: 12-93-57

Zoning

Classification: R1

Affected Zoning

Ordinance: 1805 and Article 25Section 1905Article 25

Reason for
Request: Construct a new 199' monopole communications tower to help AT&T
acheive their coverage objective for their First Responder Network they

List Specific
Hardships: There are no existing towers within 2 miles that are tall enough or could
be extended for AT&T to achieve their coverage requirement

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE):

10/13/20 7:15
9/8/20 7:25
08/11/2020 7:20

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$300.00

Check #: 19276

Receipt #:

Date:

Signature:

AT&T/Velocitel LLC

07/20/2020

YANKTON COUNTY
APPLICATION # CUP-2020-11

(Type or Print)

OWNER: Joseph and Teri A. Creager

OWNERS ADDRESS: 3012 Moon Meadows, Rapid City, SD 57702

OWNERS DAYTIME PHONE#: 605-660-0317

DATE OF BUILDING PERMIT REQUEST: 1/20/2020

DESCRIPTION OF BUILDING PERMIT: New 199' tall communications monopole tower.

REASON FOR BUILDING PERMIT DENIAL: _____

DATE OF DENIAL: _____

JOB ADDRESS: 398 Wildflower Rd., Yankton, SD 57078

LEGAL: NE1/4 of Section 12, Township 93 North, Range 57 West, 5th P.M., Yankton County, South Dakota

TOWNSHIP: _____ **SECTION:** 12

EXISTING USE OF PROPERTY: Agricultural

PRESENT ZONING CLASSIFICATION: Agricultural

PROPOSED ZONING CLASSIFICATION: Same- Agricultural

AFFECTED SECTION OF ZONING ORDINANCE: Article 5 and all of Article 25

REASON FOR REQUEST: Construct a new 199' monopole communications tower to help AT&T achieve their coverage objective for their First Responder Network they are building.

LIST SPECIFIC HARDSHIPS: There are no existing towers within 2 miles that are tall enough or could be extended for AT&T to achieve their coverage requirement.

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): _____

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): _____

***TENTATIVE DATE:** Final date announced at Planning Commission Meeting:

APPLICATION FEE: \$5,000 **CHECK #:** 14391 **RECEIPT #:** _____

<input type="checkbox"/>	Variance Application
<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Rezoning Permit

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Brandon Peterson 01/20/20

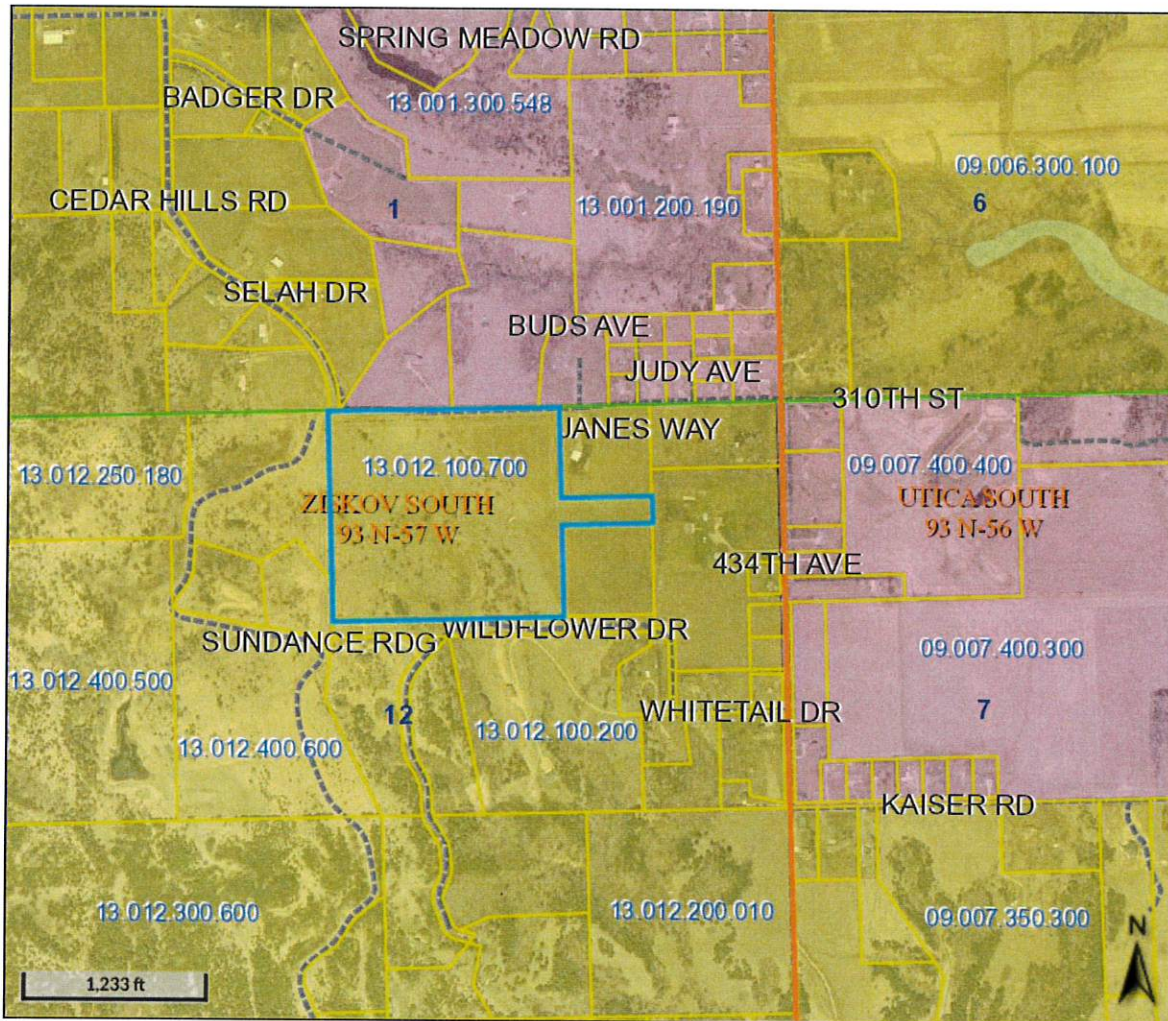
Name of Applicant

Date

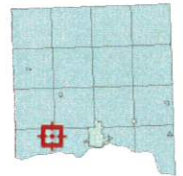

Signature of Applicant/Owner

01/20/20

Date



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

Parcel ID - 13.012.100.700
 Address - 398 WILDFLOWER RD
 Owner - CREAGER, JOSEPH (D)
 CREAGER, TERI A (D)
 Acres - 48.89

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

July 16, 2020

Yankton County
Planning and Zoning
321 West 3rd Street
#209
Yankton, SD 57078

RE: RE: Conditional Use Permit fee
AT&T Site: 14884311 Lewis & Clark

To Whom it May Concern.

Enclosed please find a Conditional Use Permit fee check #19276 for AT&T Mobility site 14884311 Lewis & Clark at location 398 Wildflower Road, Yankton, SD 57078

Should you have questions or concerns, please reach out to the site acquisition agent for this project:

Noura Elmanssy
(320) 640-4713 x 84713
nelmanssy@velocitel.com

Sincerely,

Shannon Leners
Leasing Administrator

6100 W 110th Street
Bloomington, MN 55438
Office (320) 640-4723 Ext. 84723
Fax 952.944.1506
sleners@velocitel.com

Jessica Atkinson

From: Bertsch, Shane <Shane.Bertsch@state.sd.us>
Sent: Monday, October 5, 2020 9:16 AM
To: Jessica Atkinson
Cc: VanMeeteren, Jeff; Laska, Kristina
Subject: Improved Cell Service at the Lake (FirstNet Tower)

Jessica Atkinson,
Lewis & Clark Recreation Area supports the installation of the FirstNet Tower located north of Hwy 52. There is a need for improved cell phone connectivity throughout the campground, especially the west Gavins Section of the park. The improved coverage will enhance our park visitors experience, allow them to work remotely, and will allow them to call first responders in case of an emergency. If you would like to discuss this matter further, please give me a call at (605) 668-2985 ext. 11.

Shane B. Bertsch | *District Park Supervisor*
South Dakota Game, Fish and Parks
Lewis & Clark Recreation Area
43349 SD Hwy 52 | Yankton, SD 57078
605.668-2985 Ext. 11 | Shane.Bertsch@state.sd.us



October 6, 2020

Yankton County Planning Commission
321 West 3rd Street, Suite 100
Yankton, SD 57078

Dear Yankton County Commission,

I am sending this letter to you today in support of the Velocitel/AT&T Conditional Use Permit for the construction of a communications tower at 398 Wildflower Rd in Yankton County. The installation of this tower will improve the connectivity for nearly 2 million visitors who travel to Yankton each year to experience the outdoor recreation that Lewis and Clark Lake offers.

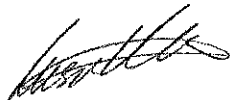
In 2020, many of the visitors who travel to Yankton from across the region and country, to visit the Lewis and Clark Lake area, have an overall expectation of what cell phone connectivity should be. It is my expectation that local government does what is possible to pave the way for better connectivity for our visitors, not only to provide the best possible hospitality and fulfill current expectations, but to ensure their safety knowing that adequate and reliable cell phone coverage is available should emergencies arise.

Additionally, tourism is said to be the "front porch" of economic development because every relocation starts with a visit. We want each new visitor to leave with a spectacular impression of Yankton, thinking to themselves, "Wow! I could see myself living there or moving my business there - that place is really something special." Consequently, it is imperative that our visitor's first experience in Yankton does not showcase its lack of quality cell phone connectivity, indicating that Yankton is not keeping up with today's technology. Rather, the connectivity in the lake area should surpass today's expectations, proving that Yankton is on the cutting edge of technology and that we truly care about our visitor's experiences and safety.

Lastly, the significant financial investment that would be made by AT&T to install the new fiber optic line would be a tremendous asset to Yankton County. It would not only benefit our visitors, but it would pave the way for improved residential and business fiber optic internet, making the lake area even more attractive to both new home owners and businesses, which would increase the tax base for Yankton County.

Therefore, Yankton County stands to benefit greatly, (in multiple ways), by approving the conditional use permit for this tower.

With regards,

A handwritten signature in black ink, appearing to read 'Kasi Haberman', with a stylized flourish at the end.

Kasi Haberman
Director, Yankton Convention and Visitors Bureau

Date: 10/6/2020

To: Yankton County Planning Commission
Attn: Jessica Atkinson

We are writing in support of the pursuit for a tower to be erected by FirstNet/AT&T – address of 43348 310th St.

Our family lives approximately ¼ of a mile directly south of the proposed site and we have lived here for nearly 10 years. We realize the initial pursuit of this FirstNet tower is to enhance emergency communication, which should be a higher priority than internet service in general, but we have come to learn that this tower could provide the platform to enhance all facets of broadband service, including improved mobile wireless service and the increased likelihood of Midco expanding its residential internet service to underserved households. Our world has been changing at a record pace and regardless of how we feel about that, we have become dependent upon broadband internet service in all areas of our lives including K-12 education, college education, business and entertainment.

Broadband service has always been a challenge in our current home. As a result, my wife and I have reached out to many service providers in the last 5-6 years seeking enhanced performance. We have even offered our own land for placement of a tower if that would facilitate improvement. That said, we reached a whole new level of frustration since the COVID pandemic in March of this year. Planning our days around internet capabilities was burdensome with 2 kids learning from home (high school & college) coupled with business needs. With social distancing in mind, we had to determine where we could go outside of our home to insure uninterrupted service for on-line classes, tests or zoom meetings. If we attempted it from home, we knew the odds of connectivity success for the duration of a class or meeting was 50/50 at best.

We would never promote that our needs should outweigh the desire of others but our hope is that we can always reach a compromise. We support this proposed tower project as an important investment in Yankton County for increased broadband service capabilities.

Respectfully,

Terry & Jolynn Tennant
43381 Whitetail Dr
Yankton, SD 57078

10/5/2020

Yankton County Planning Commission
321 West 3rd Street, Suite 100
Yankton, SD 57078

Dear Commission,

I'm writing today in support of the Velocitel/AT&T Conditional Use Permit for the construction of a communications tower at 398 Wildflower Rd in Yankton County. This tower and the resultant improvements in cellular and broadband connectivity for residents in the lake area, I believe, is of growing importance to the residences and businesses that operate in the greater lake area.

As you likely already are aware, the cellular and broadband internet services in the lake area are often poor at best. As technology continues to evolve at a rapid rate, consumers increase their dependency upon such technology for many of their daily tasks including using the phone, watching TV, business needs, education, communication, research, the constant stream of transactions that occur every minute of every day from simple systems such as paying your electric bill on line. Especially in today's Coronavirus Pandemic, that need is magnified as employees work from home, students (who are more connected to internet technologies than ever before) are more and more staying home and the systems are being taxed. Taxed to the point where we are in a constant level of frustration over personal inefficiency because you just....simply....must....wait....

As a business leader in the community, we have many employees who call the Yankton area home. Many of our work systems (job application, email, data connectivity, etc.) rely on good communication services remotely from the plant in town including the area to be served by this communication tower. No differently than when the Railroads were built or the Highway System was developed, today's information systems must constantly evolve and be improved upon. While I know there are those who will oppose for various reasons (aesthetic, road concerns, etc.) I urge you to consider the greater good for the community as a whole and all the residents who make the lake area their home.

Respectfully,

Kelly Kneifl
Lake Area Resident
Yankton Community Business Leader

October 6, 2020

Yankton County Planning & Zoning
321 West 3rd Street #209
Yankton, SD 57078

Re: Need for Broadband Coverage

Dear Yankton County Planning Commissioners:

As a 40+ year resident of this county, I am writing in support of an AT&T tower project that is under consideration for our county.

To put it simply, people no longer want to live in (or even visit) an area without reliable coverage. Whether it is the lake area or every remote corner of rural life in Yankton County, citizens are increasingly realizing the importance of quality reliable service. It probably goes without saying that COVID has brought this even further to the forefront. When our young people move away or refuse to move back to South Dakota because they cannot work from here, the problem is pretty obvious. Economic development cannot likely be viable without broadband.

Whether we are talking about connecting with newborn grandchildren or with a 911 call, let's do what we can to provide the tools needed to accomplish these connections and continue to promote and support other projects that could provide connections to all the corners of this county where service is sorely lacking.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liza Larson".

Liza Larson
30370 438th Ave
Yankton, SD 57078

October 6, 2020

Yankton County Planning & Zoning
321 West 3rd Street #209
Yankton, SD 57078

Re: Need for Broadband Coverage

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Whether we are talking about connecting with newborn grandchildren or with a 911 call, let's do what we can to provide the tools needed to accomplish these connections and continue to promote and support other projects that could provide connections to all the corners of this county where service is sorely lacking.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liza Larson".

Liza Larson
30370 438th Ave
Yankton, SD 57078

Jessica Atkinson

From: Charles Iverson <civerson@mountmarty.edu>
Sent: Monday, October 5, 2020 10:40 AM
To: Jessica Atkinson
Subject: Cell tower

Good morning Jessica,

I would like to show my support for a new cell tower in Yankton County west of town. While I do not currently live in the area, I am aware of the poor service that often happens in the area - through camping trips and friends that live in the area. I grew up on a farm and am familiar with issues that most people take for granted, but for people that live in the area can cause much frustration. In addition to inconveniences, when factoring in the issues that may arise for first responders, it becomes much more than just an inconvenience.

Thank you for letting me express my opinion.

Chuck Iverson | *Deputy Athletic Director*

Mount Marty University | 1105 W. 8th Street, Yankton, SD 57078

Office: 605-668-1529 | Mobile: 605-661-2897

www.mountmarty.edu



[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

Jessica Atkinson

From: Hannah <hannahdowning5@gmail.com>
Sent: Saturday, October 3, 2020 11:27 AM
To: Jessica Atkinson
Subject: New Cell/Internet Tower

Hello!

I know that the internet for the lake community is pretty terrible. So, I wanted to take the time and send a note in support of a new tower for the betterment of all Yankton-area citizens ... Especially those out near the lake and in the country!

Thanks for your time,

Hannah Carda

Jessica Atkinson

From: Pam Downing <pamdowning50@yahoo.com>
Sent: Saturday, October 3, 2020 11:31 AM
To: Jessica Atkinson
Subject: Lake internet

I am writing to say that the internet for the lake community is bad and I support the tower being built for the betterment of all Yankton-area citizens. When I am out by the lake, working on my computer in patients homes, the internet is "spotty" at best, and impedes my patient care.

Please put up a new cell tower out that way so this problem is fixed.

Thank you, Pam Downing

[Sent from Yahoo Mail on Android](#)

Jessica Atkinson

From: Daniel C Johnson <dancjohnson55@gmail.com>
Sent: Sunday, October 4, 2020 1:30 PM
To: Jessica Atkinson
Subject: Cell tower

I am hoping to attend the meeting in person but in case I can't, I am strongly in favor of the new cell tower. I have struggled with bad cell signal and slow internet since these technologies emerged. We NEED better communications infrastructure to stay connected, competitive, and safe. I live 1.5 miles west of the proposed site.

Thanks for your consideration and your service.

Dan Johnson, MD

Sent from my iPhone

Jessica Atkinson

From: John Lillevold <johnl@valyousat.net>
Sent: Sunday, October 4, 2020 3:06 PM
To: Jessica Atkinson
Subject: cell tower

I live out by the lake and my cell service is such that if I am down stairs I can't receive calls or texts. I understand that a new tower is being planned in my area which would improve my service and so I would appreciate if this tower is built. I also understand this would help our broadband as our internet connection is such that much of the time we are disconnected.

-John Lillevold

Jessica Atkinson

From: Randal Heying <randyheyding@gmail.com>
Sent: Sunday, October 4, 2020 8:49 PM
To: Jessica Atkinson
Subject: Lake area tower project

It is my understanding that a new tower project is being considered for the Lake area west of Yankton. I am interested in this project as a means to improve internet speeds in the rural areas.

Please send me some information on thus project, as far as what the scope is, what areas would see benefits and the cost of the project.

Thank you Jessica.

Randy Heying
Yankton county resident.

October 4, 2020

To: Yankton County Commissioners

Re: Cell Tower

We have lived near the lake on Hwy 52 for 30 years. During this time we have experienced limited cell coverage, depending on where we stand in our house or on the deck. This is surprising as we live on top of a hill with good visibility of the lake and the dam.

We have changed services throughout the years depending on who can provide the best cell coverage an/or internet. At present we have Verizon with minimal coverage. We often have friends visit who have AT&T and experience very limited to no service depending upon the time of day and the weather conditions.

I have often wondered why services in this area with so many residential homes are so limited. It is frightening to think that we would be unable to contact someone in case of a medical emergency or a fire.

We feel strongly that a tower in this area would benefit this area in a multiple of ways as well as relieve many of the communication problems in the lake area.

Sincerely

Ronald and LaVonne Lorenzen
282 Oak Park Rd.
Yankton, SD 57078

Jessica Atkinson

From: JOHNSON, CARRIE <cj633y@att.com>
Sent: Thursday, October 1, 2020 9:38 AM
To: chrisbarkl@gmail.com; paulharens@gmail.com; Joe Healy; 48atlantic@gmail.com; Dan Klimisch; downenmichael@gmail.com; kristi.schultz@k12.sd.us; zwill58@hotmail.com
Cc: loestcampaign@valyousat.net; Cheri Loest; Don Kettering; Joe Healy; Dan Klimisch; Gary Swensen; Gary Vetter; Jessica Atkinson; RILEY, CHERYL
Subject: Proposed FirstNet/AT&T Tower Site for Yankton Co
Attachments: Yankton FirstNet Tower Letter (100120).pdf

Dear Yankton County Planning Commission:

I grew up in Yankton County, and my parents Dan Johnson and Mary Milroy still live in the county. I work for the FirstNet Program at AT&T and support our national efforts to improve coverage for rural and tribal communities. I'm reaching out regarding the proposed tower site that would improve wireless connectivity for first responders and the broader community in Yankton County.

Thank you for your thoughtful consideration of my attached letter. Please don't hesitate to reach out if you have any further questions.

Sincerely,
Carrie

Carrie Johnson
Rural and Tribal Affairs Specialist
Strategy and Policy
FirstNet Program

AT&T Mobility Services
(605) 231-3915
Carrie.Johnson@att.com
www.firstnet.com

FIRSTNET CUSTOMER CARE 24/7/365
1 (800) 574-7000



Carrie Johnson
FirstNet Program at AT&T
(605) 231-3915
carrie.johnson@att.com

October 1, 2020

Yankton County Planning & Zoning
321 West 3rd Street #209
Yankton, SD 57078

Dear Yankton County Planning Commissioners:

I grew up in Yankton County, near the lake and just past the Gavins Point curve in the road along Highway 52. I met my now husband in Yankton, and we celebrated our wedding in Yankton a couple years ago. Growing up in Yankton County imbued in me a love for small, rural communities and a passion for rural economic development and the need for expanded access to rural and tribal broadband.

I now work as the national rural and tribal affairs director for the FirstNet Program at AT&T. As a daughter of Yankton and an advocate for rural broadband, I wanted to provide additional information for the Yankton community as you consider the proposed tower to improve coverage along Highway 52, the Lewis & Clark Lake State Recreation Area, and the surrounding residential area.

The proposed tower is part of the buildout of FirstNet, the nationwide public safety broadband network. Catastrophic communications failures occurred during the response to the 9/11 terrorist attacks, which hampered the response and resulted in a tragic loss of life when firefighters didn't receive the message to evacuate. The need for FirstNet was included as a recommendation in the 9/11 Commission Report, and Congress passed legislation in 2012 to create FirstNet.

In 2012, I worked on rural broadband public policy for Senator Tim Johnson and met with first responders from South Dakota who were calling on Congress to act. I saw firsthand the bipartisan legislative efforts by Senator John Thune, Senator Johnson, and other Senators who pushed for strong rural coverage objectives in the FirstNet enacting legislation. They didn't want rural and tribal communities to be left behind. First responders serving rural communities similarly have difficulty doing their jobs as safely and effectively when they don't have access to reliable communications. For example, lack of connectivity can limit an ambulance's ability to share critical information with a hospital and make it difficult for law enforcement officers to call for backup.

In 2017, the federal government selected AT&T as the private partner to build, operate and evolve FirstNet. As part of this buildout, AT&T is building more than 1,000 new towers across the country in locations identified as a coverage priority by state and public safety stakeholders. The proposed tower site for Yankton County is one of these towers. Once built, the site will help extend the reach of FirstNet for first responders and also improve coverage for the broader community.

I can personally attest to the need for this tower site. There are coverage limitations when you drive along Highway 52 and when you're at the lake. This can be a mere nuisance until there is an emergency, such as a traffic or boat accident and the ability to dial 9-1-1 is critical.

The lack of connectivity also has ramifications for economic development and quality of life for those living near the lake. I returned home this summer for my sister's wedding and planned to spend a couple months working from my parents' house in Yankton County. I was unable to reliably work from home because of the lack of reliable connectivity. One afternoon, I needed to drive into town and work from the Big River Burrito Company where I could power up my wireless hotspot. I abandoned my hopes of working remotely in Yankton County, and instead reserved visits to Yankton for the weekends because I couldn't rely on the wireless and home internet at my parents' house in Yankton County.

Lack of coverage has serious consequences for economic development. Increasingly, more and more jobs are allowing their employees to work from home. This has tremendous opportunity for rural communities seeking to retain their youth and attract new people, but it's contingent on having quality and reliable connectivity. According to the National Association of Realtors, access to fast and reliable broadband increases home values.¹ During the COVID-19 pandemic, this reality has become even more apparent with kids and parents working from home. As Yankton County considers this new tower, I encourage you to help narrow the digital divide, consider the broader benefits to the community, and improve connectivity for first responders.

Thank you for your thoughtful consideration. Please do not hesitate to reach out if you need any additional information.

Sincerely,



Carrie Johnson

Director of Strategy and Policy
Rural and Tribal Affairs Specialist
FirstNet Program at AT&T

(605) 231-3915
carrie.johnson@att.com

cc: Yankton County Commission
Yankton County Planning & Zoning Department

¹ Reeves, Benjamin and Christopher Ali, "Broadband Inequities: COVID-19 has underscored the need for fast, reliable internet access. Here's how subpar service hurts communities," *National Association of Realtors Magazine*, September/October 2020, <https://magazine.realtor/technology/feature/article/2020/09/broadbands-inequities>.

Yankton County Telecom Advisory to Planning Board

By Community Wireless Consultants

This advisory is being written to help the Yankton County Planning Board with its decision to recommend approval or not of the AT&T CUP application for their 190' monopole project which they call the Lewis and Clark Site. As the County's telecom advisors CWC thinks it has an obligation to analyze the AT&T application and give some insight to the Board on the ramifications of any decision it may take.

In discussing the application when it was first proposed with both Pat Garrity and AT&T, it had been established that a previous attempt to make an application for a 400' guyed tower about 1.5 mi north of the current site was made. That application was discouraged by the zoning staff at that time because of its location to the bluff area, the height and lighting of the structure, and the questionable availability of the existing NW Energy 280' guy tower space. Numerous attempts to contact NW Energy were made by both Pat Garrity and AT&T to try and negotiate a collocation of the existing tower failed, and eventually Pat did indicate that the NW energy Tower would be deemed unavailable for collocation. Upon CWC's observance of the NW Tower, it does not appear as if it would be able to hold AT&T's equipment structurally in the first place. AT&T then proceeded to make application for the 400' tower and experienced difficulty in working with the County's telecom consultant CMS. CMS was requiring some confidential information from AT&T's operations so that it could make a judgement whether a new site was needed in that location and to determine what the lowest height that was required. AT&T insisted that a confidentiality agreement be signed by CMS before the information was disclosed and CMS refused to do so. After two years of trying to complete a CUP application, the application was withdrawn. **This previous site is where people are now saying is the appropriate place to put a tower.**

Early in the current application process, CWC had a meeting with the RF engineering team of AT&T to discuss the new application (a 400' guy tower) and the appropriateness of it. The purpose of the meeting was to find out if the new site was justified in that location and what was the appropriate height and style of tower type. After reviewing AT&T's propagation maps and the justification for the site, a compromise was worked out that AT&T would reduce the tower height to less than 200' so no FAA lighting would be required. The tower type was also changed to a monopole which is generally the preferred type of structure when placing a wireless facility in an urban setting. However, in lowering the tower height from 400' to 200' it was acknowledged that this site would not be able to bring coverage to the properties that are south of the bluff and north of Lewis and Clark Lake. That area would eventually need to be

served by several small cell sites that may be as high as 50' tall. During this meeting, the information that this site would not only be supplying typical wireless facility traffic but the Federal Government's First Net emergency communication service to the area. This network of wireless facility sites to bring this service to the entire United States has been decades in planning and the location of the wireless facilities has been approved by Federal and State emergency communication departments. Moving a single site would have design implications on the surrounding network. Some of these sites have already been built and would greatly add to the expense to the Federal Government if sites needed to be shifted around.

This application meets all the objective requirements of Article 25 which is the article in the Yankton County Zoning Ordinance that deals with wireless facility construction and operation. Article 25 does not recognize or has an engineered fall zone requirement in it. What it does have is a more restrictive setback requirement of the tower height plus 10% from abutting parcels or ROW's. Since this site was originally planned for a 400' tower the setbacks shown in the construction drawings are twice the ones required in Article 25. What is left up for debate is the subjective requirement found in Par 14 that the wireless facility to be the least visually intrusive reasonable possible. This requirement along with a requirement found in Par 11D that sites should be designed to accommodate 4 additional carriers conflict with each other. A monopole that can accommodate 5 carriers is going to be more visually obtrusive than one designed to carry only one carrier. However, 5 single tenant monopoles would be more visually obtrusive than one 5 tenant monopole. Many jurisdictions consider the least visually intrusive wireless structure to be a "close mounted monopole. Here is an example of one that is in the south unit of Theodore National Park near Medora ND:



Other forms of "stealth" structures take this basic structure and attempt to disguise it as a bell tower, tree, grain silo, or flagpole. These stealthing techniques add to the visual impact of the structure by adding visual mass to the structure either by trying to enclose the antennas or adding appendages around the antennas. Both increase the wind loading and require a larger main pole. Here is an example of a single tenant, stealth pine tree wireless facility that appears to be 100' tall:



Given the resistance of the neighbors to the project as proposed, a compromise solution may be have AT&T modify the proposed monopole to have an antenna array that is close mounted. However, in doing so would reduce the viable additional carrier antenna levels to one or two. The reason for this is instead of AT&T being able to mount twelve antennas horizontally in 10' of monopole height space, it now will take 40' of monopole height space to mount the twelve antennas. Since a close-mounted monopole would be less expensive to build, AT&T probably be willing to modify its design. If the Board is considering this compromise, it would be prudent to try and get the neighboring community to buy into the compromise. If that can't be done, then the best course of action might be to leave the monopole design as is because the close mount design would likely create the need for a second monopole in the neighborhood. Then in the future a similar zoning controversy would likely be repeated for a second structure.

If the Board is inclined to not recommend approval/deny this CUP application then it should be aware of what is stated in the US Code and what has happened in the past on similar applications that AT&T has been involved with. US Code 47 Section 332(c)(7) is simple stated as follows:

[Section 332\(c\)\(7\) of the Communications Act](#) preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

As you can read a denial of an application must be in writing and supported by substantial evidence in a written record. Also, regulations may not prohibit or have the effect of prohibiting provisions of personal wireless services. The interpretations of these two items have been tested in court over the years with differ results.

In 2003 the predecessor to AT&T had a 190' monopole project in Duluth MN that created a similar neighborhood response to the one that has developed in this case. The permit was denied, but the written denial came after the MN State 60 day shot clock expired. The denial was based on some thin written evidence of lowered property values. The applicant went to Federal District Court in St. Paul and argued that the MN State law was violated (because that argument was easier to make than the weak substantial evidence argument) and the District Court found in favor of the carrier. The City appealed the case to the Appellate Court in St. Louis and won a reversal on a 2 to 1 vote based primarily on that the Court did not want to get involved with interpreting MN State Statues. The Court thought the carrier should have brought this action in State Court which was an option available to the carrier. To this date that neighborhood of Duluth does not have adequate cell service.

In 2009 AT&T had an application for a 190' monopole project in a neighborhood of rural estates in Western WI that is similar in character of the subject neighborhood in Yankton County. A large amount of neighborhood resistance was experienced with many of the same allegations being brought by neighbors to this proposed site. The County approved the application and the neighbors banded together and took the County to State Court. AT&T defended the County in this case and got a favorable decision. The monopole was built and now serves that neighborhood. Since then the State of WI has mandated a statewide telecom zoning code that is very friendly to the carriers and local jurisdictions now have been directed to process the applications through an administrative process without a public hearing.

In 2011 AT&T had an application for a 450' guyed tower within 1.5 miles of two boundaries of the Boundary Waters Wilderness Canoe Area and approx. ¼ mile from Fall Lake. The site was located on County owned property. The CUP application was approved as it met all of the County's zoning restrictions. The Friends of the Boundary Waters sued the County and AT&T and got a MN State Court injunction to stop the project. In the initial court case, the Court ruled that AT&T could build a 190' monopole as it was less intrusive (because it did not require FAA lighting) than a 450' tower. That decision was appealed by AT&T and the State Appellate Court ruled that AT&T could build the 450' guy tower and eventually that guy tower was built. This neighborhood had a higher degree of protection than the neighborhood in this current application because of the large number of lake homes in close proximity and the tower had a visual impact on a federally designated wilderness area. As part of the lawsuit the Friends of the Boundary alleged that the County was not acting properly as a zoning regulatory agency since it was also the landowner of the site and receiving lease payments from AT&T.

In 2018 the FCC issued declarative ruling FCC18-133 where it further defined what a regulation is that prohibits or has the effect of prohibiting provision of personal wireless services. The definition of "effect of prohibiting" was defined as not only showing of an insurmountable barrier, but a local regulation that impedes the provision of telecommunications services. The declarative ruling also justifies the Federal Government's right to restrict local zoning authorities with the reasoning that though each local government may believe it is simply protecting the interests of its constituents, the telecommunication interest of constituents are not only local but statewide and nationwide also. A modern interpretation of the US Code would seemingly prohibit that a reason for denial would be if someone can see the site from their property, a common claim of land devaluation, an opinion that there has to be a better location for the site, and/or general neighborhood opposition. Other prohibitions that the FCC is warning local jurisdictions about is over restrictive/costly aesthetic requirements, requirements that sites be located on government owned properties, and application fees that are not cost-based. Given the complexity of the current Yankton County Zoning Ordinance CUP application process and the cost of producing all of the required submittals and application fees; it would be hard to defend a denial of the CUP and not run afoul of the current interpretations of the US Code. Also, since this application is for a Federal Government emergency communications project; the Federal Court may be more inclined to find in favor of AT&T than if the application was just for

a cell site. If the County does end up denying the CUP, then be sure the denial is based upon written evidence that is part of the public record as of the day the denial is issued. Any evidence produced after the date of the denial decision will not be permitted as evidence in any court proceeding.

If any County staff or Board Members wish to get further direction on the application or want copies of the US Code or FCC declarative rulings, please contact me directly and I will be happy to send the appropriate material to them and discuss applicable documents in detail.

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September 4, 2020

VIA EMAIL

Yankton County Planning Commission
Yankton County, SD

RE: AT&T Application for a Wireless Telecommunication Facility
398 Wildflower Road, Yankton, SD

Dear Planning Commissioners:

I write on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") to support AT&T's application seeking to construct a 199-foot tall wireless communications monopole facility ("Proposed Facility") located at 398 Wildflower Road in Yankton. As AT&T's application materials explain, the Proposed Facility is needed to close a significant gap in service coverage on AT&T's wireless network in a large portion of Yankton County. More specifically, the Proposed Facility is needed to improve signal strength on AT&T's network in a large area near the Lewis and Clark Recreation Area and homes and businesses to the north of Lewis and Clark Lake. The attached Radio Frequency Statement (Attachment A) identifies and explains the significant service coverage gap that needs to be alleviated as soon as possible. The attached Alternative Sites Analysis (Attachment B) describes AT&T's site selection efforts and shows that the Proposed Facility is the best available and least intrusive means by which AT&T can close the gap. AT&T worked hard to find the right location for this site, as you can see, and federal law requires approval of AT&T's application.

AT&T Needs the Proposed Facility to Improve Wireless Services

The Proposed Facility will bring critical wireless services to the area, which are desperately needed especially as customers increasingly use their mobile phones as their primary communication devices. In fact, the Center for Disease Control and Prevention studies the extent of mobile phone use, and recently found that more than 76% of South Dakota households rely exclusively or primarily on wireless phones.¹ Additionally, customers rely on their mobile phones to do much more

¹ Center for Disease Control and Prevention, December 2019 National Health Interview Survey Early Release Program, available at https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf.

than just voice communication, including E911 service, video streaming, GPS, Internet access, and texting.

In fact, in annual reports to the United States Congress, the Federal Communications Commission conservatively estimates that at least 70% of 911 calls are placed by people using wireless phones.² And while there may be some wireless service available in the area, federal law requires the county to evaluate service needs from the perspective of AT&T and its customers.³ In addition, AT&T is bringing new wireless services to the area. The Proposed Facility will also support public safety through AT&T's partnership with FirstNet, the national First Responder Network Authority, and will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders. Attachment C, a FirstNet Handout, describes the significance of deploying FirstNet in South Dakota.

AT&T seeks to construct this macro wireless telecommunications facility pursuant to Article 25 of the Yankton County Zoning Ordinance, regarding wireless telecommunications facilities, to provide and improve wireless services for the county's residents and businesses. AT&T's application for the Proposed Facility complies with county regulations and is consistent with federal law. Specifically, AT&T proposes to construct a 199-foot monopole with a three (3) sector antenna array with two (2) panel antennas per sector, with equipment enclosed within fencing at the base of the tower.

Approval of AT&T's Proposal is Required Under Federal Law

The federal Telecommunications Act of 1996, 47 U.S.C. § 332 ("Act"), provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct personal wireless service facilities. The United States Supreme Court has explained that the Act was enacted in part to prioritize and streamline deployment of wireless technologies on a national basis:

Congress enacted the Telecommunications Act of 1996 (TCA),
110 Stat. 56, to promote competition and higher quality in
American telecommunications services and to 'encourage the rapid

² See *Eleventh Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges*, FCC, December 19, 2019, at 10 (available at <https://www.fcc.gov/file/17724/download>) (in 2018, nearly 150 million 911 calls came from wireless phones).

³ See *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, Declaratory Ruling, FCC 09-99 (November 18, 2009) at ¶¶ 56, 60 (prohibiting the provision of wireless services of one provider based solely on the presence of another provider in the area contradicts the clear intent of Congress to encourage competition in deployment of wireless services). *USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment*, 465 F.3d 817, 820 (8th Cir. 2006) (holding that the Telecommunications Act of 1996 "was intended by Congress to foster competition among telecommunications providers, to improve the quality of their services, and to encourage the rollout of new technologies without delay").

deployment of new telecommunications technologies.’ Ibid. One of the means by which it sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.⁴

The Act defines the scope and parameters of the county’s review of AT&T’s application. Under the Act, local governments are specifically precluded from considering any alleged effects of radio frequency emissions in making decisions as to the siting of wireless telecommunications facilities that will comply with the FCC’s RF emissions regulations.⁵

Here, it is beyond dispute that the Proposed Facility will operate within applicable FCC limits. AT&T’s application includes a RF Emissions Compliance Report prepared by SiteSafe, which concluded that the Proposed Facility will comply with FCC regulations for human exposure to RF emissions. Additionally, the FCC categorically excludes antennas installed above ten meters high (about 32.8 feet high) from environmental assessment because the prospect of excess radio frequency exposure from them is so remote.⁶ The antennas at the Proposed Facility will be about six times taller than that, so there is even less basis for concern. Given the compliance with the FCC standards, the Proposed Facility cannot be rejected based on concerns about radio frequency emissions. Moreover, AT&T’s application cannot be denied whether health concerns are raised explicitly or indirectly through some proxy concern such as aesthetics or property values.⁷

The Act also provides that the county may only deny AT&T’s application based on “substantial evidence.”⁸ The “substantial evidence” requirement means that a local government’s decision must be “directed at whether the local zoning authority’s decision is consistent with the applicable local zoning requirements.”⁹ In other words, a local government must have specific reasons that are both consistent with the local regulations and supported by substantial evidence in the record to deny a permit. For example, because the Act prohibits denial on the basis of radio frequency emissions for sites that will comply with the FCC’s rules, the county cannot consider evidence about purported effects of radio frequency emissions. Here, it is clear from

⁴ *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115-16 (2005).

⁵ See 47 U.S.C. § 332(c)(7)(B)(iv).

⁶ See 47 C.F.R. § 1.1307(b) and Table 1.

⁷ See, e.g., *AT&T Wireless Services of California LLC v. City of Carlsbad*, 308 F.Supp.2d 1148, 1159 (S.D. Cal. 2003) (citing H.R. Conference Report No. 104-458, 201 (1996), and holding complaints about aesthetics and property values raised as proxies for concerns about RF emissions do not qualify as substantial evidence).

⁸ 47 U.S.C. § 332(c)(7)(B)(iii).

⁹ *Sprint Spectrum, L.P. v. Platte County*, 578 F.3d 727, 733 (8th Cir. 2009) (quoting *VoiceStream Minneapolis, Inc. v. St. Croix County*, 342 F.3d 818, 830 (7th Cir. 2003)).

statements by members of the public at the Planning Commission hearing that much of the opposition to the Proposed Facility stems from misplaced fears about the effects from radio frequency emissions.

In addition, federal courts have long agreed that generalized concerns about aesthetics or effects on property values do not constitute substantial evidence that can lawfully support denial of a permit to install telecommunications facilities.¹⁰ While some property owners have speculated that property values may decrease, many homebuyers desire and seek out locations with excellent wireless connectivity. For example, in the context of developing properties for residential sales, there is no evidence that properties near the Proposed Facility will fetch reduced values. While some buyers may be dissuaded, the trend of South Dakota households to move away from landlines strongly indicates most buyers are motivated to move to properties with reliable wireless services that support personal and first responder communications.

The Act also prohibits a local government from denying an application for a wireless telecommunications facility where doing so would “prohibit or have the effect of prohibiting the provision of personal wireless services.”¹¹ This means the county is preempted from denying an application for a wireless facility whether or not the Commission finds a code-based reason or other substantial evidence to disfavor AT&T’s Proposed Facility.

Federal courts have developed tests for when denial of an application by a local government effectively prohibits service in violation of the Act. Under the judicial tests, a local government would violate the Act by denying an application for a wireless facility where the wireless provider has a significant gap in its wireless service and the proposed facility is the most appropriate means to address that gap.¹² Under the predominant “least intrusive means” test, if a wireless carrier satisfies both of these requirements, state and local standards that would otherwise be sufficient to permit denial of the facility are preempted and the municipality must approve the wireless facility.¹³ When a wireless provider presents evidence of a significant gap and the absence of a less intrusive alternative, the burden shifts to the local government to prove

¹⁰ See *Platte County*, 578 F.3d at 733; *Preferred Sites, LLC v. Troup County*, 296 F.3d 1210, 1219 (11th Cir. 2002); *Telespectrum v. Public Service Com’n. of Kentucky*, 227 F.3d 414 (6th Cir. 2000); *Cellular Telephone Co. v. Town of Oyster Bay*, 166 F.3d 490 (2nd Cir. 1999).

¹¹ 47 U.S.C. §332(c)(7)(B)(i)(II).

¹² The “coverage gap” test endorsed by a plurality of circuits requires a provider to show that its proposed facility is the “least intrusive means” to address its significant service coverage gap. See *T-Mobile Central, LLC v. Charter Twp. of W. Bloomfield*, 691 F.3d 794, 808 (6th Cir. 2012); *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 734-35 (9th Cir. 2005), abrogated on other grounds, *T-Mobile South, LLC v. City of Roswell*, 135 S.Ct. 808 (2015); *APT Pittsburgh, L.P. v. Penn Twp.*, 196 F.3d 469 (3d Cir. 1999); *Sprint Spectrum, L.P. v. Willoth*, 176 F.3d 630 (2d Cir. 1999). Other circuits require a showing of no viable alternatives. The Eighth Circuit, however, has not identified the test for an effective prohibition claim. See *USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment of the City of Des Moines*, 465 F.3d 817 (8th Cir. 2006).

¹³ See *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 999 (9th Cir. 2009).

that a less intrusive alternative exists. In order to meet this burden (and overcome the presumption in favor of federal preemption), the local government must show that another alternative is available that fills the significant gap in coverage, that it is technologically feasible, and that it is “less intrusive” than the proposed facility.¹⁴ Importantly, a local government cannot prevail by demanding the provider relocate to an alternative that is not available to close the provider’s gap.¹⁵

More recently, the FCC has confirmed its rulings that an effective prohibition occurs whenever the decision of a local government materially inhibits wireless services,¹⁶ and just last month this material inhibition standard was upheld by federal court.¹⁷ The FCC explained that the “effective prohibition analysis focuses on the service the provider wishes to provide, incorporating the capabilities and performance characteristics it wishes to employ, including facilities deployment to provide existing services more robustly, or at a better level of quality, all to offer a more robust and competitive wireless service for the benefit of the public.”¹⁸ Thus, a local government “could materially inhibit service in numerous ways – not only by rendering a service provider unable to provide existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.”¹⁹

Here, AT&T has demonstrated its significant service coverage gap in the vicinity of the Proposed Facility. AT&T’s radio frequency propagation maps that are exhibits to the attached Radio Frequency Statement depict the service coverage gap that AT&T is experiencing in this portion of Yankton County.²⁰ These maps show that AT&T lacks adequate wireless service in this portion of the county, and the Radio Frequency Statement explains how the Proposed Facility will address that gap. AT&T’s gap is depicted in Exhibit 1 to the Radio Frequency Statement. This gap covers a large area with recreation areas as well as homes and businesses in the vicinity, including an area roughly bordered by 308 Street to the north, 436th Avenue to the east, Lewis and Clark Lake to the south, and 431st Avenue to the west. This portion of the Yankton County includes the Lewis and Clark Recreation Area, Lewis and Clark Resort, other

¹⁴ *Id.*, 572 F.3d at 998-999.

¹⁵ *Id.*

¹⁶ See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) (“*Infrastructure Order*”) at ¶¶ 34-42 (FCC rejects the need for wireless providers to meet judicially-created coverage gap and least instructive means tests); see also, *In the Matter of California Payphone Association Petition for Preemption, Etc.*, Opinion and Order, FCC 97-251, 12 FCC Rcd 14191 (July 17, 1997).

¹⁷ *City of Portland v. United States*, No. 18-72689, 2020 U.S. App. LEXIS 25553 (9th Cir. Aug. 12, 2020).

¹⁸ *Infrastructure Order* at n. 95.

¹⁹ *Id.* at ¶ 37.

²⁰ See Attachment A.

commercial and recreation areas, many dozens of homes in rural areas, and other points of interest in the vicinity of Lewis and Clark Lake. The proposed service coverage from the Proposed Facility is depicted in Exhibit 2 to the attached Radio Frequency Statement. As you can see, placing the Proposed Facility in this location will close AT&T's significant service coverage gap in this area.

AT&T has worked hard to identify the right solution to its service needs here. As explained in greater detail in the attached Alternative Sites Analysis, AT&T investigated possible opportunities to collocate the Proposed Facility on existing towers, but none are available for collocation near the coverage gap. AT&T also investigated other properties in the vicinity, but found no other viable locations that are less intrusive. AT&T's efforts to locate a wireless facility in this area began several years ago. In 2014, in the context of pursuing a different location to the north of the Proposed Facility, AT&T analyzed 18 properties, including six properties well to the north of the Proposed Facility. One of those northern properties was available at the time, and AT&T pursued that site unsuccessfully. In its recent efforts to identify the best location for the Proposed Facility, AT&T approached the property owner for that same northern property, but unfortunately the property owner is no longer interested in leasing space for the project. This time around, AT&T investigated yet more properties in the area, but again found no viable collocations and no other available properties. Initially, AT&T proposed a 400-foot tall tower but was able to engineer a lower solution to provide coverage to the gap area. And by decreasing tower height below 200 feet, AT&T was able to eliminate the need to light the tower under Federal Aviation Authority rules. AT&T also reduced the overall profile of the Proposed Facility by proposing a monopole design rather than a typical lattice tower. Thus AT&T identified the Proposed Facility as the best available and least intrusive means to address its coverage gap.

The only way for AT&T to address its service needs in this portion of the county is to construct the Proposed Facility pursuant to its application. Indeed, it is the only way for AT&T bring critical wireless services to the area, including FirstNet services. Denying AT&T's application will materially inhibit AT&T's ability to provide and improve these important services.

Answers to Specific Questions About Design and Safety

During the August 11, 2020 Planning Commission meeting, several questions were raised by the Commissioners and by members of the public. AT&T has carefully considered each of these issues and offers the following responses to assist the Planning Commission:

Flush-Mount Option. Planning Commissioners asked about the possibility to implement an alternative design whereby the antennas would be mounted closer to the tower. During the Planning Commission meeting, the county's consultant explained that such a design where

antennas are flush or close to the monopole would actually negatively affect aesthetics by creating an overall bulkier facility.

In addition, flush-mounting antennas would adversely affect AT&T's ability to provide coverage and would eliminate the likelihood of securing multiple collocated facilities. Height of antennas is particularly important for deploying new wireless facilities in rural areas. And in order to provide the reliable wireless coverage by making the best use of its licensed frequencies, AT&T needs a minimum of two antennas per sector. Because fewer antennas can be flush-mounted at each height along a monopole, AT&T would need to take up the top two locations in order to place all of its proposed antennas. As depicted in AT&T's construction drawings submitted with its application, the top two spots would place its antennas with centerlines at 190 feet and 175 feet above ground. This would mean that the next provider to collocate on the Proposed Facility would take up the next two locations with antenna centerlines at about 160 feet and 145 feet above ground. It seems unlikely that a third provider would be able to serve the area with antennas even lower.

Limiting the shared use of the monopole in this way also would be inconsistent with one of the main purposes of the Yankton County Zoning Ordinance of promoting collocation as expressed in Section 2503(4). In fact, Section 2506(11)(C) requires providers to design new structures to accommodate at least four additional providers. Thus, not only would a flush-mounted design stand out more, it would increase the likelihood that providers would need to construct a separate tower in the area to accommodate their needs.

Monopine Design. Planning Commissioners asked about the possibility to implement an alternative design whereby the antennas and monopole would be camouflaged as a faux pine tree. During the Planning Commission meeting, the county's consultant explained that a faux-pine design would be inappropriate in this area. While wireless providers sometimes deploy a faux pine tree design known as a "monopine" – typically when much shorter facilities are feasible – such a design would make the Proposed Facility even more intrusive. Here, a 199-foot tall faux pine tree would look entirely out-of-place and more aesthetically intrusive, which is inconsistent with the Section 2503(5) of the Yankton County Zoning Ordinance.

Decreasing Height. Some members of the public asked about decreasing height even further. Again, AT&T initially sought a 400-foot tower to provide service in this portion of the county. AT&T ultimately determined that it could decrease tower height just below 200 feet to avoid need for lighting and to decrease its overall profile. Decreasing height further would sacrifice AT&T's ability to serve the area. And just like the problem with the flush-mount design, if AT&T occupied the top spot on a shorter tower, it is unlikely that more than one – if even one – other provider would be willing to collocate. In addition, the county's consultant explained that a taller design would be more aesthetically pleasing as the antenna array would appear smaller higher up.

Radio Frequency Emissions. Exemplified by one letter that was recently sent to the Planning Commission, objections to the Proposed Facility center around misplaced fears about the effects of radio frequency emissions. This letter makes clear that the concerns raised about property values are related to fears about radio frequency emissions. AT&T has provided evidence that the Proposed Facility will comply with the FCC's rules regarding radio frequency exposure. Thus, the county is preempted from denying the application on these bases.

To allay concerns further, AT&T offers the following additional data regarding the safety of macro cellular antenna sites. The attached FCC Consumer Guide (Attachment D) explains "As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter rapidly decreases as distance from the antennas increases. * * * Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC." Attachment E shows the very low typical exposure for macro sites as compared to other sources of RF exposure, and it shows that exposures from macro sites are typically far below permissible exposures. Attachment F is a May 2019 report by a theoretical physicist from the University of Pittsburgh, which explains "The consensus of world-wide health and government health and safety organizations is that non-ionizing fields at levels allowed by the FCC regulations are safe." The Proposed Facility will comply with FCC regulations, which is the applicable benchmark for safety.

Site Access. During the Planning Commission, some members of the public raised a concern whether AT&T has lawful access to the proposed site and that AT&T's construction activities might damage the road. Specifically, public comments suggested that the road to the property is a private road the use of which is subject to deed restrictions. AT&T presented a survey as evidence that the road is public and that AT&T has an unrestricted right to use that road as a means of ingress and egress from the site. At Planning Commission's request, AT&T has looked into the issue again and confirmed that its intended access route is along a public road and is not limited. Attached here is a surveyor report showing the access from 310th Street, which is identified as a 66-foot wide public right of way (Attachment G). AT&T understands that the County Highway Department has also confirmed the road is a public one that AT&T may use. In order to alleviate any further concern about the use of the road, AT&T is willing to accept a condition of approval that any damage during construction of the Proposed Facility will be restored to its pre-construction state.

Improvement of Services. In addition to providing and improving AT&T's wireless services as well as providing new FirstNet services to benefit first responders, construction of the Proposed Facility will contribute to the overall telecommunications infrastructure in the area. As part of this project, a company called Midco will install well over two miles of fiber optic cable to serve the Proposed Facility. The addition of fiber miles puts Midco in a better position to extend service to more residents in this underserved area of the county.

Conclusion

AT&T is diligently seeking to upgrade its network to provide adequate quality wireless service to this part of Yankton County. AT&T's project team has worked hard to propose the most appropriate facility to accommodate the growing need for wireless services consistent with Article 25 of the Yankton County Zoning Ordinance. AT&T has shown that federal law strongly supports (indeed, mandates) approval, and there has been no substantial evidence proffered on which the county could deny AT&T's application. AT&T urges the county to approve the application for the Proposed Facility.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Shank', is written over the word 'Sincerely,'.

Aaron M. Shank

Attachment A: Radio Frequency Statement
Attachment B: Alternative Sites Analysis
Attachment C: FirstNet Handout
Attachment D: FCC Consumer Guide
Attachment E: Chart of Common RF Exposures
Attachment F: Report of Professor E.S. Swanson
Attachment G: Site Survey

cc: Gary Vetter, Development Services Director (gary@co.yankton.sd.us)
Jessica Atkinson, Deputy Zoning Administrator (jessica@co.yankton.sd.us)
Rick Adams, Consultant to Yankton County (rickad@uslink.net)
Cheryl Riley, President, AT&T External Affairs, Northern Plains States

ATTACHMENT A

AT&T Mobility Supplemental Radio Frequency Statement
398 Wildflower Road, Yankton County, SD

AT&T has experienced an estimated 470,000% increase in mobile data use on its network since the release of the iPhone in 2007. AT&T forecasts its customers' growing demand for mobile data services to continue. The increased volume of data travels to and from customers' wireless devices and AT&T's wireless infrastructure over limited airwaves — radio frequency spectrum that AT&T licenses from the Federal Communications Commission. Spectrum is a finite resource and there are a limited number of airwaves capable and available for commercial use. To ensure service quality, AT&T must knit together its spectrum assets to address customers' existing usage and forecasted demand for wireless services, and it must use its limited spectrum in an efficient manner.

The proposed wireless communications facility at 398 Wildflower Road, Yankton County, SD (the "Property") is needed to address significant service coverage issues on AT&T's wireless network in this portion of Yankton County. More specifically, the proposed facility is needed to improve LTE signal strength in a large area near the Lewis and Clark Recreation Area, including area businesses and homes, in an area roughly bordered by 308 Street to the north, 436th Avenue to the east, Lewis and Clark Lake to the south, and 431st Avenue to the west. This portion of the Yankton County includes the Lewis and Clark Recreation Area, Lewis and Clark Resort, other commercial and recreation areas, many dozens of homes in rural areas, and other points of interest in the vicinity of Lewis and Clark Lake.

The service coverage gap is caused by inadequate infrastructure in the area. AT&T currently has existing sites in the broader geographical area surrounding the Property but, as Exhibit 1 illustrates, these existing sites do not provide sufficient LTE service in the gap area. To meet its service objectives for this gap area, AT&T proposes a 199-foot tall wireless telecommunications facility with antennas at a centerline height of 190 feet above ground level. Denial of this site or a reduction in height would materially inhibit AT&T's ability to provide and improve wireless services in this portion of the county.

The proposed facility at the Property is also a part of AT&T's commitment to supporting public safety through its partnership with FirstNet, the federal First Responder Network Authority. The proposed facility will provide new service on Band 14, which is the dedicated public safety network for first responders nationwide. The proposed facility is designed to be part of FirstNet and will provide coverage and capacity for the deployment of the FirstNet platform on AT&T's LTE network. Deployment of FirstNet in the subject area will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders.

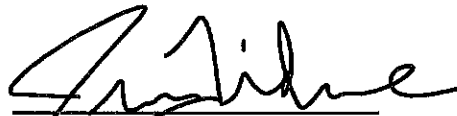
AT&T uses industry standard propagation tools to identify the areas in its network where signal strength or capacity constraints inhibit AT&T's ability to provide reliable in-building service quality. This

information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its wireless network to ensure customers receive reliable in-building service quality. This level of service is critical as customers increasingly use their mobile phones as their primary communication devices (more than 76% of South Dakota households rely exclusively or primarily on wireless phones) and rely on their mobile phones to do much more than just voice communication (E911, video streaming, GPS, web access, text, etc.). In fact, in annual reports to Congress, the FCC conservatively estimates that at least 70% of 911 calls are placed by people using wireless phones.

Exhibit 1 to this Statement is a map of the existing LTE service coverage (without the proposed installation at the Property) in the area at issue. It includes LTE service coverage provided by other existing AT&T sites. The green shading shows areas within a signal strength range that provide reliable in-building service coverage. The yellow shaded areas depict areas within a signal strength range that provide marginally reliable service coverage. The blue and gray areas depict areas in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the yellow, blue, or gray category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 2 is a map that predicts LTE service coverage in the vicinity of the Property if the proposed facility is constructed as proposed in the application. As shown by this map, constructing the proposed facility at the Property closes this significant service coverage gap in the geographic area outlined above.

My conclusions are based on my knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area. I have worked as an engineering expert in the wireless communications industry for more than 24 years.



Jim Tidmore
AT&T Mobility
Network, Planning & Engineering
RAN Design & RF Engineering
September 2020

Pre-Coverage

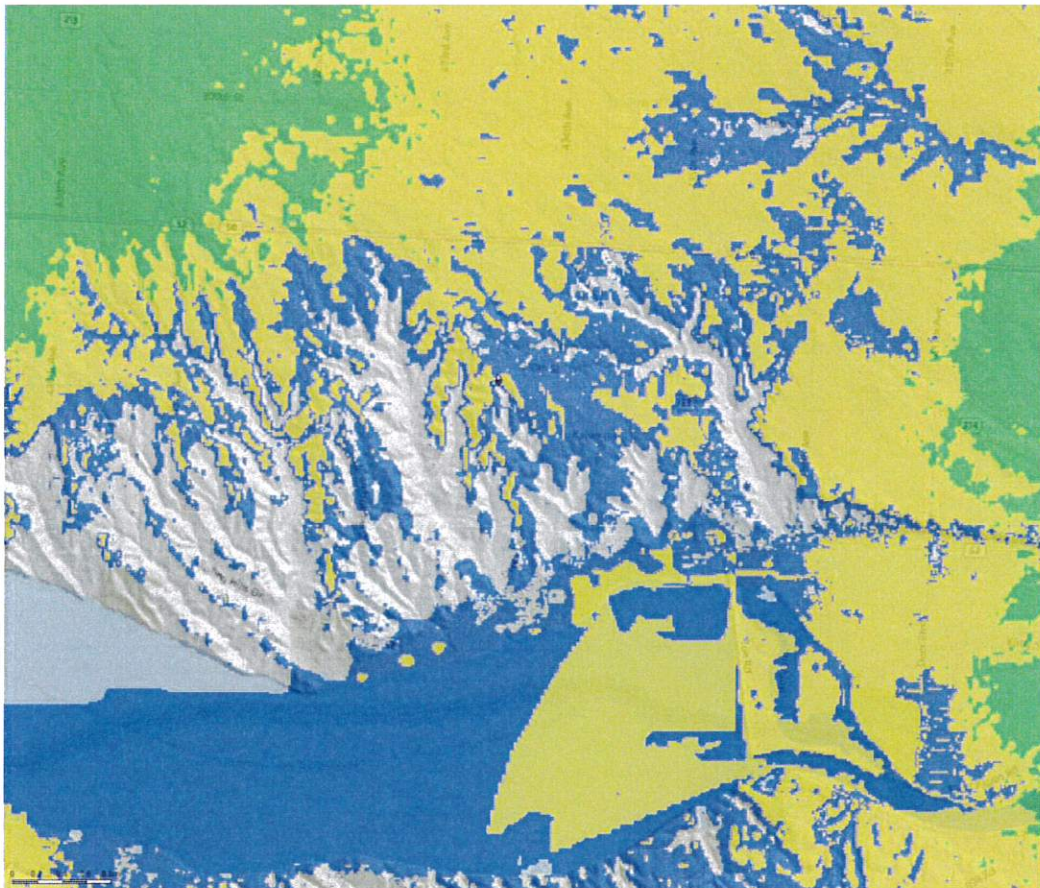
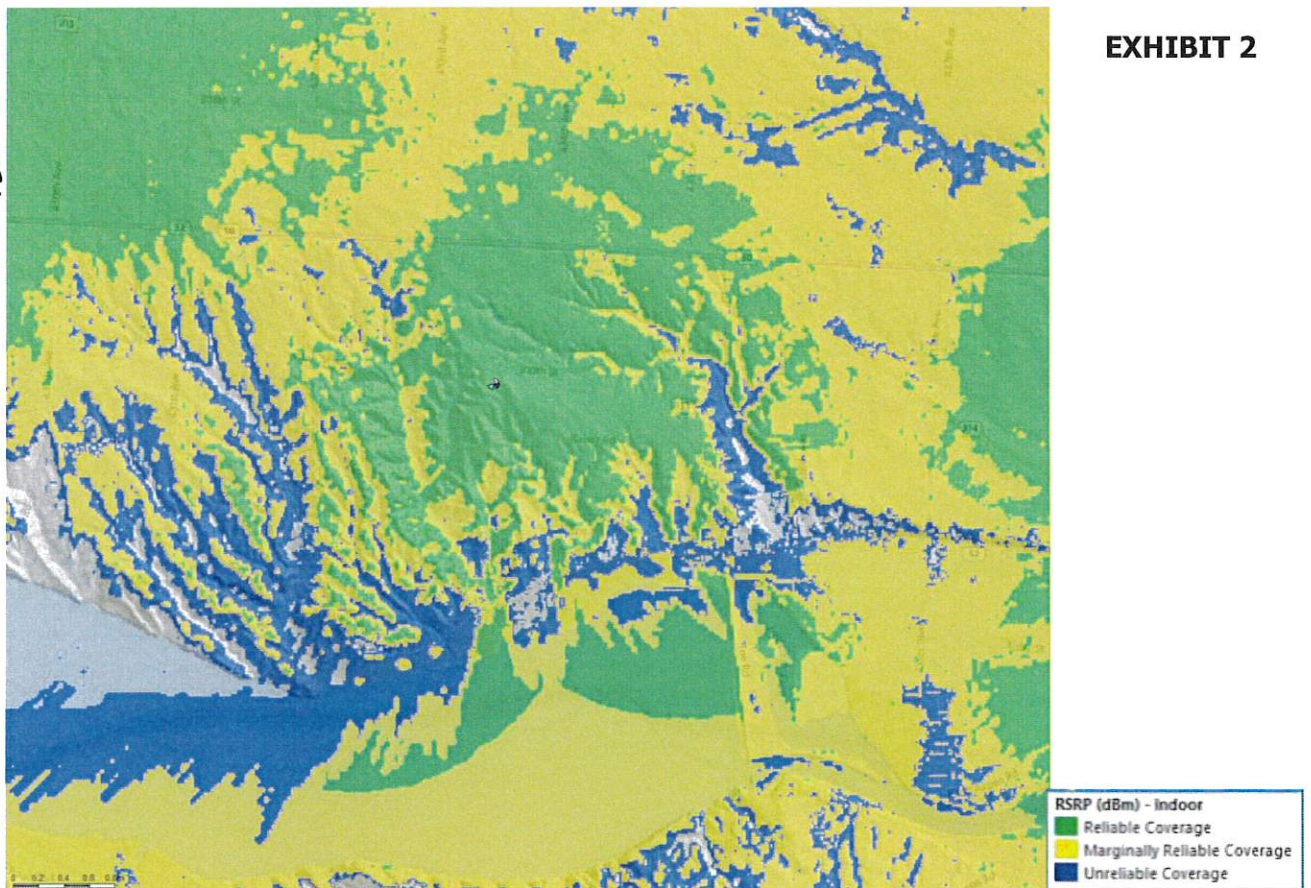


EXHIBIT 1

190'
LTE 700
Coverage

EXHIBIT 2



ATTACHMENT B

Alternative Sites Analysis



AT&T Mobility

Wireless Telecommunications Facility
at

398 Wildflower Road
Yankton, SD 57078

AT&T Site ID SDL04845

Introduction

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") has a significant gap in its service coverage in Yankton. AT&T proposes to install a new 199-foot tall wireless communications facility ("WCF") monopole at 398 Wildflower Road, Yankton, SD ("Proposed Facility") as a means to fill this gap in coverage. AT&T proposes to install a three (3) sector array with two (2) panel antennas per sector, mounted at the top of a 199-foot monopole, with equipment at the base of the tower, including a generator, enclosed within fencing. The Proposed Facility is designed to improve the quality of life of Yankton citizens in compliance with Article 25 of the Yankton County Zoning Ordinance. The Proposed Facility is the best available and least intrusive means to fill the significant gap of the alternatives investigated by AT&T as explained below.

Objective

AT&T Mobility has identified a significant gap in its service coverage and capacity in this portion of Yankton. More specifically, the Proposed Facility is needed to improve signal strength in a large area near the Lewis and Clark Recreation Area, including area businesses and homes, in an area roughly bordered by 308th Street to the north, 436th Avenue to the east, Lewis and Clark Lake to the south, and 431st Avenue to the west. This portion of the Yankton County includes the Lewis and Clark Recreation Area, Lewis and Clark Resort, other commercial and recreation areas, many dozens of homes in rural areas, and other points of interest in the vicinity of Lewis and Clark Lake. The service coverage in this portion of Yankton County is described in the accompanying Radio Frequency Statement.

Methodology and Zoning Criteria

The location of a WCF to fill a significant gap in coverage is dependent upon topography, zoning, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communication is line-of-sight technology that requires WCFs to be in relatively close proximity to the wireless handsets to be served. AT&T proposes antennas with a centerline height of 190 feet above ground level, which is the minimum height feasible to meet coverage objectives.

AT&T seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in Article 25 of the Yankton County Zoning Code ("Code") governing "Siting of Wireless Telecommunication Facilities". In particular, AT&T is guided by Section 2506(14), and has prepared this alternative site analysis as a "demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility."

Analysis

AT&T thoroughly investigated potential alternative sites for facilities to fill the identified coverage gap in this portion of Yankton. AT&T searched for, but did not find, feasible collocation opportunities in and around the coverage objective that would be effective to fill AT&T’s gap in coverage. As a result, per Code Section 2507, the Proposed Facility is located at the “highest priority” location available to fill AT&T significant gap in coverage. There are no nearby available collocation opportunities, nor are there any available county-owned, agricultural, or commercial properties on which to locate a new tower to close AT&T’s significant service coverage gap in the area. The following map shows the locations of the Proposed Facility and the alternative sites that AT&T investigated in the context of this application. The alternatives are discussed in the analysis which follows.

Location of Candidate Sites



Proposed Facility – 398 Wildflower Road, Yankton, SD



Conclusion: Based upon location, willing landlord, and the superior coverage as shown in the proposed coverage map included in AT&T's Radio Frequency Statement, the Proposed Facility is the least intrusive means for AT&T to meet its service coverage objective.

AT&T proposes to install a three (3) sector array with two (2) panel antennas per sector, wall-mounted on a monopole, with equipment at the base of the tower, including a generator, enclosed within fencing. AT&T's WCF will have a top height of 199 feet, including a lightning rod atop the 195-foot tall monopole. The Proposed Facility is designed to improve the quality of life of Yankton County citizens by providing critical wireless communications, including FirstNet service. The Proposed Facility is located at the "highest priority" location available to fill AT&T significant gap in coverage. There are no nearby available collocation opportunities, nor are there any available county-owned, agricultural, or commercial properties on which to locate a new tower to close AT&T's significant service coverage gap in the area. Furthermore, AT&T has confirmed that there are no right-of-access issues to this site, as the access road is public. The Proposed Facility is the least intrusive means to close AT&T's significant service coverage gap in this portion of Yankton County.

Alternative Site 1 – Alternative Flush-Mount Antenna Design of the Proposed Facility

Conclusion: More intrusive than Proposed Facility

During the August 11, 2020 Planning Commission public hearing, AT&T was asked to consider an alternative design for the Proposed Facility with antennas mounted close to the monopole structure. While AT&T is willing to consider such a flush-mounted design for the Proposed Facility, that design would be more intrusive than the Proposed Facility. As the county's consultant explained during the public hearing, antennas placed flush or close to the monopole would actually negatively affect aesthetics by creating an overall bulkier facility. In addition, use of flush-mounted antennas will reduce the number of likely collocations on the structure, which is inconsistent with the Code. Specifically, Code Section 2503(4) expresses one of the main purposes of the wireless ordinance is to promote collocations. Likewise, Code Section 2506(11)(C) requires providers to design new structures to accommodate at least four additional providers. Flush mounting reduces likely collocations because AT&T will need two locations on the structure for its antennas rather than a single, larger array. Other providers will likely require two locations as well, which makes it unlikely that even three providers could share the pole and more likely that other providers would need to construct a separate tower in the area.

Alternative Site 2 – Alternative Monopine Design of the Proposed Facility

Conclusion: More intrusive than Proposed Facility

During the August 11, 2020 Planning Commission public hearing, AT&T was asked to consider a faux tree design as an alternative design for the Proposed Facility. While wireless providers sometimes deploy a faux pine tree design known as a "monopine," that design would make the Proposed Facility even more intrusive. A 199-foot tall faux pine tree would look out-of-place and more aesthetically intrusive. During the August 11, 2020 Planning Commission hearing, the county's consultant also explained that a faux-pine design would be inappropriate in this area. Therefore, a monopine design would be more intrusive than the Proposed Facility.

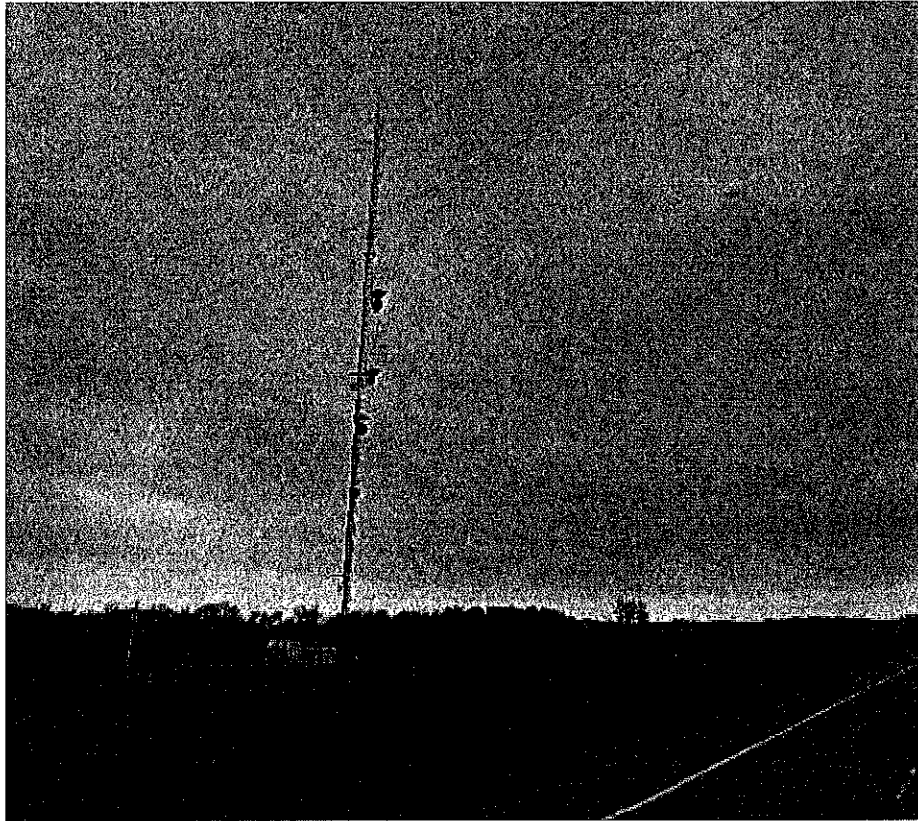
Alternative Site 3 – Raw Land, NW corner of intersection of State Route 50 and 433rd Avenue



Conclusion: Not available

This alternative site represents AT&T's original proposed location for a WCF in Yankton, for which AT&T submitted an application in 2014. This property is located on agricultural land to the northwest of the intersection of State Route 50 and 433rd Avenue. This site also represents the alternative site to the north that was suggested during the August 11, 2020 Planning Commission public hearing. In connection with this application, AT&T initially approached the owner of this property. The property owner, however, is no longer willing to allow AT&T to construct a WCF at this location. Therefore, this alternative site is not available.

Alternative Site 4 – Northwest Energy Existing Tower, SW corner of intersection of State Route 50 and 433rd Avenue



Conclusion: Not available and not feasible

This alternative site represents AT&T's efforts, per Section 2507 of Article 25, to locate collocation options on the only existing tower in the area, which is located northwest about 1.2 miles from AT&T's needed coverage location. This existing Northwest Energy tower is the only potentially viable collocation opportunity in the area to meet AT&T's service objectives. Northwest Energy was not willing to allow AT&T to collocate on the tower when AT&T originally considered this site back in 2014. In the context of this application, Northwest Energy did not respond to AT&T's multiple inquiries to revisit the possibility of collocation. Additionally, even if Northwest Energy were a willing landlord, collocation at this facility would require complete replacement of the pole with a new and taller structure in order to accommodate AT&T's collocation. Therefore, this alternative is not available and not feasible.

Alternative Site 5 – 43371 310th Street, Yankton, SD



Conclusion: Not available

The area surrounding the Proposed Facility is zoned Agricultural with the neighboring properties largely consisting of Rural Residential and Agricultural properties. AT&T located several individually owned properties in the surrounding area and discussed the possibility of locating a wireless telecommunications facility with the respective landowners. Although the property owners were initially interested in considering the matter, they later indicated they would not lease space to AT&T for the Proposed Facility.

Alternative Site 6 – SWC Hwy 50 & 434th Ave, Yankton, SD



Conclusion: No less intrusive than Proposed Facility

The area surrounding the Proposed Facility is zoned Agricultural with the neighboring properties largely consisting of Rural Residential and Agricultural properties. AT&T identified several individually owned properties in the surrounding area. After evaluating this property against the location of the Proposed Facility, it was determined the Proposed Facility location was the best choice to proceed with due to its location with respect to the coverage area and surrounding terrain.

Alternative Sites Evaluated for this Area of Yankton per AT&T's 2014 Application for a Wireless Communications Facility at Alternative Site 3

AT&T originally evaluated 18 properties, including a proposed site and 17 alternative sites, when it began its site selection efforts in 2014 to construct a WCF in this portion of Yankton County. The following summarizes AT&T's Alternative Site Analysis report that was submitted to the county in connection with that earlier application:

Alternative 1 – Raw Land at NE corner of intersection of State Route 50 and State Route 52

Conclusion: Not available

This property was managed and owned by the same as the owner of then-proposed facility at raw land at the northwest corner of intersection of State Route 50 and 433rd Avenue. The landlord declined to make this alternative site available for lease to AT&T.

Alternative 2 – Northwest Energy Existing Tower, SW corner of intersection of State Route 50 and 433rd Avenue (*now Alternative Site 4 in this Alternative Site Analysis*)

Conclusion: Not available

This existing Northwest Energy tower presented the only viable collocation opportunity in the area to meet AT&T's service objectives. However, Northwest Energy was not willing to allow AT&T to collocate on the tower.

Alternative 3 – Northwest Energy Raw Land adjacent to existing tower

Conclusion: Not available

Because Northwest Energy refused to allow AT&T to collocate on its existing tower (see Alternative 2, above), the county's prior consultant requested AT&T to investigate the possibility of building a new tower on the adjacent raw land. AT&T and Northwest Energy negotiated in good faith, but were unable to identify agreeable terms to allow AT&T to construct a WCF on this land.

Alternative 4 – Water Tank, SE corner of intersection of State Route 50 and State Route 52

Conclusion: Not feasible

This county water tank was a higher location preference than the proposed facility under former Section 2507 of the Ordinance. However, the water tank was relatively short, so a WCF mounted on this structure would not have closed AT&T's significant service coverage gap.

Alternative 5 – Hilltop Deluxe Storage, 31051 435th Avenue (State Route 153)

Conclusion: Not feasible; more intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 153, just south of Kaiser Road and approximately two-thirds of a mile north of State Route 52. This parcel is fairly narrow from east to west, and even a 200-foot tall WCF here would not have met the 110% setback requirement under former Section 2513 of the Ordinance. Further, this location would have been more visually intrusive than the then-proposed facility.

Alternative 6 – Cottonwood Inn & Suites, 43506 State Route 52

Conclusion: Not feasible; more intrusive

This commercial use is located in a small Lake Side Commercial Zone at the northwest corner of the intersection of State Route 153 and State Route 52. This hotel sits on a relatively small parcel and a WCF here could not meet the setback requirements under Section 2513 of the Ordinance. Further, the minimum height needed to close AT&T's significant service coverage gap from this property would have been 120 feet. A new 120-foot tower at this location would have been more visually intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 7 – Dam Fireworks, 43530 State Route 52

Conclusion: More intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, approximately two-tenths of a mile east of State Route 153, at the edge of the search ring. Further, the minimum height needed to close AT&T's significant service coverage gap from this property would have been 120 feet. A new 120-foot tower at this location would have been more visually intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 8 – Midway Gulch Campground, 125 Kniest Avenue

Conclusion: Not feasible; more intrusive

This commercial use is situated just to the north of State Route 52. The minimum height needed to close AT&T's significant service coverage gap from this property would have been 150 feet. To meet the setback requirement under former Section 2513 of the Ordinance, a 150-foot tower would have needed to be a minimum of 165 feet from property lines, which was not feasible on this relatively small property. Further, a new 150-foot tower in the campground would have been more visually intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 9 – House of Mary Shrine, 142 Drees Drive

Conclusion: More intrusive

This church property is located just to the north of State Route 52 near the entrance to the Lewis

and Clark Campground. The minimum height needed to close AT&T's significant service coverage gap from this property would have been 140 feet. A new 140-foot tower at this location would have been more visually intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 10 – Erhesmann Engineering, 4400 West 31st Street

Conclusion: Not feasible; more intrusive

This commercial use is in a small commercial zone along State Route 50, well outside of the search area for this site and approximately three and a half miles to the east of the Proposed Facility. This business sits on a relatively small parcel and a WCF here could not have met the setback requirements under former Section 2513 of the Ordinance. Further, this location would have been more visually intrusive than the then-proposed facility.

Alternative 11 – Lewis and Clark Marina

Conclusion: More intrusive

The minimum height needed to close AT&T's significant service coverage gap from this property would have been 120 feet. A new 120-foot tower at this location would have been more visually intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 12 – DJ's Specialty Resort, 31110 Walleye Drive, #200

Conclusion: Not feasible; more intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, well to the east of the original search area. To meet the coverage objective from this property, AT&T would have needed to mount antennas at a centerline height of 140 feet. To meet the setback requirement under former Section 2513 of the Ordinance, a 140-foot tower would have needed to be a minimum of 154 feet from property lines, which was not feasible on this relatively small property. Also, a 140-foot tower at this location would have been more intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 13 – R. & D Motor Sales, 108 Marine Drive

Conclusion: Not feasible; more intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, well to the east of the search area. To meet the coverage objective from this property, AT&T would have needed to mount antennas at a centerline height of 140 feet. To meet the setback requirement under former Section 2513 of the Ordinance, a 140-foot tower would have needed to be a minimum of 154 feet from property lines, which was not feasible on this relatively small

property. Also, a 140-foot tower at this location would have been more intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 14 – Captain Norm’s Convenience Store and Bait Shop, 43590 State Route 52

Conclusion: Not feasible; more intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, well to the east of the search area. To meet the coverage objective from this property, AT&T would have needed to mount antennas at a centerline height of 140 feet. To meet the setback requirement under former Section 2513 of the Ordinance, a 140-foot tower would have needed to be a minimum of 154 feet from property lines, which was not feasible on this relatively small property. Also, a 140-foot tower at this location would have been more intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 15 – The Rock House, 31120 Quarry Drive

Conclusion: More intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, well to the east of the search area. To meet the coverage objective from this property, AT&T would have needed to mount antennas at a centerline height of 140 feet. Such a tower at this site would have been more intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 16 – Karttrax Family Fun Park, 4908 West 8th Street

Conclusion: Not feasible; more intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, far to the east of the search area. To meet the coverage objective from this property, AT&T would have needed to mount antennas at a centerline height of 140 feet. To meet the setback requirement under former Section 2513 of the Ordinance, a 140-foot tower would have needed to be a minimum of 154 feet from property lines, which was not feasible on this relatively small property. Also, Such a tower at this site would have been more intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Alternative 17 – Dairy Dock, 4804 West 8th Street

Conclusion: More intrusive

This commercial use is located in a small Lake Side Commercial Zone along State Route 52, well to the east of the search area. To meet the coverage objective from this property, AT&T would have need to mount antennas at a centerline height of 140 feet. Such a tower at this site

would have been more intrusive than the then-proposed facility. This site also would have been in plain view from the state park and recreational areas.

Conclusion

The Proposed Facility is the best available and least intrusive means by which AT&T can close its significant service coverage gap in this portion of Yankton County. Denial of this proposed facility would materially inhibit AT&T's ability to provide and improve wireless services in this portion of the County.

ATTACHMENT C

FIRSTNET: KEEPING FIRST RESPONDERS CONNECTED IN SOUTH DAKOTA

1

WHAT IS FIRSTNET?

FirstNet is the first nationwide public safety wireless broadband platform dedicated to first responders and those who support them. It is more than a network, including advanced services, applications and purpose-built devices. More than 13,000 public safety agencies and organizations subscribed to FirstNet as of August 2020, representing first responders from all 50 states. This represents more than 1.5 million connections.

2

THE HISTORY OF FIRSTNET

Due to communications challenges during the response to the 9/11 terrorist attacks, the 9/11 Commission recommended the establishment of a single, interoperable network for public safety. In 2012, Congress established the First Responder Network Authority ("FirstNet Authority") – an independent agency within the Department of Commerce and based its mission on meeting public safety's communications needs and priorities. In 2017, the FirstNet Authority selected AT&T as the private-sector partner responsible for building, operating and evolving FirstNet for 25 years under the FirstNet Authority's oversight.

3

TRANSFORMING PUBLIC SAFETY COMMUNICATIONS

FirstNet is purpose-built to first responder specifications and needs. FirstNet traffic is carried on a highly secure and physically separate network core, which separates public safety traffic from commercial traffic. Additionally, FirstNet is driving innovation for public safety through mobile applications and a comprehensive ecosystem of solutions, including purpose-built rugged devices and situational awareness apps. Public safety communication is rapidly changing. FirstNet-enabled solutions offer distinct benefits to legacy systems and technology. Land Mobile Radio (LMR) networks have not traditionally supported apps, video and multimedia, but FirstNet does. FirstNet is also driving innovation, like push-to-talk, situational awareness, and data and video services. Additionally, LMR-to-LTE interoperability will allow state and local governments to improve redundancy and extend the reach of their existing radio system.

4

EXPANDING COVERAGE AND BOOSTING CAPACITY

Reaching rural and remote parts of America is one of our top priorities. We're extending the nationwide reach of **FirstNet** to give agencies large and small the reliable, unthrottled connectivity and modern communications tools they need. To achieve this, our FirstNet network expansion is two-fold: rolling out Band 14 spectrum and launching purpose-built FirstNet sites. We are adding public safety's Band 14 spectrum to tens of thousands of existing cell sites and deploying more than 1,000 new cell sites across the country. And, FirstNet subscribed agencies also have access to the nationwide fleet of 76 FirstNet dedicated network deployable assets, including portable cell sites on a truck – available 24/7 upon request and at no additional charge.

5

FIRSTNET IN SOUTH DAKOTA

Governor Dennis Daugaard opted into FirstNet on December 15, 2017, which resulted in the FirstNet Authority and AT&T beginning to build out FirstNet in South Dakota.

ATTACHMENT D



Human Exposure to Radio Frequency Fields: Guidelines for Cellular Antenna Sites

Primary antennas for transmitting wireless telephone service, including cellular and Personal Communications Service (PCS), are usually located outdoors on towers, water tanks and other elevated structures like rooftops and sides of buildings. The combination of antenna towers and associated electronic equipment is referred to as a “cellular or PCS cell site” or “base station.” Cellular or PCS cell site towers are typically 50-200 feet high. Antennas are usually arranged in groups of three, with one antenna in each group used to transmit signals to mobile units, and the other two antennas used to receive signals from mobile units.

At a cell site, the total radio frequency (RF) power that can be transmitted from each transmitting antenna depends on the number of radio channels (transmitters) that have been authorized by the Federal Communications Commission (FCC) and the power of each transmitter. Although the FCC permits an effective radiated power (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less.

An ERP of 100 watts corresponds to an actual radiated power of 5-10 watts, depending on the type of antenna used. In urban areas, cell sites commonly emit an ERP of 10 watts per channel or less. For PCS cell sites, even lower ERPs are typical. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter rapidly decreases as distance from the antenna increases.

Consequently, normal ground-level exposure is much less than the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC.

Guidelines

In 1996, the FCC adopted updated guidelines for evaluating human exposure to RF fields from fixed transmitting antennas such as those used for cellular and PCS cell sites. The FCC's guidelines are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP), a non-profit corporation chartered by Congress to develop information and recommendations concerning radiation protection. The FCC's guidelines also resemble the 1992 guidelines recommended by the Institute of Electrical and Electronics Engineers (IEEE), a non-profit technical and professional engineering society, and endorsed by the American National Standards Institute (ANSI), a nonprofit, privately-funded membership organization that coordinates development of voluntary national standards in the United States.

In the case of cellular and PCS cell site transmitters, the FCC's RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular or PCS cell site towers or in the vicinity of other, lower-powered cell site transmitters. Calculations corresponding to a “worst-case” situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that, in order to be exposed to RF levels near the FCC's guidelines, an individual would essentially have to remain in the main transmitting beam and within a

few feet of the antenna for several minutes or longer. Thus, the possibility that a member of the general public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

When cellular and PCS antennas are mounted on rooftops, RF emissions could exceed higher than desirable guideline levels on the rooftop itself, even though rooftop antennas usually operate at lower power levels than free-standing power antennas. Such levels might become an issue for maintenance or other personnel working on the rooftop. Exposures exceeding the guidelines levels, however, are only likely to be encountered very close to, and directly in front of, the antennas. In such cases, precautions such as time limits can avoid exposure in excess of the guidelines. Individuals living or working within the building are not at risk.

Consumer Help Center

For more information on consumer issues, visit the FCC's Consumer Help Center at www.fcc.gov/consumers.

Alternate formats

To request this article in an alternate format - braille, large print, Word or text document or audio - write or call us at the address or phone number at the bottom of the page, or send an email to fcc504@fcc.gov.

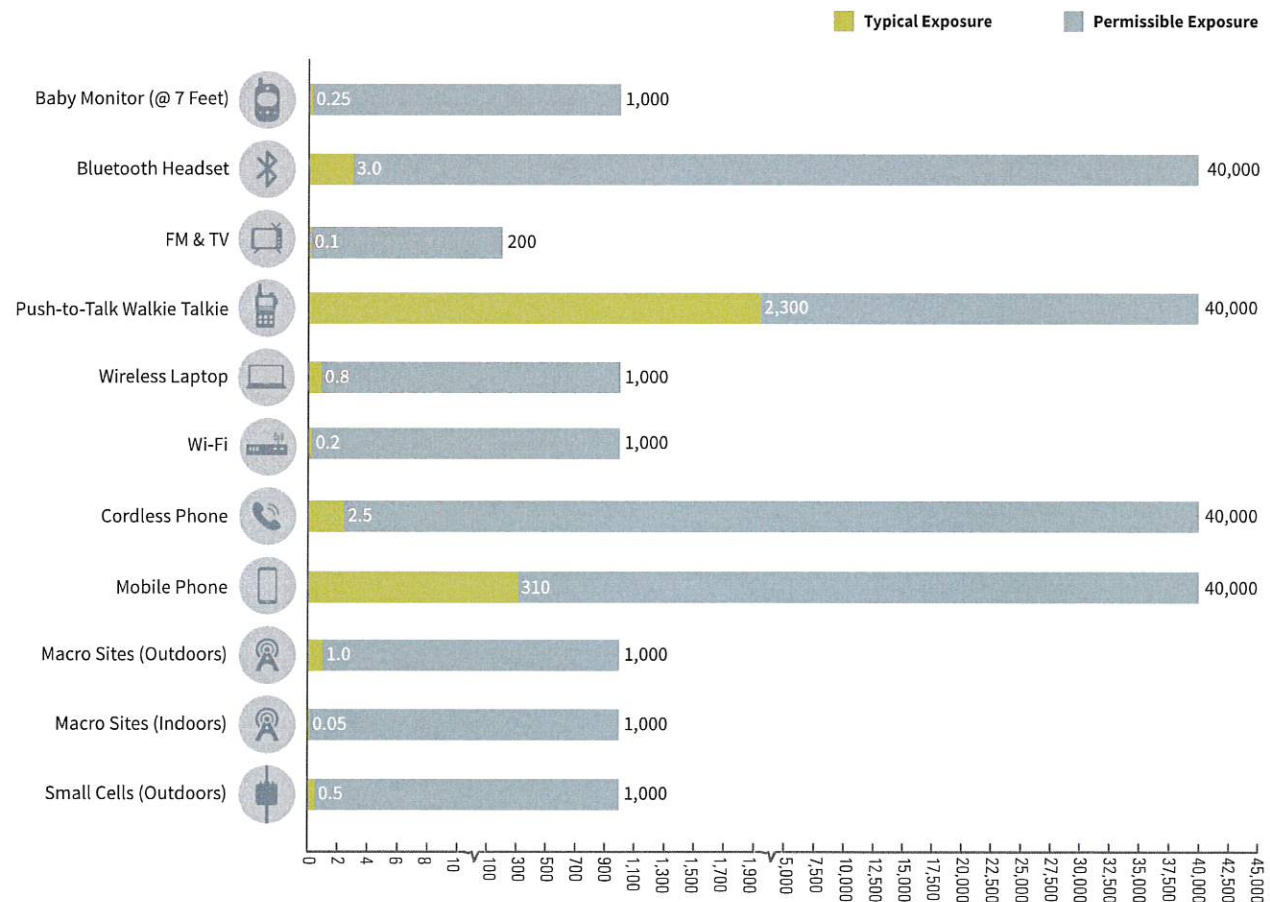
Last Reviewed 10/15/19



ATTACHMENT E

Common Radiofrequency Exposures ($\mu\text{W}/\text{cm}^2$)

($\mu\text{W}/\text{cm}^2$) = microwatts per centimeter squared



A maximum exposure is generally taken to be a worst case (whole body) exposure value from a source whereas a typical exposure is a more realistic exposure one might expect to receive from a given source. The maximum exposure would usually exist only at a specified distance from the source whereas the typical exposure might occur at a wide range of locations and represent a more realistic exposure from a given source.

Source: Andrew H. Thatcher, Board Certified Health Physicist (c) 2020

ATTACHMENT F



University of Pittsburgh

Dietrich School of Arts and Sciences
Department of Physics and Astronomy

Pittsburgh, PA 15260
412-624-9000
Fax: 412-624-9163
www.physicsandastronomy.pitt.edu

May 29, 2019

Re: Health Effects of 5G Telecommunication Infrastructure

I have been asked by the CTIA to address any concerns over possible health effects related to 5G telecommunication infrastructure.

My name is Eric Swanson. I am a professor of theoretical physics at the University of Pittsburgh. I have published more than 100 papers on biophysics, nuclear physics, and condensed matter physics and given approximately 250 academic talks in 25 countries over a thirty year career. I am the founder of the American Physical Society Topical Group on Hadronic Physics and an elected Fellow of the American Physical Society. I am also the author of *Science and Society* (Springer), *Applied Computational Physics* (Oxford University Press), and many newspaper and magazine op-eds and articles.

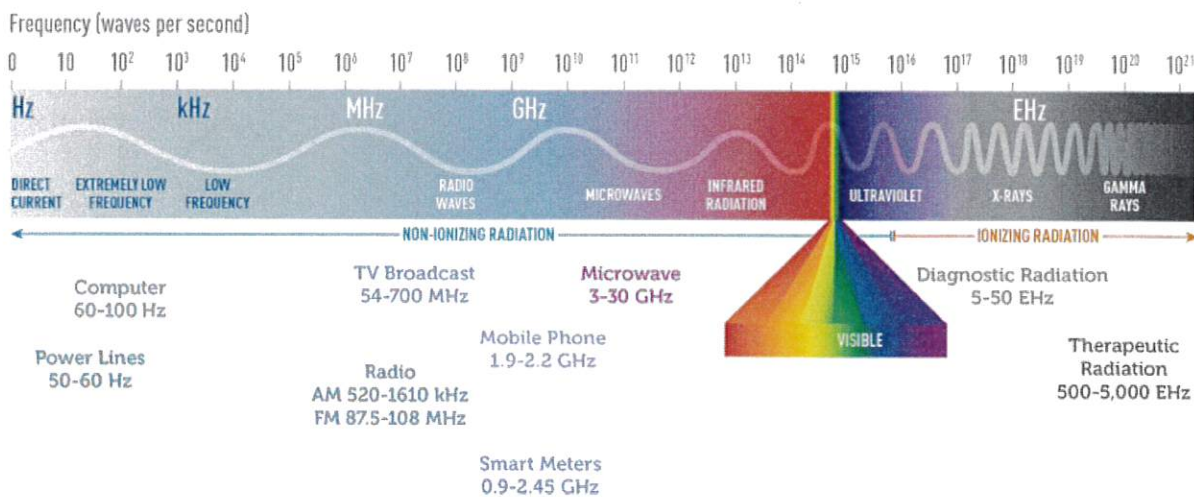
Because this report will be addressing issues concerning electromagnetic fields I would like say a few words about what this is. Electromagnetic fields are waves that are created by moving charges (usually electrons) that traverse space at the speed of light. These waves are the *simplest phenomena known in the universe* and the physics related to them is well established. Waves only have three basic characteristics: frequency (how many times the wave oscillates per second), amplitude (the "height" of the wave), and polarization (we are most familiar with this via polaroid sunglasses). The figure below shows the "electromagnetic spectrum", which is just a representation of the names that we apply to different frequencies of radiation. Notice that visible light is part of the spectrum. Other familiar parts are UV radiation at slightly higher frequency than visible light, x-rays at even higher frequency, and microwaves and radio waves at lower frequency.

When it comes to human health concerns there is an important distinction between different parts of the spectrum. While I could explain this in terms of physical concepts, it is probably more useful to appeal to things we all know. UV radiation can be harmful because it can cause sunburns and skin cancer. X-rays and the higher frequency gamma rays can be even more harmful (at sufficient doses X-rays can cause cancer and gamma rays can kill people outright). Alternatively, we can happily spend days or months under indoor lighting with no chance of getting sunburn or skin cancer. The reason for this is that visible light is *below* the threshold frequency for causing damage to molecules in our cells. This threshold is referred to as the ionization threshold: electromagnetic waves that can break DNA bonds are called *ionizing* and

electromagnetic waves that cannot break bonds are called *nonionizing*. The electromagnetic fields emitted by a cell phone and wireless infrastructure are nonionizing radiofrequency (RF) fields.

The frequencies used by 4G cellphones are around 2 GHz (this means two billion oscillations per second). These frequencies are about one million times lower than UV frequencies, which places them well on the safe side of the ionization threshold. 5G cellphones and infrastructure operate at RF frequencies that are approximately 30000 times below the ionizing threshold.

ELECTROMAGNETIC SPECTRUM



In the USA, 5G wireless infrastructure and 5G-capable cellphones are regulated by the Federal Communications Commission. All new equipment is tested and must comply with safety limits that have been set by the FCC. The FCC adopted the RF emission regulations based on standards recommended by international standards setting bodies such as the National Council on Radiation Protection and the Institute of Electrical and Electronics Engineers. It did so after consulting with federal health and safety organizations such as the FDA, Environmental Protection Agency, Occupational Safety and Health Administration, and National Institute for Occupational Safety and Health to develop “consensus” regulations. Together, these bodies have assessed thousands of scientific studies concerning possible health effects of nonionizing radiation. Animal tests and other studies indicate that thermal effects start to be felt at an energy deposition rate of approximately 100W/kg (this is called the *specific absorption rate*, or SAR)¹. The FCC mandates that the general public be exposed to no SARs greater than 1.6 W/kg. In fact, according to the FCC, typical exposures near cellphone towers are hundreds or thousands of times lower than this figure. The FCC also mandates that *maximum permissible*

¹ For comparison, the heating pad I use to warm my arthritic knees is rated at 50W. I estimate it warms about 1 lb of my body, so this rather pleasant heating corresponds to a SAR of 100W/kg.

exposure (called MPE, this is a measurement of the energy deposition rate by area) be lower than approximately 1 mW/cm².²

The consensus of the world-wide health and government health and safety organizations is that non-ionizing fields at the levels allowed by the FCC regulations are safe. For example, federal agencies responsible for regulating the safety of cell phones and wireless infrastructure and leading cancer and health research institutions in the United States have not found any link between electromagnetic fields allowed by the FCC regulations and cancer or other adverse health effects:

The Federal Communications Commission (FCC): “As discussed above, radiofrequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.”³

The Food and Drug Administration (FDA): “Based on our ongoing evaluation of this issue, the totality of the available scientific evidence continues to not support adverse health effects in humans caused by exposures at or under the current radiofrequency energy exposure limits.”⁴

National Cancer Institute: “... although many studies have examined the potential health effects of non-ionizing radiation from radar, microwave ovens, cell phones, and other sources, there is currently no consistent evidence that non-ionizing radiation increases cancer risk in humans.”⁵

American Cancer Society: “At ground level near typical cellular base stations, the amount of RF energy is thousands of times less than the limits for safe exposure set by the US Federal Communication Commission (FCC) and other regulatory authorities ... Some people have expressed concern that living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time, there is very little evidence to support this idea.”⁶

Other worldwide health and safety organizations are in accord:

² FCC 13-39 (March 2013), Appendix A.

³ FCC RF Safety FAQ <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety#Q15> (last accessed March 11, 2019).

⁴ FDA Statement, Statement from Jeffrey Shuren, M.D., J.D., Director of the FDA’s Center for Devices and Radiological Health on the National Toxicology Program’s report on radiofrequency energy exposure, Nov. 1, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm624809.htm>.

⁵ National Cancer Institute, “Cell Phones and Cancer Risk” Factsheet (2019), <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/cell-phones-fact-sheet> (last accessed March 11, 2019).

⁶ American Cancer Society, “Cellular Phone Towers”, <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html> (2018) (last accessed March 11, 2019).

European Commission, Scientific Committee on Emerging and Newly Identified Health

Risks (SCENIHR) (2015): “Overall, the epidemiological studies on mobile phone RF EMF exposure do not show an increased risk of brain tumours. Furthermore, they do not indicate an increased risk for other cancers of the head and neck region.”⁷

World Health Organization (2006): “Recent surveys have indicated that RF exposures from base stations and wireless technologies in publicly accessible areas (including schools and hospitals) are normally thousands of times below international standards . . . From all evidence accumulated so far, no adverse short- or long-term health effects have been shown to occur from the RF signals produced by base stations.”⁸

Health Canada (2014): “The Panel has concluded that the balance of evidence at this time does not indicate negative health effects from exposure to RF energy below the limits recommended in the Safety Code.”⁹

United Kingdom Health Protection Agency Independent Advisory Group on Non-Ionizing Radiation (HPA) (2012): “In summary, although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children.”¹⁰

Swedish Council for Working Life and Social Research (2012): “Extensive research for more than a decade has not detected anything new regarding interaction mechanisms between radiofrequency fields and the human body and has found no evidence for health risks below current exposure guidelines.”¹¹

Norwegian Institute for Public Health (2012): “The studies have been performed on cells and tissues, and in animals and humans. The effects that have been studied apply to changes in organ systems, functions and other effects. There are also a large number of population studies with an emphasis on studies of cancer risk. The large total number of studies provides no evidence that exposure to weak RF fields causes adverse health effects.”¹²

Similarly, the **Institute of Electrical and Electronics Engineers’ International Committee on Electromagnetic Safety (IEEE/ICES)**, which is one of the expert organizations that the FCC

⁷ European Commission, Scientific Committee on Emerging and Newly Identified Health Risks, Opinion, “Health Effects of Exposure to EMF,” (2015) (available at https://ec.europa.eu/health/scientific_committees/emerging/docs/scenihr_o_041.pdf).

⁸ World Health Organization, “Electromagnetic fields and public health: base stations”, (2006), <https://www.who.int/peh-emf/publications/facts/fs304/en/> (last accessed March 11, 2019).

⁹ Health Canada, “A Review of Safety Code 6 (2013): Health Canada’s Safety Limits for Exposure to Radiofrequency Fields,” (2014) (available at https://rsc-src.ca/sites/default/files/SC6_Report_Formatted_1.pdf).

¹⁰ Health Protection Agency, “Health Effects from Radiofrequency Electromagnetic Fields, Report of the Independent Advisory Group on Non-Ionising Radiation,” (2012) (available at <https://www.ncbi.nlm.nih.gov/nlmcatalog/101602435>).

¹¹ Ahlbom A., *et al.*, Swedish Council for Working Life and Social Research, “Radiofrequency Electromagnetic Fields and Risk of Disease and Ill Health: Research during the last ten years,” (2012) (available at <http://www.fas.se/pagefiles/5303/10-y-rf-report.pdf>).

¹² Norwegian Institute of Public Health, Report 2012:3, “Low-level radiofrequency electromagnetic fields, an assessment of health risks and evaluation of regulatory practice,” (2012) (available at <http://www.fhi.no/dokumenter/545eea7147.pdf>).

relies on in setting its RF emission standard, analyzed 52 years of studies and concluded that “the weight of scientific evidence supports the conclusion that there is no measurable risk associated with RF exposures”¹³ even at levels five times higher than that permitted by the FCC. In short, *the consensus of the scientific community is that the scientific evidence does not support any link between exposure to regulated RF and adverse health effects.*

5G telecommunication technology seeks to increase data rates by a factor of 100 over 4G networks (to 1Gbps or higher), decrease latency (time wasted in establishing communication) by a factor of 50 or more, and increase user density drastically (up to one mobile device per 10 square feet). These capabilities will enable smart city technology, the “internet of things”, mobile service on airplanes, remote medicine, and the machine-to-machine communication required for the robotic cars of the future. It will achieve these things by placing low power small cell wireless infrastructure close together and by employing more of the electromagnetic spectrum (specifically, the spectrum near 30 GHz). Because 30 GHz radiation is nonionizing and the emissions from cell phones and small cell wireless infrastructure are regulated by the FCC’s exposure standards that have withstood the test of time, there is no reason to believe there is a risk of adverse health effects. In addition, one can estimate MPE levels by using published data concerning the size of 5G small cell wireless infrastructure and their power ratings (these are also regulated by the FCC). The result is an MPE that is approximately 500 times below the FCC limit. Thus 5G technology presents no substantial risk to the general public, and certainly does not present risk that current regulations cannot manage.

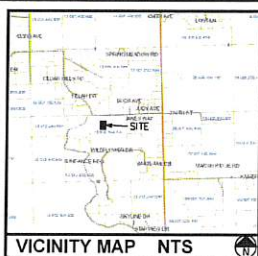
Sincerely,



E.S. Swanson
Professor of Physics
University of Pittsburgh

¹³ Institute of Electrical and Electronics Engineers, International Committee on Electromagnetic Safety (SCC39), “IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3kHz to 300 GHz,” (2006).

ATTACHMENT G



VICINITY MAP NTS

NOTES:

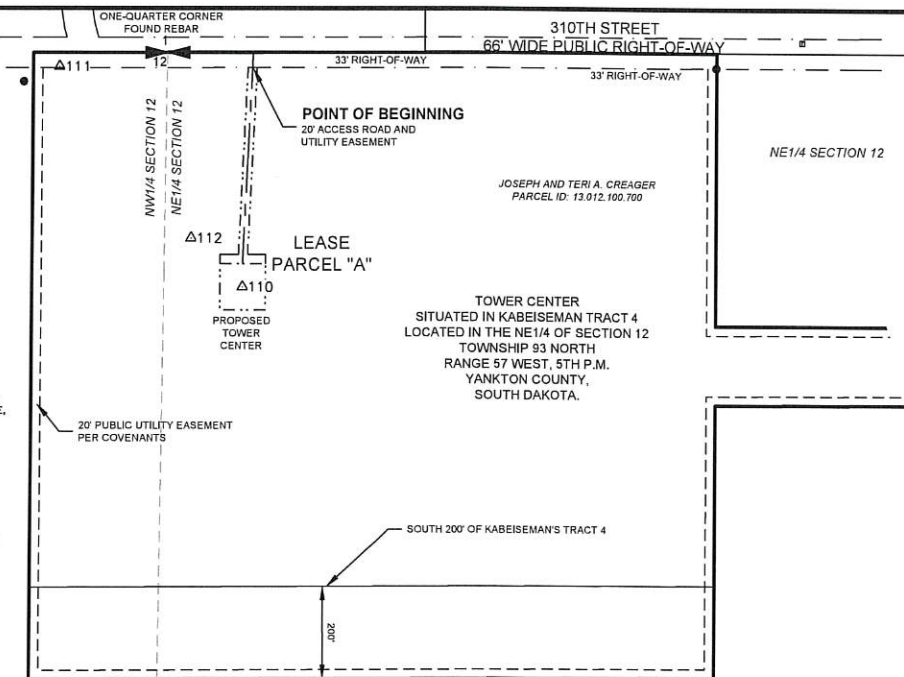
1. PLAN PREPARED WITH THE BENEFIT OF A TITLE REPORT, FILE NO. 82003-SD1810-5030 EFFECTIVE DATE: 12/6/2018
2. PLAN DOES NOT REPRESENT AN ALTA/NSPS LAND TITLE SURVEY.
3. BEARINGS ARE GEODETIC AT THE PROPOSED TOWER CENTER. COORDINATES ARE REFERENCED TO THE SOUTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM (NAD83/2011) BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON FEBRUARY 1, 2019; TIED TO THE NATIONAL SPATIAL REFERENCE SYSTEM VIA CORS AND EXPRESSED IN U.S. SURVEY FEET.
4. VERTICAL INFORMATION BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND EXPRESSED IN U.S. SURVEY FEET.
5. THIS PLAN DOES NOT REPRESENT AN ACTUAL BOUNDARY SURVEY OF THE PARENT PARCEL. BOUNDARY LINES ARE DRAWN FROM FIELD LOCATIONS OF FOUND MONUMENTS SHOWN ON PLAT S10, PAGE 22, PLAT S19, PAGE 137 AND PLAT S19, PAGE 151.
6. PROPERTY LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) OF THE SPECIAL FLOOD HAZARD AREA, PURSUANT TO FEMA FLOOD MAP PANEL NO. 46135X03000, EFFECTIVE 7/6/2010.
7. LESSEE INFORMATION:
POWDER RIVER DEVELOPMENT SERVICES, LLC.
219 S. WOODDALE
EAGLE, ID 83616
8. PROPERTY INFORMATION:
JOSEPH AND TERI A. CREAHER
3012 MOON MEADOWS
RAPID CITY, SD 57702

1A CERTIFICATE

LATITUDE: N 42° 53' 34.15" (NAD '83)
LONGITUDE: W 97° 31' 32.85" (NAD '83)
GROUND ELEV. (AMSL): 1523.47± (NAVD '88)

SITE SURVEY

SCALE: 1" = 120'



SD04845 LEWIS AND CLARK REC						
HORIZONTAL DATUM: NAD 83(2011); VERTICAL DATUM: NAVD 88 (GEOID 12A)						
SOUTH DAKOTA STATE PLANE, SOUTH ZONE						
CONTROL POINT 100 CSF 0.99991765 CONVERGENCE: 1"5612"						
POINT NUMBER	LATITUDE	LONGITUDE	ELEVATION	GRID NORTHING	GRID EASTING	DESCRIPTION
110	N42° 53' 34.15"	W97° 31' 32.85"	1523.47	216633.4910	2720730.8160	CP TOWER CENTER
111	N42° 53' 38.85"	W97° 31' 38.22"	1525.67	217096.3300	2720315.5050	CP REBAR
112	N42° 53' 35.19"	W97° 31' 34.37"	1528.52	216735.1790	2720614.2960	CP REBAR

LEGEND

- BOUNDARY LINE
- ADJOINING BOUNDARY LINE
- ROAD RIGHT-OF-WAY
- PROPOSED EASEMENT
- PROPOSED LEASE
- CONTROL POINT
- FOUND SURVEY MONUMENT

0 120 240
SCALE IN FEET

PREPARED FOR:

POWDER RIVER
219 S. WOODDALE
EAGLE, ID 83616

PROJECT INFORMATION:

LEWIS AND CLARK REC
SD04845
398 WILDFLOWER ROAD
YANKTON, SD 57078
(YANKTON COUNTY)

PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
326 TRYON ROAD
RALEIGH, NC 27603-3530
(819) 661-6351

PREPARED BY:

Boers Land Surveying and Mapping, Inc.
P.O. Box 3531 Bozeman, Montana 59772
www.boerslandsurveying.com
(406) 600-3790

SURVEYOR'S CERTIFICATION

I, DANIEL J. BOERS, SOUTH DAKOTA
REGISTERED LAND SURVEYOR,
LICENSE NO. 9818,
HEREBY CERTIFY THAT I PERFORMED
THIS SURVEY FROM FEBRUARY TO
NOVEMBER OF 2019.

DANIEL J. BOERS, R.L.S., CFedS
BOERS LAND SURVEYING
AND MAPPING, INC.

SHEET TITLE:

SITE SURVEY

DATE: 11/22/2019 REVISION: 0
SHEET #: 1 OF 4 TEP #: XXXXXX

Jessica Atkinson

From: Gary Vetter
Sent: Monday, September 14, 2020 3:25 PM
To: Blair Ransom; Jessica Atkinson
Subject: FW: Proposed AT&T Cell Tower Location

Good afternoon,

Fyi...from citizen.

Thanks,
Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Huber, Todd" <Todd.Huber@vishay.com>
Date: 9/11/20 5:51 PM (GMT-06:00)
To: dfreng77@gmail.com, paulharens@gmail.com, Joe Healy <joe@co.yankton.sd.us>, 48atlantic@gmail.com, Dan Klimisch <dank@co.yankton.sd.us>, downenmichael@gmail.com, Kristi.schultz@k12.sd.us, zwill58@hotmail.com, Gary Vetter <gary@co.yankton.sd.us>
Subject: Proposed AT&T Cell Tower Location

Yankton County Commissioners,

I contacted several property owners in AT&T's 2 mile cell tower search radius. I found several receptive owners but the most interesting was the Yankton Scramblers Cycle Club. I contacted Waylon Payer, who manages the club, and he was very receptive to a cell tower. In fact he said it would be a perfect location for a cell tower. The club owns 108.8 acres. It is a little over a mile (6,359') from AT&T's current proposed tower location. They have 1,200' of frontage to SD Highway 50 and 2,600' of frontage to SD Highway 52. Ingress and egress should be considerably easier. Maps are attached below. The Scrambler Track is outlined in turquoise lines.

Please forward this information to any commissioners I may have missed.

Thank you for your time and consideration,

Todd Huber
31083 Sundance Ridge
Yankton, SD 57078
605-660-5232

Scrambler Cycle Club Inc.

Waylon Payer 605-665-3500

108.8 acres

1,200' frontage to SD Highway 50

2,600' frontage to SD Highway 52



Length: 6,359 feet

Area: 0 acres

Clear

SD HIGHWAY 52

13.002.400.500

Parcel ID - 13.002.400.500

Owner - SCRAMBLERS CYCLE CLUB INC (D)

WAYLON PAYER (M)

Acres - 108.8

[View Report](#) | [Soil Report](#) | [Apply for Permit](#) | [Google Maps opens in a new tab](#)

WINCHESTER

340TH ST

UNAMED