

BEACH ZONING BOARD PROCEEDINGS
PUBLISHED SUBJECT TO THE BOARDS REVIEW AND REVISION

A regular meeting of the Beach Zoning Board was called to order by Chairperson Al Begger on Monday, October 21, 2024 at 8:00 a.m. Zoning Board members present when the meeting was called to order were Leann Allen (via telephone), Michelle Marman, Tracey Trask, Tony Wanner, Zoning Administrator Kimberly Gaugler and guest Tom Marman.

Roll call was taken. All members were present.

Additions or Corrections to the Agenda & Approval

Trask moved to approve the agenda as presented, second by Allen. Motion carried unanimously.

Minutes

Gaugler read minutes from the meeting on September 16, 2024. Wanner moved to approve the minutes, second by Trask. Motion carried unanimously.

Zoning Administrator's Report

Gaugler mentioned four Applications for Building have been submitted this month. A total of eighteen Applications for Building have been submitted this year. City Attorney Bouray is working with a property owner who is non-compliant with zoning setbacks and/or use of property. The next Zoning Board meeting will be held on Monday, November 18, 2024.

Unfinished Business

Application for Building with Conditional Use at 67 S Central Avenue: A public hearing was held on August 19th at 8:15 am for comment on an Application for Building with Conditional Use at 67 S. Central Avenue submitted by Badlands Building Solutions, LLC & Bartz Engineering Services, Inc. A conditional use permit is necessary to install a radio transmission tower in commercial 1 zoning. Notice of the Public Hearing was mailed to 17 property owners who were within 150' of the area requesting the conditional use. After public comment, the board tabled a recommendation to City Council until additional information could be provided regarding regulations of tower proximity to electrical transformers, and the level of radiation that would be emitted by the tower. After the August 19th meeting, Ken Bartz emailed the requested information to the Zoning Administrator which was then provided to the Zoning Board prior to the September 16th meeting for their review.

At the September 16th meeting, Ken provided the board with maps showing the difference in coverage area from using the 3' antenna currently on the roof of the building, versus installing a 100' tower. (See attachments). Ken mentioned the license from FCC, which is required for broadcasting radio, allows up to 3 years for the construction of the radio tower. Board member Allen inquired if there is any intention to increase the Megawatts (MW) of the tower in the future. Ken stated that FCC does periodically offer a filing period for licensees to apply for an increase in MW.

Board member Marman had previously requested information on the level of radiation emitted. Radiation hazard is covered in a publication of the FCC which displays the different levels of

radiation and types of radiation that we can be exposed to. (See attachment). Table 1 to § 1.1310(e)(1)—Limits for Maximum Permissible Exposure (MPE)
[https://drafting.ecfr.gov/current/title-47/section-1.1310#p-1.1310\(e\)\(1\)](https://drafting.ecfr.gov/current/title-47/section-1.1310#p-1.1310(e)(1))

- A high power broadcast antenna should not exceed 27.5 V/m for general population uncontrolled exposure. The attached graph shows 17.4 m from the antenna to get .0000004mW/cm of radiation, which is below the limit.

Wanner moved to recommend City Council approve the Application for Building with Conditional Use for a radio station tower at 67 S. Central Avenue with the following conditions;

1. Maximum tower height 100' and maximum megawatts of 100.
2. In the future if the radio station tower and/or license is not operating, the tower must be removed within an acceptable time period. The acceptable time period to be determined.
3. The conditional use be granted for two years. The conditional use will come up for review two years from the date of approval.
4. A copy of the annual report submitted to FCC must also be filed with the City.

second by Allen. Motion carried unanimously.

New Business

An Application for Building an addition at 500 4th Street NW was reviewed. Trask moved to approve, second by Wanner. Motion carried unanimously.

An Application for Building an addition with 4' Variance at 414 1st Avenue SE was reviewed. A Public Hearing for comment on the 4' Variance is scheduled for November 4 at 7:30 p.m.

An Application for Building an addition at 362 1st Avenue SE was reviewed. Trask moved to approve, second by Wanner. Motion carried unanimously.

An Application for Building a fence at 546 4th Street SE was reviewed. Trask moved to approve, second by Wanner. Motion carried unanimously.

Correspondence was read regarding U.S. Department of Housing and Urban Development (HUD) new rules affecting floodplains in North Dakota.

No other business was brought forward. Marman moved to adjourn, second by Wanner. Motion carried unanimously. Meeting adjourned at 8:35 a.m.

Attest:

Al Begger, Chairperson

Kimberly Gaugler, Zoning Administrator