

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
May 20, 2024

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on May 20, 2024, at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Brenda Hanten, Liam Culhane, Mark O'Neill, Myron Johnson, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Blake Dahle was absent.

Others present: Mel Ries, Calvin Mack, Cody Saathoff, Alex Kahnke, Adam Gracia, Miles Schumacher, Evan Shea, Kurt Engelhart, Jill Engelhart, Dewey Zemlicka, Linda Lindgren, Tim Lindgren, Wayne Borgheiinck, Albert Howey, Gokhan Andi, Joseph Block, Raynelle Mueller, Mike Walsh, Sam Wipf, Samuel J. Wipf, Jeannie Wipf, Dean Kalt, Mark Gottsleben, and Becky Goens.

Chair Hanten brought the meeting of the Joint Board of Adjustment to order at 7:30 pm.

Motion by Culhane, second by O'Neill, to approve the minutes of the April 15, 2024 meeting. Motion passed unanimously.

Motion by Johnson, second by Culhane, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by Johnson, second by Culhane, to approve the two variance requests by Sam Wipf for an Existing Farmstead Exemption and Minimum Lot Width. Property is located at N520.83' of W1120' of NE1/4, Section 6-T116N-R51W, Codington County, SD; subject to conditions read by Staff. Muller reviewed Staff Report (attached). No one was present to speak on these requests. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Culhane, second by O'Neill, to approve the Conditional Use Permit request by Sam Wipf for an Extended Home Occupation. Mr. Wipf is requesting to operate an implement sales business at N520.83' of W1120' of NE1/4, Section 6-T116N-R51W, Codington County, SD; subject to conditions read by Staff. Muller reviewed Staff Report (attached). If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 1) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 2) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".
- 3) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
 - a) A maximum of 16 square feet of sign area will be allowed.

- b) Sign will be non-illuminated.
- 4) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 5) A maximum of six items for sale may be displayed outside. Everything else should be inside. Any vehicles or equipment for sale which are not stored inside shall be stored greater than 300' from the US HWY 212 right-of-way or screened from the right-of-way by means of a solid walled fence, (not more than eight (8) feet in height) and otherwise constructed in accordance with the requirements for solid walled fences.
- 6) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 7) The Conditional Use permit for the extended home occupation is not-transferable. Subsequent owners/operators will be required obtain a separate conditional use permit in order to continue the use for which this permit is granted.
- 8) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

No one was present to speak on this Conditional Use Permit request. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Culhane, second by Johnson, to approve the Conditional Use Permit request by C&M Hi-Way Service, LLC, to operate a contractor shop yard with an office at N200' of E871.2' of S1/2 of NE1/4, Section 33-T117N-R52W, Codington County, SD; subject to conditions read by Staff. Muller reviewed Staff Report (attached). If approved, the applicant is subject to signing a Letter of Assurance agreeing to the following conditions:

- 1. Effective date , transferability, and future permits required:
 - a. The permit shall become active upon recording of this "Letter of Assurance".
 - b. The Conditional Use permit for a Private Utility / General Commercial Contractor is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
- 2. Site improvements (hard surfacing):

- a. Driveway(s) will shall be paved not less than eighteen (18) months from the date of 31st Street NE being paved, adjacent to this property.

3. General Requirements

- a. Vehicles and equipment associated with the business stored outside shall be kept in neat, straight rows.
- b. There will be no junk stored outside.
- c. The storage of equipment and materials will not be carried out in a manner which creates breeding grounds for rodents.
- d. Noxious weeds shall be controlled.
- e. No equipment, unlicensed vehicles, temporary or permanent structures shall be stored within the required yards.
- f. A minimum of eight (8) off-street parking spaces shall be provided.
- g. Applicant agrees to adequately screen the site from adjoining property preliminarily planned (residential) property (affected property owner) on or before June 1, 2032.
 - i. Unless otherwise agreed upon by the affected property owner at the time of screening, at least one row of evergreen trees shall be established, and at least five (5) feet in height by the above described date. Trees may be spaced up to forty (40) feet apart (on center).
 - A. Trees shall be planted (on center) from the westernmost portion of the property used for outdoor storage to a point sixty-five (65) feet west of the 31st Street right-of-way.
 - B. Trees shall be planted not less than forty (40) feet (from center) south of the north property line. (The City of Watertown Administrative Official [of it's zoning ordinance] may allow trees to be planted less than forty (40) feet from the north property line on behalf of the City.)
 - ii. The zoning officer may waive the above-described screening requirement if written agreement is provided to the zoning officer demonstrating that the affected property owner waives the need to meet any or all of the conditions of 3.g.i.
- h. In addition to septic tanks for human waste, any wastewater collection system other wastewater and fluids shall adhere to all rules and regulations of the South Dakota Department of Environment and Natural Resources.
- i. Prior to any future construction on the above-described property, documentation shall be submitted to the Zoning Officer identifying that the structure shall be constructed in accordance with the most recently adopted (by South Dakota Codified Law) International Building Code.
- j. Sign area is limited to the maximum amount allowed by ordinance.

4. Waivers of Right to Protest

- a. The applicant agrees to petition for annexation to the City of Watertown and connection to the City of Watertown Sanitary Sewer system and hereby waives the right to protest the annexation; and payment of pro-rata share of improvements to 31st Street Northeast adjacent to the lot, Park View Trail NE adjacent to this lot (preliminarily planned street on the north), and connection to the City of Watertown Sanitary Sewer system if and when such sanitary services are installed in Park View Trail NE adjacent to the North 200 feet of the East 871.2 Feet of the South half of the Northeast Quarter of Section 33-T117N-R52W, Codington County, South Dakota.

5. Violation and Penalties:

- a. Applicant is put on notice that failure to abide by the requirements of this letter of assurance will result in a hearing of the Board of Adjustment to consider revocation of the conditional use permit associated herewith.

No one was present to speak on this request. Public hearing closed. Motion by Culhane, second by Johnson, to add the condition that as soon as the road in front of Walsh's property (31st Street) gets paved, Walsh will pave his driveway. Motion on the amendment passed unanimously. Walsh clarified that the property already utilizes a sealed holding tank rather than septic tank with drainfield. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by Culhane, to approve the Conditional Use Permit request by Kurt and Jill Engelhart to operate a dog boarding/kennel business in Lot 3 Kahnke Subdivision in NE1/4, Section 23-T117N-R53W, Codington County, SD; subject to conditions read by Staff. Muller read the Staff Report (attached). Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions:

1. The on-premise signage for the kennel shall be restricted to sixteen (16) square feet.
2. Only dogs are to be harbored at this Kennel.
3. Maximum Number of Dogs:
 - a. The maximum number of dogs to be boarded or harbored upon the above described property is ten (10) adult dogs. This does not include dogs owned by the landowner.
 - b. The Zoning Officer is authorized to conduct site inspection to determine compliance with this and other portions of the conditional use permit as necessary.
4. No dogs may be picked up or dropped off between the hours of 10:00 pm and 7:00 am.
5. Unless leashed and under the control of the operator of the Kennel or owner of the dog, no dogs shall be outside the fenced area. (Operator's personal dogs excluded.)
6. No dogs will be in the outside run between the hours of 8:00 pm – 8:00 am.
7. The structure used for housing the animals (kennel) will be insulated for the purpose of limiting sound leaving the kennel.
8. There will be no non-related employees working on-site.

9. The applicant will not allow dogs to run or train on property not owned by the applicant or without an agreement between the applicant and pertinent landowner.
10. This Conditional Use Permit for the kennel is not transferable. Subsequent owners/operators will be required to obtain a Conditional Use Permit.
11. Applicant is put on notice that failure to abide by the requirements of this letter of assurance will result in a hearing of the Board of Adjustment to consider revocation of the conditional use permit associated herewith.

Any dog that is barking will be brought inside the kennel facility. If the barking doesn't stop, complaints will need to be directed to the Sherriff's Office. Documented complaints will be brought before the Board of Adjustment. Engelhart indicates the dogs will primarily be inside the kennel while only being outside approximately two hours per day. Waste will be picked up and dispersed properly. No one was present to speak on this request. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion to adjourn made by O'Neill, second by Johnson. Motion passed unanimously. Meeting adjourned at 8:34 pm.

Respectfully Submitted,

Becky Goens

MAY 2024
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT

ITEM #1 (2) VARIANCES AND CONDITIONAL USE

Applicant/Owner: Sam Wipf

Property Description: North 520.83 Feet of the West 1,120 Feet of the Northeast Quarter of Section 6, Township 116 North, Range 51 West of the 5th P.M., Codington County, South Dakota (Kranzburg (S) Township)

Latitude/Longitude: 44.889499° / - 96.995949°

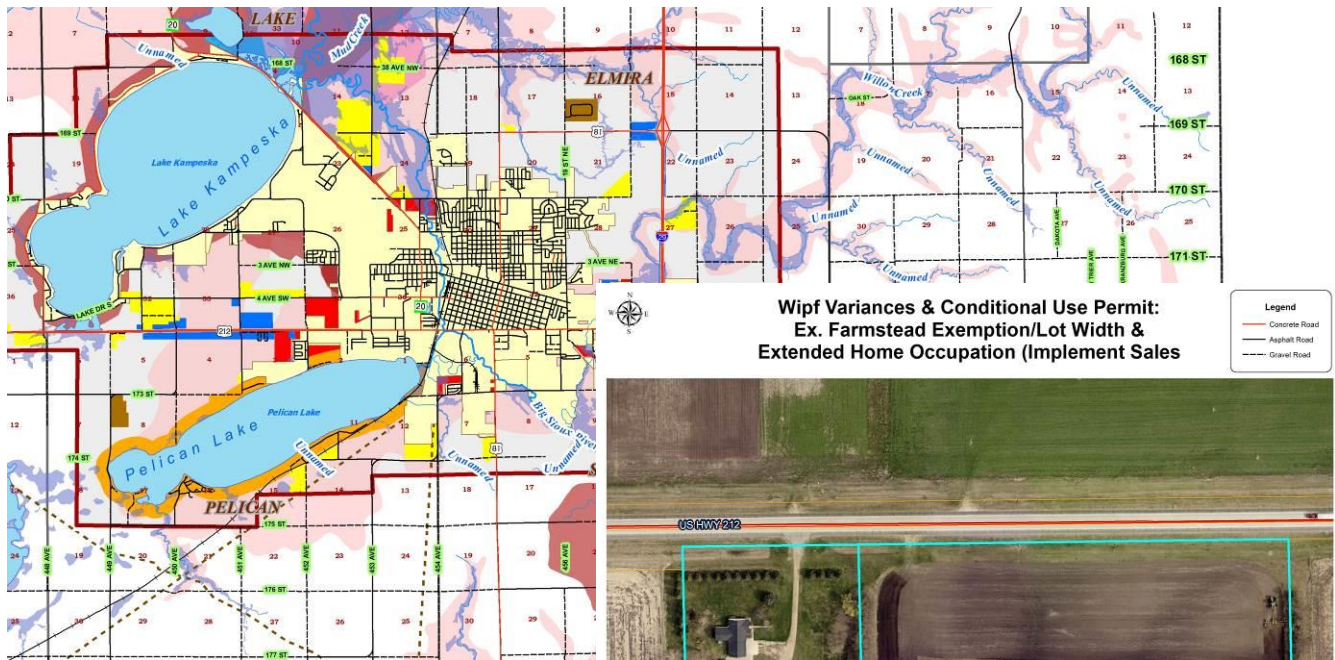
Action Items –

Variations –

- Existing farmstead exemption/minimum lot area (3.04.03.7.b),
- Minimum lot width (3.04.03.2)

Conditional Use Permit –

- Extended Home Occupation (Implement Sales)



Zoning Designation: Agricultural

Request: The applicant seeks variances from the minimum lot width, minimum lot area (by virtue of existing farmstead exemption) to retain building rights at the site of an existing farmstead, and to operate an implement sales business at his residence.

History/Issue(s) Regarding Existing Farmstead Exemption:

1. Sam Wipf recently purchased the above 11.46 acre parcel.
2. The property was used as a base for farming operations and has remained lived in since prior to October 1976.
3. The Joint Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. The parcel was created/transferred prior to 2004. Policy has been to waive the requirement to replat existing farmsteads which were initially transferred prior to 2004.
6. Staff recommendation:

(Variances) –Existing Farmstead Exemption and variance to Minimum Lot Width- Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to October 26, 1976.

History/Issue(s):

Specifics of Request:

1. Mr. Wipf plans to construct a shed and operate and maintain a dealer’s license to sell skid steers, loaders, forklifts, etc. at his residence.
2. Customers place orders over the phone, by internet, and some “drive-up” traffic.
3. Most items for sale will be stored inside the shed, however some implements for sale will be outside awaiting assembly.
4. The proposed shed will be east of the house and over 300’ south of the highway right-of-way. A second, existing, field approach on US HWY 212 will be used for the shed and business.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed use in the Ag District
2. The Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) lists numerous considerations for Extended Home Occupations on pages 51-52, most of which are addressed in the zoning ordinance, others relating to policies of the Board in granting similar permits.
3. According to the Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area), Conditional Uses may only be denied if specific criteria for denying the permit can be identified.
4. This will remain a family-operated business. No outside employees.
5. No on or off-premise signs are planned at this time and no additional structures.
6. The sales occurring on the site are retail sales of stock trailers assembled off site.
 - a. It should be noted that “Implement sales” are a listed example of “extended home occupations” in Chapter 5.12.
 - b. *Approval of this permit would affirm that the Board determines that “skid steers, loaders, and forklifts” should be considered [farm] implements.*
7. Storage will primarily occur near the shed on the east, west, and south. Though not yet adopted for the Joint Jurisdiction Area, Codington County Ordinance allows limited equipment to be stored greater than 300’ from a right-of-way without being screened.
8. No substantial need for additional parking is expected.
9. Traffic utilizing this site will be limited to delivery vehicles and an occasional customer for pick-up of final product. (Most are delivered).
10. It is not anticipated that any processes associated with the business will be noticeable by heat, glare, vibration, etc. on neighboring properties.
11. Compatibility of Adjacent Uses:

- a. Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) explains General Compatibility with adjacent properties not as a justification for denial of a conditional use permit, but as justification for attaching conditions regulating the operation of a proposed use. Further ALL uses if listed as a conditional use are deemed compatible.

Staff Summary:

The Board has in the past determined that the ordinance's listing of "Implement Sales" as an allowable form of an extended home occupation is a direct exemption to the prohibition on retail sales. Unless otherwise determined by the Board, no variance is necessary to this rule.

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (implement sales)** may postpone the request, deny the request or approve the request. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 9) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 10) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".
- 11) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
 - c) A maximum of 16 square feet of sign area will be allowed.
 - d) Sign will be non-illuminated.
- 12) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 13) Any vehicles or equipment for sale which are not stored inside shall be stored greater than 300' from the US HWY 212 right-of-way or screened from the right-of-way by means of a solid walled fence, (not more than eight (8) feet in height) and otherwise constructed in accordance with the requirements for solid walled fences.
- 14) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 15) The Conditional Use permit for the extended home occupation is not-transferable. Subsequent owners/operators will be required obtain a separate conditional use permit in order to continue the use for which this permit is granted.
- 16) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

ITEM #2 CONDITIONAL USE PERMIT

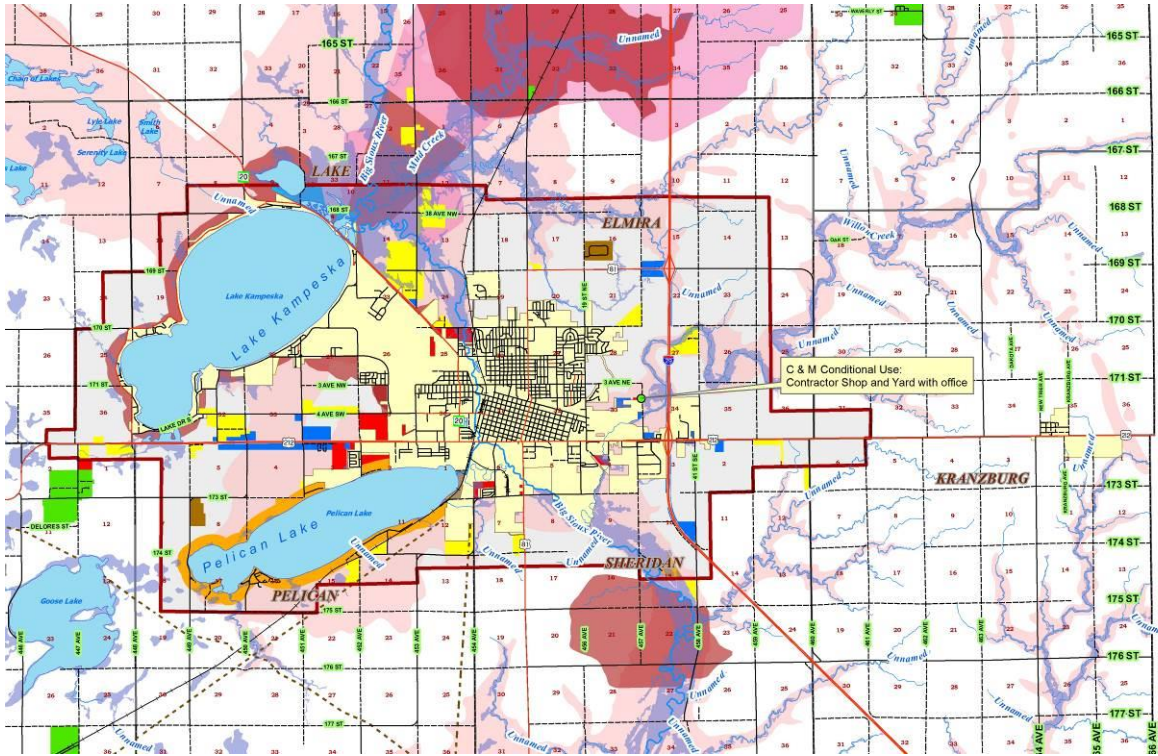
Applicant/Owner: Mike Walsh on behalf of C&M Hi-way Service, LLC

Property Description: The North 200 feet of the East 871.2 Feet of the South half of the Northeast

Quarter of Section 33-T117N-R52W, Codington County, South Dakota. (Elmira Township).

Lat/Long (Existing Approach): 44.900675°; - 97.066241°

Action Items – Conditional Use Permit – Contractor Shop with yard and office (3.06.02.12)



Zoning Designation: I – Industrial

Request: The applicant seeks to operate a contractor shop and yard with office for a renewable energy utility company.

Recent History of Property:

1. Property was rezoned to Industrial (county) in September/October 2003.
2. September 2003 - Variance was granted to allow contractor shop, yard, and office for custom fabrication and installation of concrete walls to be constructed/operated on a 4 – acre lot (10 acres required.)
3. December 2003 – Special Exception was granted to allow a precast concrete walls manufacturing facility and contractor shop/yard with conditions:
 - a. if and when the City of Watertown would grow into that area where Mr. Davis' property is and housing would ever encroach upon his industrial area that he would consider some sort of buffering, such as trees or fences.
 - b. If there is going to be an excessive amount of outdoor storage that the outdoor storage, materials and products would be screened;
 - c. Mr. Davis would conform to any of the long-range phase II storm water run-off regulations [which were expected to be, and ultimately were, adopted in the future.]
4. January 2021 - Mr. Walsh/C&M Hi-way purchased the property. The zoning officer made the determination that since services weren't performed at the site, it reasonably met the use of a contractor shop with little/no outdoor storage.

Specifics of Property/Request:

1. The existing site consists of a primary structure which includes a 100' x 60' shop area with a 24' x 24' office / reception area.

2. The owner seeks to lease the property to a company that installs and operates renewable energy facilities and distribution lines (private utility)
3. The property will be used for:
 - Service and maintenance operations including offices, a conference room, shop space for storage of spare parts, and workshop bays for preventative maintenance of equipment such as pumps, valves, meters, etc., parking for trucks and trailers regularly used in natural gas transportation, such as Class 8 trucks, and parking and staging of equipment in preparation and performance of service and maintenance.
4. The business will have up to seven daily employees (work week).
5. There is no intent for screening of the property nor paving of driveways or parking at this time.
6. Infrastructure:
 - a. Water – Private Well
 - b. Sewer – Septic Tank
 - c. Electricity – City of Watertown
 - d. Access – 31st Street
 - e. Refuse – Commercial trash service
7. Surrounding land use:
 - a. North – (County/JJA – Ag Zoning) Currently a nonconforming mining operation. This property has an approved Preliminary Plan which would include varying densities of residential use immediately adjacent to this parcel. It also includes a shared roadway, half of which would be anticipated to be provided on this parcel at some point in the future. Residential Development expected to occur adjacent to this property (north) in 2032.
 - b. East – (County/JJA – Ag Zoning) Nonconforming mining operation – no mining in over one year. A new permit will be required for new mining.
 - c. South – (City Limits – I-1 Light Industrial/C-3 Highway Commercial) Commercial contracting service (excavating).
 - d. West – (County/JJA – Ag Zoning) Nonconforming lot with grain bins. (This lot has been split and would require variance to obtain future building permits.)
8. There is no intent for screening of the property nor paving of driveways or parking at this time.

Comprehensive Land Use Plans regarding this request:

County Land Use Plan

1. The property is in the area of Development Transition. Generally speaking the land use plan discourages **new** development of commercial/industrial uses adjacent to City Limits and in the joint jurisdiction area, but protects the ability property already zoned Commercial/Industrial to continue to be used or redeveloped in a manner that complies with the (joint) zoning ordinance or previous permits. Some applicable policies for this request:

Development Transition:

[editor’s note: most of the conditions apply to rezoning or “new development.” This property was developed with an Industrial zoning designation prior to the adoption of the Comp Plan. This proposal would be classified as “redevelopment.”]

- Cooperation and coordination in land use planning should be promoted between municipal areas, sanitary sewer districts and the County in the development of land and utilities in the extraterritorial jurisdictional area outside of a community’s corporate limits.
- Promote optimum land use relationships and minimize land use conflicts.

Commercial/Industrial:

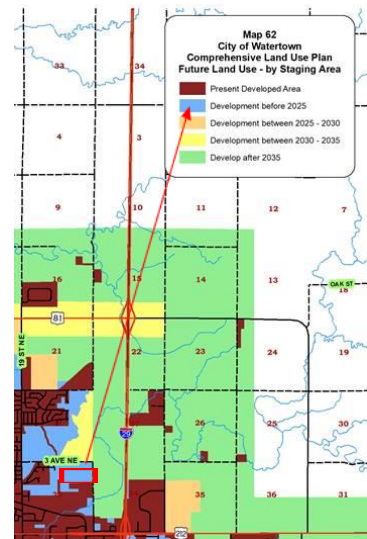
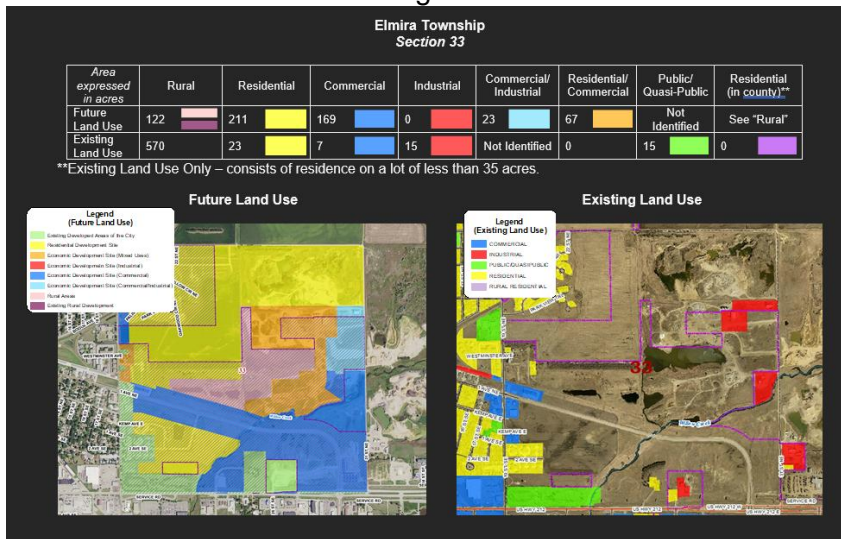
- Promotion or encouragement should be given to agricultural production and processing activities that benefit the agriculture industry.

- Codrington County encourages the redevelopment and reuse of existing business locations.

City Comprehensive Land Use Plan

The city's Comprehensive Land Use Plan is very detailed for development inside and on the fringe of town.

- Map 62 on page 183 shows this property as expected to “develop” before 2025.
- Map 60 on page 169 shows this as “Economic Development site” (Commercial/Industrial Zoning Designations).
- The Section-by-Section maps for the East Growth Area show the area in better detail on page 227.
- Page 222 indicates commercial and industrial uses/zoning are appropriate in certain areas but **in the areas where we have industrial uses**, they should have architectural design similar to commercial uses in the area and/or be screened.
 - This section was added to allow the provisions of the “Gateway Overlay District” could be expanded as the City of Watertown grew throughout the south half of section 33; and gave the ability to review relevance of expanding certain aesthetic requirements and screening outside of that area.



Joint Zoning Ordinance Regarding this Request:

1. The existing lot is 4 acres in area, but was granted variance from the 10 acre minimum lot requirement.
2. The present structure in reference to setbacks:
 - a. Front yard setback (31st Street): Structure is nonconforming (65' where 100' is required. Setback requirements were changed in 2006.) No in-line additions may be made, only otherwise conforming additions.
 - b. Side and rear yard setbacks: presently required to be 50' (approximately 650' from west; 60' from south; and 76' from north property lines).
3. No residences are presently located within 500' of the property. Property within 500' is expected to develop residentially in 8 years.
4. The requested use is the only intended use on the lot.
5. The site has a paved loading area on the west side of the building and room for 8-10 parking spaces paved east of the building. Maneuvering areas and driveway is not paved.
 - a. The Board has a history of deferring pavement in cases of redevelopment.
6. No new access locations are proposed to accommodate this use. Customers do not typically come to this site, rather it will be the base for project work, including 6-7 employees.

- a. 31st Street is not maintained by Elmira Township. It is mostly privately maintained, by adjoining landowners. Approval of this permit does not obligate Elmira Township to change its manner of maintenance of this road.
7. Parking and loading is proposed to be handled in a manner similar to or more organized than surrounding properties at the present time. Employee parking will be located east and north of the building.
8. Outdoor storage of vehicles and equipment used in the day-to-day operation of the contracting business may occur outside (west of the building.)
 - a. It should be noted that portable storage container's/pods, and similar temporary structures require building permits even if the property of the business.
 - b. These structures and any unlicensed equipment is required to be stored in a location that meets the minimum required setbacks.
 - c. General policy on temporary structures is to require a building permit the first time the temporary structure arrives on site. If the structure returns or is moved to a substantially different location, a permit may be required (without charge.)
9. No screening is proposed in conjunction with this use. Licensed vehicles, trailers, and equipment will constitute most of the outdoor storage. Most of the parts or components used for maintenance and construction will be stored inside.
10. Signs will meet maximum area requirements.
11. According to the by-laws of the Joint Board, if the use meets the definition of a listed use in the applicable district it is considered generally compatible. General compatibility is used in prescribing conditions.
12. It has been the policy of this Board to require waivers of right to protest annexation subject to certain trigger points where property is expected to develop (within city limits) during the applicable planning period of the land use plan. This property is expected to "develop" prior to 2025.

Staff Summary and Recommendation:

- **Conditional Use – Contractor shop and yard with office:** Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions:
 6. Effective date , transferability, and future permits required:
 - a. The permit shall become active upon recording of this "Letter of Assurance".
 - b. The Conditional Use permit for a Private Utility / General Commercial Contractor is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
 7. Site improvements (hard surfacing):
 - a. Driveway(s) will shall be paved not less than eighteen (18) months from the date of paving 31st Street NE, adjacent to this property.
 8. General Requirements
 - a. Vehicles and equipment associated with the business stored outside shall be kept in neat, straight rows.
 - b. There will be no junk stored outside.
 - c. The storage of equipment and materials will not be carried out in a manner which creates breeding grounds for rodents.
 - d. Noxious weeds shall be controlled.
 - e. No equipment, unlicensed vehicles, temporary or permanent structures shall be stored within the required yards.
 - f. A minimum of eight (8) off-street parking spaces shall be provided.
 - g. Applicant agrees to adequately screen the site from adjoining property preliminarily planned (residential) property (affected property owner) on or before June 1, 2032.

- i. Unless otherwise agreed upon by the affected property owner at the time of screening, at least one row of evergreen trees shall be established, and at least five (5) feet in height by the above described date. Trees may be spaced up to forty (40) feet apart (on center).
 - A. Trees shall be planted (on center) from the westernmost portion of the property used for outdoor storage to a point sixty-five (65) feet west of the 31st Street right-of-way.
 - B. Trees shall be planted not less than forty (40) feet (from center) south of the north property line. (The City of Watertown Administrative Official [of it's zoning ordinance] may allow trees to be planted less than forty (40) feet from the north property line on behalf of the City.)
- ii. The zoning officer may waive the above-described screening requirement if written agreement is provided to the zoning officer demonstrating that the affected property owner waives the need to meet any or all of the conditions of 3.g.i.
- h. In addition to septic tanks for human waste, any wastewater collection system other wastewater and fluids shall adhere to all rules and regulations of the South Dakota Department of Environment and Natural Resources.
- i. Prior to any future construction on the above-described property, documentation shall be submitted to the Zoning Officer identifying that the structure shall be constructed in accordance with the most recently adopted (by South Dakota Codified Law) International Building Code.
- j. Sign area is limited to the maximum amount allowed by ordinance.

9. Waivers of Right to Protest

- a. The applicant agrees to petition for annexation to the City of Watertown and connection to the City of Watertown Sanitary Sewer system and hereby waives the right to protest the annexation; and payment of pro-rata share of improvements to 31st Street Northeast adjacent to the lot, Park View Trail NE adjacent to this lot (preliminarily planned street on the north), and connection to the City of Watertown Sanitary Sewer system if and when such sanitary services are installed in Park View Trail NE adjacent to the North 200 feet of the East 871.2 Feet of the South half of the Northeast Quarter of Section 33-T117N-R52W, Codington County, South Dakota.

10. Violation and Penalties:

- b. Applicant is put on notice that failure to abide by the requirements of this letter of assurance will result in a hearing of the Board of Adjustment to consider revocation of the conditional use permit associated herewith.

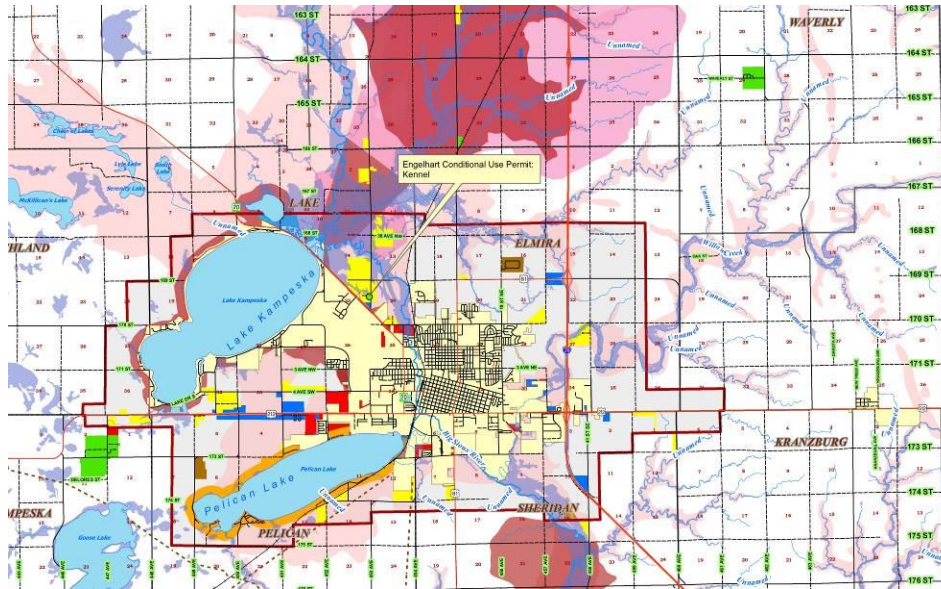
ITEM #3 CONDITIONAL USE PERMIT

Applicant/Owner: Kurt and Jill Engelhart

Property Description: Lot 3 in Kahnke Subdivision in the Northeast Quarter of Section 23-T117N-R53W, Codington County, South Dakota. (Lake Township).

Lat/Long (Existing Approach): 44.928547°; - 97.147852°

Action Items – Conditional Use Permit – Kennel (3.13.03.2)



Zoning Designation: RR – Rural Residential

Request: The applicant seeks to operate a kennel for boarding dogs.

Specifics of Property/Request:

1. The applicants own and live at the above described property.
2. They intend on constructing a new building in a former pasture/feeding area, west of an existing shed (roughly one-half acre).
3. The area is already fenced.
4. Animals will primarily be harbored inside with opportunity to be outside in the fenced area under supervision.
5. Applicant intends to harbor up to 8 dogs at a time but request a permit up to 10.
6. Dogs may stay on site overnight.
7. Applicant has adequate area for parking in front of the house and in front of an existing shed nearer to the kennel.
8. No non-family employees will be used.
9. Applicant will not use a sign of greater than 16 square feet.
10. The nearest-off site residence is 162' from the "fenced in area" (Cryan).
11. Animals outside of the fenced area or enclosed kennel structure will be on a leash.



**Engelhart Conditional Use Permit:
Kennel**



Ordinance/Land Use Plan:

1. The County's land use plan has some considerations for Fur Farms and Kennel's found on page 60.

2. Adequate area is available to ensure cars dropping dogs off/picking up do not need to enter Sioux Conifer Road by “backing-out.”
3. Applicant agrees to operate kennel in accordance with requirements of extended home occupations (as applicable).
4. The applicant will not make any changes to parking, access, lighting, garbage, sanitary sewer/septic, nor provisions of utilities as a result of this application.

Staff Summary and Recommendation:

- **Conditional Use – Kennel:** Staff recommends conditions be applied in a manner similar to an extended home occupation, and with conditions agreed upon by other residences receiving Kennel Permits (most recently – Brad VanMeter) Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions:
 12. The on-premise signage for the kennel shall be restricted to sixteen (16) square feet.
 13. Only dogs are to be harbored at this Kennel.
 14. Maximum Number of Dogs:
 - a. The maximum number of dogs to be boarded or harbored upon the above described property is eighteen (18) adult dogs.
 - b. The Zoning Officer is authorized to conduct site inspection to determine compliance with this and other portions of the conditional use permit as necessary.
 15. No dogs may be picked up or dropped off between the hours of 10:00 pm and 6:00 am.
 16. Unless leashed and under the control of the operator of the Kennel or owner of the dog, no dogs shall be outside the fenced area. (Operator’s personal dogs excluded.)
 17. There will be no non-related employees working on-site.
 18. The applicant will not allow dogs to run or train on property not owned by the applicant or without an agreement between the applicant and pertinent landowner.
 19. This Conditional Use Permit for the kennel is not transferable. Subsequent owners/operators will be required to obtain a Conditional Use Permit.
 20. Applicant is put on notice that failure to abide by the requirements of this letter of assurance will result in a hearing of the Board of Adjustment to consider revocation of the conditional use permit associated herewith.