

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
May 18, 2026

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on May 18, 2026, at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Brenda Hanten, Bill Speier, Myron Johnson, Mark O'Neill, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer). Absent: Liam Culhane.

Others present: Kathy Meland, Nathan Meland, Rick Boddicker, Tucker H, Alison Bakken, Wade Urevig, Erland Carlson, Bryan Waege, Marilyn Spurrell, Greg Smith, Jamie Andrews, Kathie Manzey, Tyler McElhany, Terry Little, Carina Little, Thomas Dirksen, Collin Paulsen, Kurt Engelhart, Todd Rumpca, Mel Ries, Rodney Klatt, Calvin Mack, Brandi Hanten, and Becky Goens.

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

Motion by Johnson, second by O'Neill, to approve the minutes of the April 20, 2026 meeting. Motion passed unanimously.

Motion by O'Neill, second by Johnson, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by Johnson, second by O'Neill, to approve the Existing Farmstead and Lot Width variances for Greg Smith on property owned by Marilyn Spurrell located on a portion of SE1/4 of Section 34-T117N-R53W, Codington County, SD. Smith is applying for three variances and one Conditional Use Permit. Muller's Staff Report and the public hearing will include all four application requests although they will be voted on separately. Muller read Staff Report (attached). Approval of the Minimum Lot Area and Minimum Lot Width would be subject to the following condition: a) The applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance. 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 Johnson, second by Speier, to approve the Conditional Use Permit request by Greg Smith for a Type B Manufactured Home on property owned by Marilyn Spurrell located on a portion of SE1/4 of Section 34-T117N-R53W, Codington County, SD. Motion passed unanimously.

Motion by Speier, second by O'Neill, to approve the Conditional Use Permit request by Greg Smith to allow for a Manufactured Home older than 15 years on property owned by Marilyn Spurrell located on a portion of SE1/4 of Section 34-T117N-R53W, Codington County, SD. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by O'Neill, to approve a Conditional Use Permit request by Wade Urevig to construct an unattached garage with sidewalls greater than 10'. Property is located at Lot 3

Horning's Addition, Section 3-T116N-R53W. Muller read the Staff Report (attached). If approved, applicant will be required to sign a Letter of Assurance agreeing to the following conditions:

1. The proposed structure shall not be used for dwelling purposes.
2. The second floor of the structure may only be finished as follows:
 - a. Exterior walls may be finished with drywall, plaster, or paneling.
 - b. Interior walls shall not be finished with drywall, plaster, or paneling.
 - c. Ceiling may be finished with drywall.
 - d. Flooring shall not be installed over the subfloor (e.g., carpet, wood, laminate, tile).
 - e. Paint on the subfloor is not considered "finished".
3. A conditional use permit shall be required prior to the operation of any business in the proposed structure.
4. Maximum sidewall height shall be limited to sixteen (16) feet.

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

Motion by Johnson, second by Speier, to approve the Conditional Use Permit request by Thomas Dirksen to construct an unattached garage with sidewalls greater than 10'. Property is located at Lots A&B, Porter White OL, Section 3-T116N-R53W. Muller read the Staff Report (attached). If approved, applicant will be required to sign a Letter of Assurance agreeing to the following conditions:

1. The proposed structure shall not be used for dwelling purposes.
2. The second floor of the structure may only be finished as follows:
 - a. Exterior walls may be finished with drywall, plaster, or paneling.
 - b. Interior walls shall not be finished with drywall, plaster, or paneling.
 - c. Ceiling may be finished with drywall.
 - d. Flooring shall not be installed over the subfloor (e.g., carpet, wood, laminate, tile).
 - e. Paint on the subfloor is not considered "finished".
3. A conditional use permit shall be required prior to the operation of any business in the proposed structure.
4. Maximum sidewall height shall be limited to sixteen (16) feet.

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

Motion by O'Neill, second by Johnson, to approve a Conditional Use Permit request by J&J Land Sales, LLC to mine and crush gravel at property located in S1/2 NW1/4 less Lots H1-H2 and W1/2 SW1/4 and E1/2 SW1/4 less Lot H1, Section 33-T117N-R52W. Muller read the Staff Report (attached). If approved, the applicant would be required to sign a Letter of Assurance agreeing to the following conditions:

- 1) Applicability, Effective Date and Transferability:

- a. This permit shall authorize the use of a rock crusher for crushing and mixing rock, concrete, asphalt, and similar materials in addition to excavation, piling, storage, etc. of materials mined from property described as the West Half of the Southwest Quarter of Section 27, Township 117 North, Range 52 West of the 5th P.M., (Elmira Township) Codington County, South Dakota.
- b. This permit shall become effective on May 7, 2027;
- c. Provided, Haul Road Agreement(s) with applicable road authorities is submitted.
- d. No mining or crushing of any materials may occur until the berms referenced in #2 below are in place.
- e. This permit is transferable. All the terms and conditions herein shall extend to and be binding upon the heirs, assigns, or successors in interest of the Grantor, and are to be deemed a covenant running with the above-described property. Upon transfer of this property, it is the duty of the current owner to notify future owners of the requirements contained herein. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of this agreement.

2) General Requirements:

- a. There will be no storage of junk, concrete batch plant, asphalt mixing, or storage of rubble, waste products or other construction/demolition materials on site.
- b. A mining permit or proof thereof from the South Dakota Department of Agriculture and Natural Resources upon request of the Zoning Officer.
- c. Storage of over 1,100 gallons of fuel, including that in vehicles operated at the site confined to areas over a concrete pad or other impermeable surface with the ability to contain any petroleum spill or leak.
- d. Any expansion of mining operations, shall be confined to the areas west of Willow Creek (as constrained by minimum setbacks.)
- e. The applicant shall obey any Federal, State and Local law of and obtain any necessary permits from the State of South Dakota. These permits may include but are not limited to Storm water drainage permit, Flood Control Permit, Water Rights Permit, US Army Corps of Engineers, etc.
- f. The site is to be reclaimed according to standards established by the South Dakota Department of Agriculture and Natural Resources.
- g. Not more than ten (10) acres shall be mined at any given time. All other property shall remain unmined or reclaimed.
- i. Grantor shall submit report of open area actively mined/open within one week of request of the zoning officer.

- h. No mining shall occur within 50' of Willow Creek on this property unless documentation from the corps of engineers indicates such excavation is authorized.
- i. This conditional use permit authorizes the use of this property for crushing of rock and for the applicant to screen materials.
- j. A minimum five (5) foot berm shall be established, with the peak at least sixty-five (65) feet from the 31st Street and 3rd Avenue right-of-ways. Slope shall not exceed 3:1 (horizontal: vertical). The berm shall be seeded and remain maintained.
 - i. The berm shall extend as far north and east as any mining activities (including property used for internal traffic, parking, storage, excavation, piling, loading, and crushing) occurring on the property within 300 feet of the applicable right-of-way.
 - ii. Exceptions to slope and height may be made for necessary grading for drainage (to ensure pre-disturbance stormwater flow) and to the extent necessary for approaches.

3) Haul Road Agreements:

- a. Applicant shall provide a haul road agreement for the use of 31st Street (or any other agreed upon routes) for hauling materials prior to excavation of materials. If no agreement is required by Elmira Township, documentation of such decision is required.
- b. Grantor shall provide a haul road agreement with the applicable road authority for the use of any other roadways/highways (Streets or Avenues) prior to utilizing that roadway for hauling materials or bringing empty trucks to the site on that roadway.
- c. If necessary actions are not taken within twenty-four (24) hours of notification of the Grantor by the Zoning Officer, all mining activities will be required to cease and desist until such measures have been taken.

4) 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.

Colin Paulson spoke on behalf of J&J Land Sales, LLC. Brandi Hanten, City of Watertown Community Development Manager, spoke in support of the application being approved without any delay in operations. No one else was present to speak on this application. Public hearing closed. Muller did advise the county does not notify landowners of said Permit expirations. There is currently no Haul Road Agreement on 31st Street. Board member Johnson does not like landowners/Permit holders ignoring enforcement letters provided by the County. Amended motion by O'Neill, second by Speier, to remove condition 1.b. This permit shall become effective on May 7, 2027. Amended motion failed, 2-2. Motion by Speier, second by O'Neill, to amend 1.b. to allow the permit to become

effective on July 18, 2026. Motion on this amendment passed unanimously. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by O'Neill, second by Speier, to approve the Conditional Use Permit request made by South Dakota Department of Agriculture and Natural Resources to construct an air quality monitoring station on property owned by South Dakota Department of Military. Legal description is Lot C1, SW1/4, Section 24-T117N-R53W. Muller reviewed Staff Report (attached). Rick Boddicker spoke on behalf of SDDANR. This air quality monitoring station replaces the existing one that is located within the city limits; however, due to a change in the flood mapping this location is now located in the flood zone so they've opted to locate the new station at a new location. Boddicker described the station's construction and purpose. Kurt Engelhart opposes the request due to the appearance of the station and feels there is a better location near the airport. Todd Rumpca opposes the request due to the location, dust from a local gravel pit will affect the results provided by the air monitoring station, property value, and the appearance doesn't fit into the area. Kathie Manzey opposes the request as the station will be in direct line of sight from her living room window. Per Boddicker, the South Dakota Department of Military selected this area of their property for the station. Amendment to the motion by Speier, second by O'Neill, requiring a privacy fence or similar screening rather than a chain link fence. Amendment passed unanimously. Motion on the request passed unanimously.

Motion to adjourn by Johnson, second by O'Neill. Motion passed unanimously. Meeting adjourned at 9:21 pm.

Respectfully submitted,

Becky Goens

MAY 2026
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT

ITEM #1 (3) VARIANCES; AND (1) CONDITIONAL USE:

Applicant: Greg Smith

Owner: Marilyn Spurrell

Property Description: A portion of the Southeast Quarter of Section 34, Township 117 North, Range 53 West of the 5th P.M. (Lake Township), Codington County, South Dakota to be known upon Platting as Spurrell Addition in the Southeast Quarter (SE1/4) of Section 34, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota.

Latitude/Longitude: 44.896124° / - 97.167878°

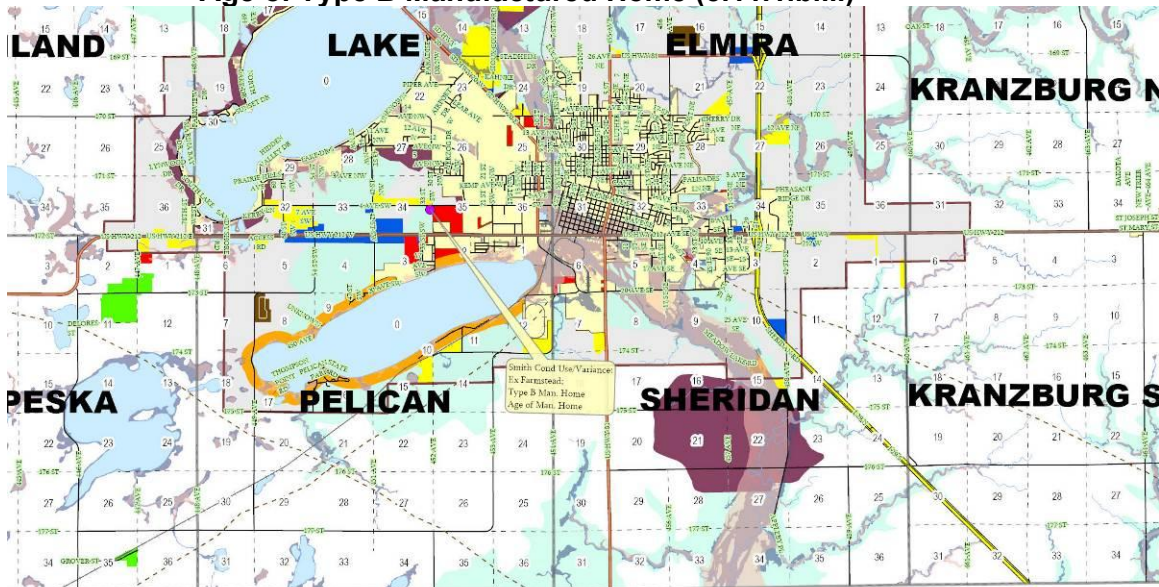
Action Items –

Conditional Use Permit

- **Type B Manufactured Home (3.04.02.17)**

Variances –

- **Existing farmstead exemption/minimum lot area (3.04.03.7.b),**
- **Minimum lot width (3.04.03.2)**
- **Age of Type B Manufactured Home (5.11.1.b.iii)**



Zoning Designation: Agricultural/Zone B – Aquifer Protection District

Request: The applicant seeks to create a lot of five acres at the site of the farmstead to place the used manufactured home.

History/Issue(s):

1. A house on the lot is currently occupied.
2. The property was used as a base for farming operations and has remained lived in since prior to October 1976 by the Spurrell's.

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 (farmstead exemption).
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. The applicants seek to move their current Manufactured Home to be placed on pillars and skirted (thus meeting the definition of a Type B Manufactured Home) onto the family property.
6. The applicant plans several additions to the 2009 manufactured home.
7. The applicant submitted the required written consent of all adjoining property owners to the new proposed property, as prescribed by Section 5.11.6.

Staff recommendation:

Variance to Minimum Lot area and Minimum Lot Width (Existing Farmstead Exemption) - 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. If approved it should be done so on the following conditions:

- a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

Conditional Use Permit – Type B Manufactured Home: The application may be approved, postponed, or denied. Staff recommends approval of the application on the grounds that the property meets the minimum requirements for a residential building site, and the site is appropriate for a Type B Manufactured home.

Variance – Maximum Age of a Manufactured Home: The application may be approved, postponed, or denied. Staff recommends approval of the application on the grounds that the applicant has met the prescribed conditions of the zoning ordinance to grant variance from the maximum age requirement of a Type B Manufactured Home. Specifically the applicant provided

- a photograph of the home's exterior and interior (in addition to explanation of proposed improvements to the structure); and
- (provided) the written consent of all owners of property adjacent to the proposed site and 66% of the property owners within one hundred feet.

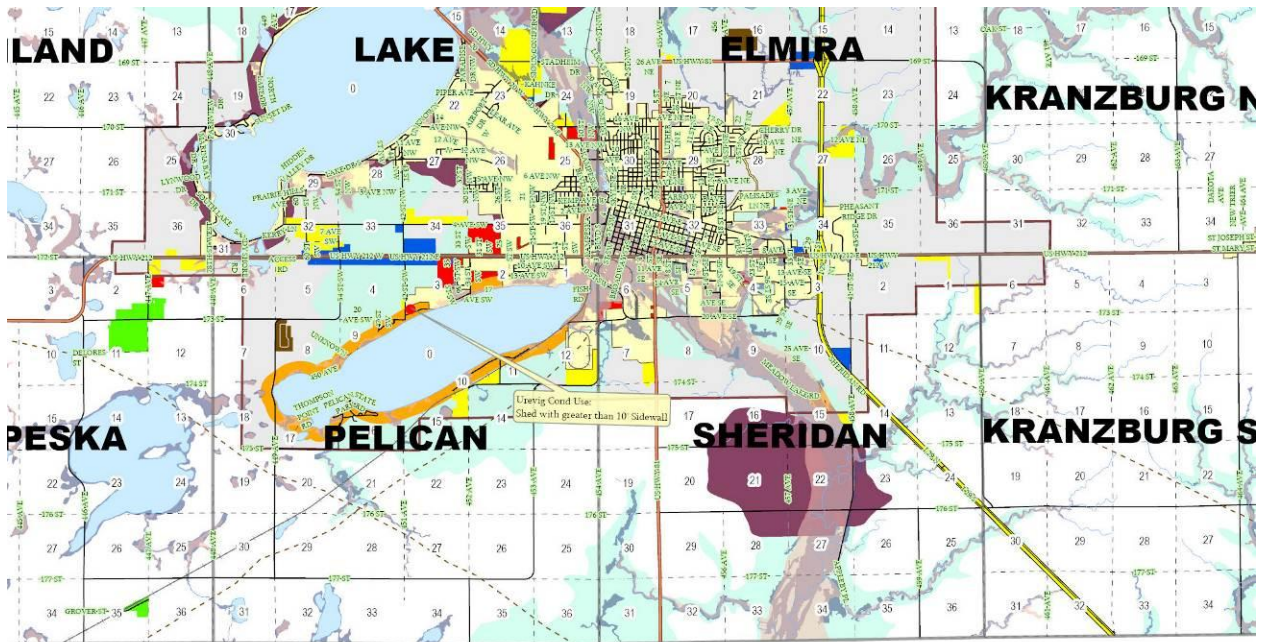
ITEM #2 CONDITIONAL USE PERMIT

Applicant/Owner: Wade Urevig

Property Description: Lot 3 Horning's Addition, Section 3, Township 116 North, Range 53 West of the 5th P.M., (Pelican Township) Codington County, South Dakota, Codington County, South Dakota..

Lat/Long (Existing Approach): 44.877787°; - 97.186085°

Action Items – Conditional Use Permit – Detached Garage with sidewalls greater than 10' in height (3.07.03.5)



Zoning Designation: LP – Lake Park

Request: The applicant seeks to build a detached garage with greater than 16' sidewalks.

Specifics of Property/Request:

1. The applicant (Urevig) owns the residence on this lot containing slightly more than two acres.
2. The applicant seeks to construct a 40' x 60' (2,400 sq ft) detached garage (69% of max area) with 16' sidewalks in a location that meets setbacks.

Ordinance/Land Use Plan:

1. Both land use plans are silent with reference to garages/sheds with greater than 10' sidewalks.
2. There are no specific requirements listed in the ordinance for detached garages with greater than 10' sidewalks.
3. 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.
4. The Board has allowed similar sized structures on non-lake front lots throughout the Lake Park District.
5. The Board has granted similar conditional use permits subject to certain conditions recommended below by staff.
6. The Planning Commission has discussed the intent to ensure that the provisions of Section 5.14.4 are met despite issuing permits for higher sidewalks by prohibiting the finishing of any second floor in the structure for residential use. That condition is also recommended for this request.
7. Staff has received no complaints or comments regarding this request as of the date of this report

Staff Summary and Recommendation:

- **Conditional Use – Accessory structure with greater than 10' sidewalks:** Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions (the conditions in italics below are carried forward from the variance above.
5. The proposed structure shall not be used for dwelling purposes.
 6. The second floor of the structure may only be finished as follows:
 - f. Exterior walls may be finished with drywall, plaster, or paneling.

- g. Interior walls shall not be finished with drywall, plaster, or paneling.
 - h. Ceiling may be finished with drywall.
 - i. Flooring shall not be installed over the subfloor (e.g., carpet, wood, laminate, tile).
 - j. Paint on the subfloor is not considered "finished".
7. A conditional use permit shall be required prior to the operation of any business in the proposed structure.
 8. Maximum sidewall height shall be limited to sixteen (16) feet.

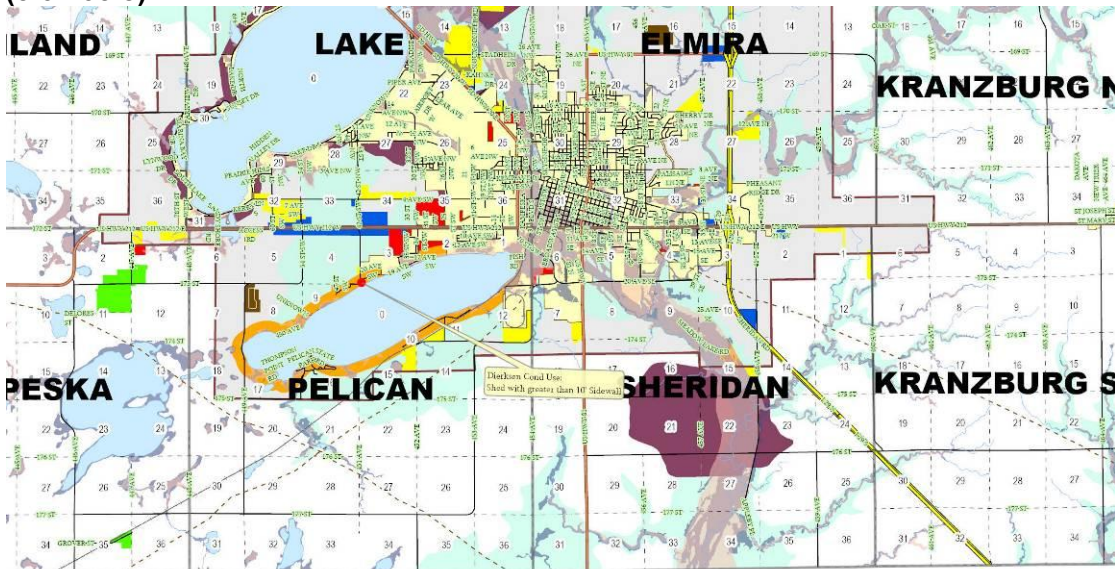
ITEM #3 CONDITIONAL USE PERMIT

Applicant/Owner: Thomas Dirksen

Property Description: Lots A&B of Porter White Outlot, Section 3, Township 116 North, Range 53 West of the 5th P.M., (Pelican Township) Codington County, South Dakota, Codington County, South Dakota.

Lat/Long (Existing Approach): 44.877336°; - 97.187043°

Action Items – Conditional Use Permit – Detached Garage with sidewalls greater than 10' in height (3.07.03.5)



Zoning Designation: LP – Lake Park

Request: The applicant seeks to build a detached garage with greater than 16' sidewalls.

Specifics of Property/Request:

1. The applicant (Dirksen) owns the residence on the corner lot containing slightly more than two acres.
2. The applicant seeks to construct a 50' x 64' (3,200 sq ft) detached garage (92% of max size) with 16' sidewalls in a location that meets setbacks.

Ordinance/Land Use Plan:

1. Both land use plans are silent with reference to garages/sheds with greater than 10' sidewalls.
2. There are no specific requirements listed in the ordinance for detached garages with greater than 10' sidewalls.
3. 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.

4. The Board has allowed similar sized structures on non-lake front lots throughout the Lake Park District.
5. The Board has granted similar conditional use permits subject to certain conditions recommended below by staff.
6. The Planning Commission has discussed the intent to ensure that the provisions of Section 5.14.4 are met despite issuing permits for higher sidewalls by prohibiting the finishing of any second floor in the structure for residential use. That condition is also recommended for this request.
7. Staff has received no complaints or comments regarding this request as of the date of this report

Staff Summary and Recommendation:

- **Conditional Use – Accessory structure with greater than 10' sidewalls:** Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions (the conditions in italics below are carried forward from the variance above).
 1. The proposed structure shall not be used for dwelling purposes.
 2. The second floor of the structure may only be finished as follows:
 - a. Exterior walls may be finished with drywall, plaster, or paneling.
 - b. Interior walls shall not be finished with drywall, plaster, or paneling.
 - c. Ceiling may be finished with drywall.
 - d. Flooring shall not be installed over the subfloor (e.g., carpet, wood, laminate, tile).
 - e. Paint on the subfloor is not considered "finished".
 3. A conditional use permit shall be required prior to the operation of any business in the proposed structure.
 4. Maximum sidewall height shall be limited to sixteen (16) feet.

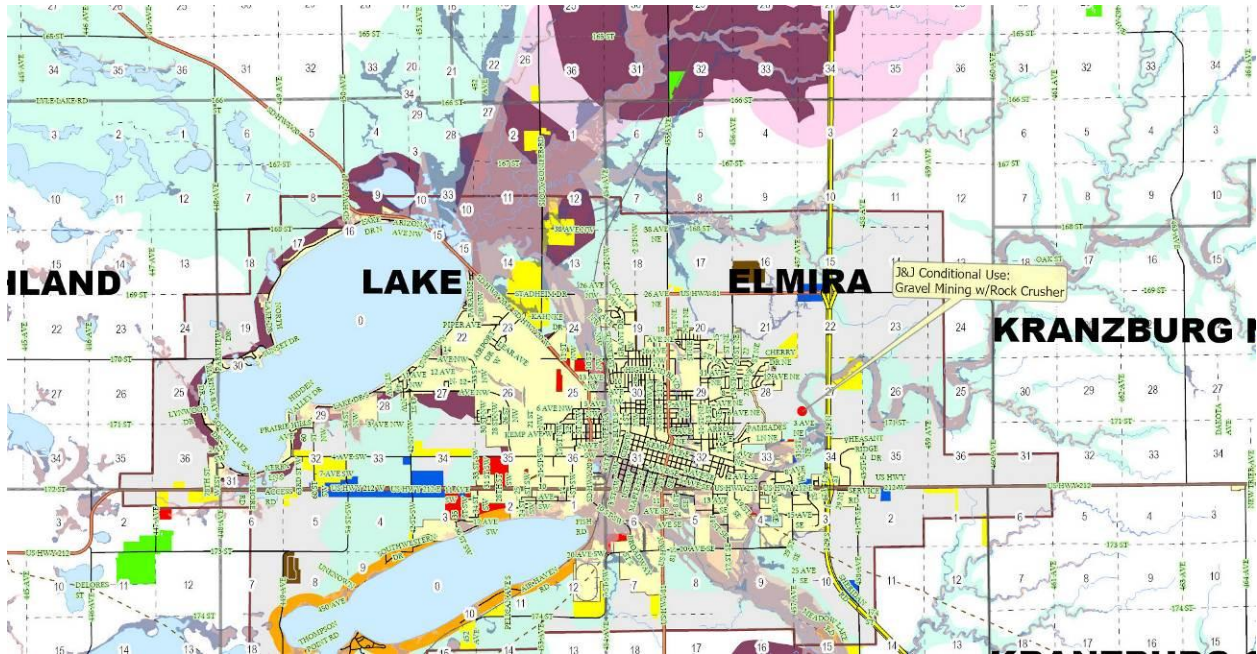
ITEM #4 CONDITIONAL USE PERMIT

Applicant/Owner: J&J Land Sales LLC

Property Description: The South Half of the Northwest Quarter, Less Lots H1-H2, and the West Half of the Southwest Quarter of Section 27, Township 117 North, Range 52 West of the 5th P.M., (Elmira Township) Codington County, South Dakota, Codington County, South Dakota.

Lat/Long (Existing Approach): 44.904731°; -97.066056°

Action Items – Conditional Use Permit – Gravel Mining and Rock Crusher (3.04.02.4)



Zoning Designation: A – Agricultural/Zone B Aquifer Protection District

Request: Applicant requests to resume mining and crushing of rock and concrete at site where permit expired in May 2025.

History Summary:

1. May 20, 2015 – Conditional Use Permit issued to Clausen Construction on property owned by David Hardie on SE1/4 of Section 27-117-52 subject to conditions.
 - 13 Conditions attached to permit (permit presumed transferable by Board Action). (See: 06-01-15 Clausen BOA Letter) due to noted history of lack of reclamation and aesthetic along the interstate at gateway of the City, as well as the start of the City's Comprehensive Land Use Plan update.
 - Clausen chose not to exercise the permit, but property Owner (David Hardie) signed the Letter of Assurance on behalf of future operator Joel Shoemaker.
2. 2015 - 2022 – Property transfers for purposes of mining.
 - 2015 – David Hardie to James and Mary Nielsen
 - 2016 – Nielson to David Hardie and Joel Shoemaker
 - 2016-2021 Various transactions amongst Shoemaker's
 - 2021-2022 – Shoemaker to J & J Sales LLC
3. June 2025 – Neighboring property and township notified zoning officer that J & J may be mining 31st Street Right-of-way.
4. July 3, 2025 – Zoning Officer inspected site
 - verified location of westernmost piles, as being within right-of-way in certain portions. (See map at right)



5. July 2025 – continued to review present site and conditions to determine full scope of violations and determine corrective actions. Though other violations *may* have occurred throughout life of permit the following were observable:
 - Mining with expired permit.
 - Mining had occurred in right-of-way (& less than 65' from right-of-way).
 - No trees were planted to screen to the east
 - Greater than 5 acres remained unreclaimed.
6. August 6, 2025 – Letter sent notifying applicant of violations and ordering “cease and desist” all mining and hauling from site and ordering corrective actions with specified timeframe. (See: *08-04-25 J&J Gravel Pit 27-117-52; and Violations Listing*) Summary:
 - Cease mining and hauling of mined materials
 - Reclaim right of way and all property within 65' of right-of-way to original grade and/or 3:1 grade on or before September 11, 2025. (Hauling of mined materials may resume after reclamation has been verified by zoning officer.)
 - Reclaim all but five (5) acres by September 20, 2026.
7. August 22, 2025 – Notification of violation sent as witnessed by zoning officer. (See: *08-22-25 J&J Gravel Pit 27-117-52*)
 - Gravel being hauled from site despite cease and desist order.
8. September 9, 2025 – Gravel from site being hauled off while cease and desist order in place.
9. September 10, 2025 – Left message ordering hauling to cease (with manager)
10. September 16, 2025 – Met with operator on site to verify reclamation of right-of-way and setback area. Discussed questions regarding further reclamation. Allowed hauling of previously mined materials. Notified of violation/hauling of materials on September 9, 2025
11. September 17, 2025 – Letter notifying operator (formally) that hauling may resume of previously mined materials, due to completion of reclamations of required setback area. Formal notification of violation. Answered question regarding whether piles and internal driving areas may be considered “reclaimed” in accordance with reclamation plan. Recommended submitting reclamation plan for which the zoning officer may determine completion of reclamation prior to May 20, 2026. (See: *09-17-25 J&J Gravel Pit 27-117-52*)
12. December 2025 – March 2026 – Concrete rubble hauled to site. (Zoning officer not asked to make determination of use.)
13. March 31, 2026 – Reclamation plan submitted electronically.
14. March 31, 2026 – Application for mining permit emailed. Staff notified applicant that deadline had passed for April Meeting (as set by Board of Adjustment By-Laws), and that application could be heard on May 18, 2026.
15. April 1, 2026 – Application submitted for gravel mine on same property.
16. May 6, 2026 – Operator crushes and removes crushed concrete. (Previously mined gravel being removed.)
17. May 7, 2026 – Operator crushes and removes crushed concrete. (Previously mined gravel being removed.) (See: *05-08-26 J&J Gravel Pit 27-117-52*)

Application Summary:

1. Applicant seeks to resume mining activities, including crushing/mixing of rock, concrete, and asphalt on the above property.
2. Mining will occur in phases, 5-acres at a time (not including piling and driving areas) over the entire 260 acre property (where gravel/sand exists).
 - a. Mining will continue to extend further south and remain west of Willow Creek for the foreseeable future.
3. As noted a rock crusher will be on site, with operations as needed, primarily between 6:00 am and 8:00 pm.
4. The site is accessed by 31st Street (headed south to US HWY 212.) Though in the past trucks have used 3rd Avenue NE, it is not the intent to use that street (3rd Avenue) as a haul route.
 - a. Applicant intends to maintain 31st Street (gravel/snow) as necessary.

5. Reclamation will occur as mining occurs, with intent to return property to agricultural use and natural grade in the short term and develop according to Comprehensive Land Use Plan of the City of Watertown as warranted.
6. Applicant intends on creating, maintaining, and adhering to stormwater pollution prevention plans.
7. Property immediately south is either actively mined/used for aggregate mixing/crushing or abandoned from that use.
8. Property southwest of this mine is under an approved preliminary plan (by this applicant) for a mix of residential and commercial land uses – anticipated for development over the next 5 years.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. The Comprehensive Land Use Plan lists considerations for Gravel Pits on page 63.
2. No new structures, monitoring wells, or shelterbelts are proposed.
3. Elmira Township requests haul road agreement for 31st Street, primarily to ensure that the haul route(s) for this pit are held to the same standard as recently permitted pits (Brownlee) with the option of dust control.
4. The applicant provided a copy of the bond with the state for reclamation of the site. Staff has become aware that counties no longer have the authority to require bonds for reclamation of gravel pits (state law).
5. Land Use plan states that: “Drainage patterns... require a case by case consideration of stormwater/pollution control measures.” AND “Appropriate extraction setbacks will be imposed”.
 - a. Willow Creek travels through this property. The applicant is required to follow rules of the USACE (Corps of Engineers) to ensure the water course is not disturbed and SDDANR to ensure that Willow Creek is not polluted.
6. Since the first permit on this property (2015) the Board has specified an amount of acres which may remain unclaimed until completion of the mining.
 - a. Applicant intends to only actively mine 5 acres, but that does not include piles and driving areas.
7. The legal description of the mine is required to be greater than 1,000 feet from any legal description with a residence.
 - a. Kristine Olverson and Thomas Harkin have residences on property across I-29 right-of-way from the legal description.
 - b. All activities in the foreseeable future are intended to occur in the west half of the southwest quarter nearly a mile from the residences and over 1,000 feet from that specific legal description.
 - c. If approved staff recommends limiting the permit to the West Half of the Southwest Quarter of Section 27.
8. The site is over the shallow aquifer.
9. Storage of over 1,100 gallons of petroleum products (fuel) at the same time on the property requires secondary containment. This is to include overnight storage of vehicles which may hold a cumulative total of over 1,100 gallons. If over 1,100 gallons of fuel will be on-site overnight staff recommends it be done over a concrete pad or other impermeable surface with the ability to contain any petroleum spill or leak.
 - a. It is not anticipated that the applicant will use this site for overnight storage of vehicles or fuel (or other petroleum products) in quantities greater than 1,100 gallons.

Staff Summary and Recommendation:

In 2023 the Board suspended a conditional use permit for a full year from the date of the last violation of the county ordinance/the permit. (The Board ultimately reinstated the permit four months later.) In this case violations occurred (hauling with a cease and desist) on August 22, 2025; September 9, 2025; and operating a crusher on site without a permit on May 6 & 7, 2026. As in the case of the CAFO in 2023, staff recommends no use of the property for the proposed use for one year from the date of the last violation. However, denial of this permit would effectively suspend the permit for six (6) months from the last violation of the permit, which is more consistent with the action

taken by the Board in 2023.

Should the permit be approved, staff has recommended conditions reflect current ordinances, as well as recent similar gravel pit permits. Specifically to decrease setbacks to right-of-way under certain conditions, limit the legal description permitted to one that meets residential setbacks, and require a haul road agreement with Elmira Township. In order to ensure mining is meeting required setbacks, staff recommends a berm with a maximum slope of 3:1 be established and seeded (grass) with the peak at the setback boundary.

Conditional Use Permit – **Gravel Pits...** The Board may postpone the request, deny the request or approve the request. Based on continued hauling on documented violations of an order of the zoning officer on August 22, 2025 and September 9, 2025; and operation of a rock crusher (crushing concrete) on site without a permit on May 6 & 7, 2026, Staff recommends denial of the permit. Applicant will be authorized to re-apply for the November Joint Board of Adjustment Meeting. If approved staff recommends the following conditions, which include the delay of the effective date to May 7, 2027 in addition to the rest of these conditions to be agreed to in a letter of assurance signed by the applicant(s):

2) Applicability, Effective Date and Transferability:

- f. This permit shall authorize the use of a rock crusher for crushing and mixing rock, concrete, asphalt, and similar materials in addition to excavation, piling, storage, etc. of materials mined from property described as the West Half of the Southwest Quarter of Section 27, Township 117 North, Range 52 West of the 5th P.M., (Elmira Township) Codington County, South Dakota.
- g. This permit shall become effective on May 7, 2027;
- h. Provided, Haul Road Agreement(s) with applicable road authorities is submitted.
- i. No mining or crushing of any materials may occur until the berms referenced in #2 below are in place.
- j. This permit is transferable. All of the terms and conditions herein shall extend to and be binding upon the heirs, assigns, or successors in interest of the Grantor, and are to be deemed a covenant running with the above-described property. Upon transfer of this property it is the duty of the current owner to notify future owners of the requirements contained herein. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of this agreement.

5) General Requirements:

- a. There will be no storage of junk, concrete batch plant, asphalt mixing, or storage of rubble, waste products or other construction/demolition materials on site.
- b. A mining permit or proof thereof from the South Dakota Department of Agriculture and Natural Resources upon request of the Zoning Officer.
- c. Storage of over 1,100 gallons of fuel, including that in vehicles operated at the site confined to areas over a concrete pad or other impermeable surface with the ability to contain any petroleum spill or leak.
- d. Any expansion of mining operations, shall be confined to the areas west of Willow Creek (as constrained by minimum setbacks.)
- e. The applicant shall obey any Federal, State and Local law of and obtain any necessary permits from the State of South Dakota. These permits may include but are not limited to Storm water drainage permit, Flood Control Permit, Water Rights Permit, US Army Corps of Engineers, etc.
- f. The site is to be reclaimed according to standards established by the South Dakota Department of Agriculture and Natural Resources.
- g. Not more than ten (10) acres shall be mined at any given time. All other property shall remain unmined or reclaimed.

- i. Grantor shall submit report of open area actively mined/open within one week of request of the zoning officer.
- h. No mining shall occur within 50' of Willow Creek on this property unless documentation from the corps of engineers indicates such excavation is authorized.
- i. This conditional use permit authorizes the use of this property for crushing of rock and for the applicant to screen materials.
- j. A minimum five (5) foot berm shall be established, with the peak at least sixty-five (65) feet from the 31st Street and 3rd Avenue right-of-ways. Slope shall not exceed 3:1 (horizontal:vertical). The berm shall be seeded and remain maintained.
 - i. The berm shall extend as far north and east as any mining activities (including property used for internal traffic, parking, storage, excavation, piling, loading, and crushing) occurring on the property within 300 feet of the applicable right-of-way.
 - ii. Exceptions to slope and height may be made for necessary grading for drainage (to ensure pre-disturbance stormwater flow) and to the extent necessary for approaches.

6) Haul Road Agreements:

- d. Applicant shall provide a haul road agreement for the use of 31st Street (or any other agreed upon routes) for hauling materials prior to excavation of materials. If no agreement is required by Elmira Township, documentation of such decision is required.
- e. Grantor shall provide a haul road agreement with the applicable road authority for the use of any other roadways/highways (Streets or Avenues) prior to utilizing that roadway for hauling materials or bringing empty trucks to the site on that roadway.
- f. If necessary actions are not taken within twenty-four (24) hours of notification of the Grantor by the Zoning Officer, all mining activities will be required to cease and desist until such measures have been taken.

7) 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 #5 CONDITIONAL USE PERMIT

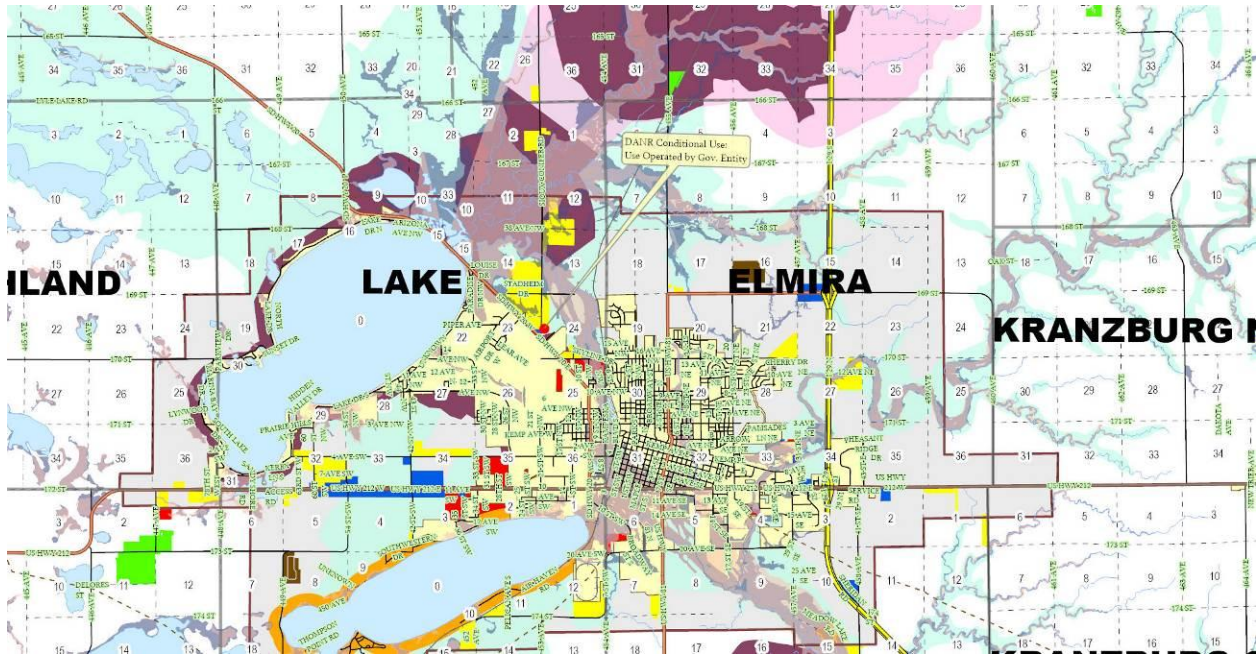
Applicant: South Dakota Department of Agriculture and Natural Resources

Owner: South Dakota Department of Military

Property Description: Lot C1 in the Southwest Quarter of Section 24, Township 117 North, Range 53 West of the 5th P.M., (Lake Township) Codington County, South Dakota, Codington County, South Dakota.

Lat/Long (Existing Approach): 44.926605°; -97.146618°

Action Items – Conditional Use Permit – Public Facilities operated by a Governmental Entity (3.04.02.33)



Zoning Designation: A – Agricultural/Zone B Aquifer Protection District

Request: Applicant requests to construct an air monitoring station.

Specifics of Property/Request:

1. SD-DANR requests to construct an air monitoring station for monitoring Air Quality in the Watertown Area
 - a. The station will replace an existing station located near 4th Avenue Diamond.
 - b. The station takes air quality readings for transmission to DANR.
2. The station will consist of;
 - a. 15' x 17' concrete pad
 - b. 8' x 10' (8' tall) monitoring shed with instruments on top.
 - c. A chain link security fence.
3. The structure will meet all required setbacks.
4. The SDDANR is not required to meet local zoning requirements with structures like this, but has opted to verify that the county's process is being followed.

Ordinance/Land Use Plan:

1. Both land use plans allow for the construction and operation of uses for essential public services and uses operated by governmental entities in all development areas.
2. There are no specific requirements listed in the ordinance for uses operated by governmental entities such as SD-DANR.
3. The site uses a shared access easement to Sioux Conifer Road.
4. Once constructed the use requires (once) weekly visits (during daytime hours) to check gathered data and maintain equipment.
5. Adequate space exists for one vehicle to park on the property.
6. There is no lighting, signage, garbage, nor septic proposed.
7. 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.
8. Staff has received no complaints or comments regarding this request as of the date of this report

Staff Summary and Recommendation:

- **Conditional Use – Public Facility Operated by a Governmental Entity:** The Board has the option to approve, deny, or postpone the request. Staff has no recommended conditions to place on the request.