

**JANUARY 2026
CLARK COUNTY
BOARD OF ADJUSTMENT
STAFF REPORT**

TUESDAY – JANUARY 20, 2026 – 9:00 a.m.

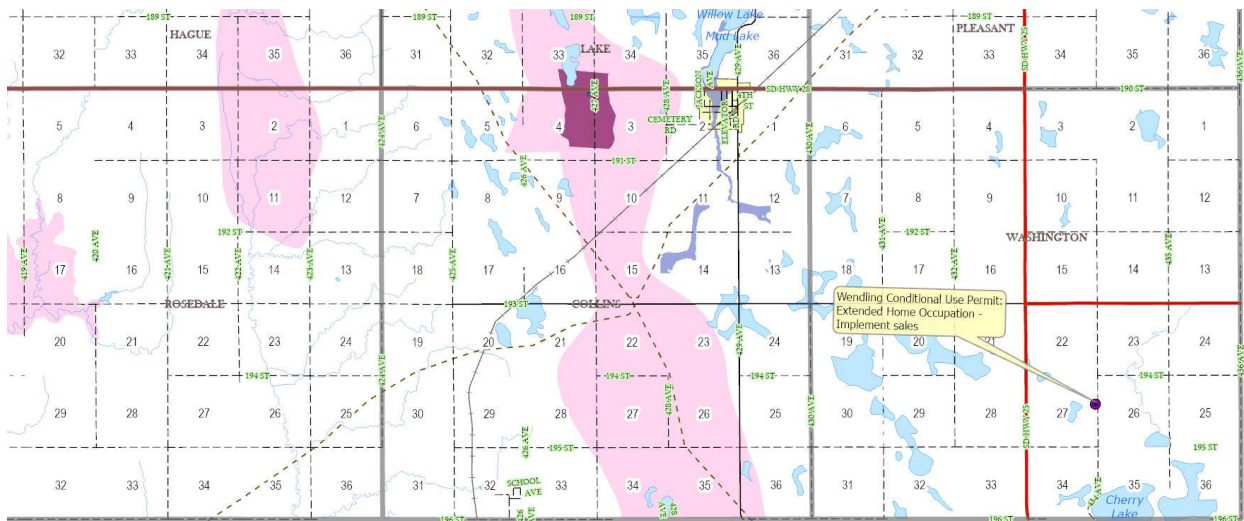
CLARK COUNTY BOARD OF ADJUSTMENT

ISSUE #1 CONDITIONAL USE

Applicant/Owner: Steven Wendling

Property Description:

- The South 750 Feet of the East 1,580 Feet and the North 183 Feet of the South 933 Feet of the East 667 Feet of the Northeast Quarter of Section 27, Township 113 North, Range 56 West of the 5th P.M. Clark County, South Dakota.



Request: The applicant seeks to sell rock pickers from his house.

Lat/Long (Existing Approach): 44.565957°; -97.532861°

Action Item – Extended Home Occupation (2.04.04.16)

Zoning Designation: Agricultural

History/Issue(s):

Specifics of Request:

1. Mr. Wendling lives at the above described property.
2. Mr. Wendling seeks to sell rock pickers at his existing property.
3. The applicant proposes to utilize the existing access to 434th Ave (township gravel).

Wendling Conditional Use:
Extended Home Occupation



Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed conditional use in the Ag district.
2. The Clark County Comprehensive Land Use Plan gives little direction regarding extended home occupations. However retail establishments are discouraged outside city limits unless explicitly listed (implement sales) or similar to those retail oriented businesses listed in the ordinance as allowed by extended home occupation.
3. The following is a summary of the application in relation to the requirements of the ordinance.

<u>Section</u>	<u>Requirements</u>	<u>Specifics of operation</u>
4.19.2.a	Allowable Businesses: vehicle and implement repair, implement sales , welding repair conducted in a safe manner; Veterinarian's office; Seed Sales; and others, which in the opinion of the Board of Adjustment, would not conflict with adjoining land uses. Specific business uses such as automobile and recreational vehicle sales are prohibited.	The Board would be acknowledging that the proposed sale of rock pickers constitutes implement sales.
4.19.3.b	The extended home occupation is accessory to the principal use of the property (residence).	Applicant lives on site.
4.19.3.c	Not more than 3 non-family employees	No additional non-family employees are expected.
4.19.3.d	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, not to exceed sixteen (16) square feet in area, non-illuminated	The applicant seeks to store/display up to 10 rock pickers outside at a time. At the time of the report, the applicant is not requesting to exceed the maximum allowable.
4.19.3.e	Off premise signage for extended home occupations shall be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "TOD Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.	
4.19.3.f	The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity. Exception: Seed Sales.	Since "Implement sales" is a listed form of allowable extended home occupation, it is reasonable to assume it is an exception to the retail sales rule.
4.19.3.g	There shall be no outdoor storage of materials, vehicles, etc. related to the extended home occupation unless the aforementioned storage is placed behind a fence or is as approved by the Board of Adjustment	The applicant seeks to store/display up to 10 rock pickers outside at a time. The Board has the ability to allow storage if it deems the manner of screening (which may include no screening) appropriate. <u>In this case, Mr. Wendling's property, is screened to the north and south by trees and his buildings. Further, the location he will be storing the implements is screened by buildings and trees, only making the implements visible from the road when immediately east and/or north between the trees and the rock pickers.</u>

4.19.3.h	Extended home occupations should be agriculturally related and shall be conducted in an accessory building with the exception of implement sales	Anyone that has ever worked on a farm finds rock pickers (manual or automatic) to be farm related.
4.19.3.i	No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood. Prior to the issuance of a conditional use permit for an extended home occupation, County Highway Superintendent and/or Township approval shall be required	434 th Avenue is a gravel Township Road. With the applicant expecting to sell less than 20 per year, it is unlikely that normal traffic volumes will be exceeded as a result of this requires. <u>The Board may approve conditional upon receiving consent of the Township, and may require consent of the county highway superintendent prior to approval/as a condition of approval.</u>
4.19.3.j	Any need of off-street parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard	Sufficient area for parking exists on the lot.
4.19.3.k	No equipment or process will be used 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.	

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (fencing and farm supply sales)** may postpone the request, deny the request based upon the inability of; or approve the request subject to special conditions. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 1) This permit shall become effective upon documentation of consent from Washington Township for the use of 181st Street and subject to such conditions as the township deems necessary.
- 2) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 3) 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”.
- 4) 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.

- 5) Primary retail sales are limited to rock pickers and similar implements as described by the applicant. Up to ten such implements for sale may be stored outside, visible from the right-of-way at any given time.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.

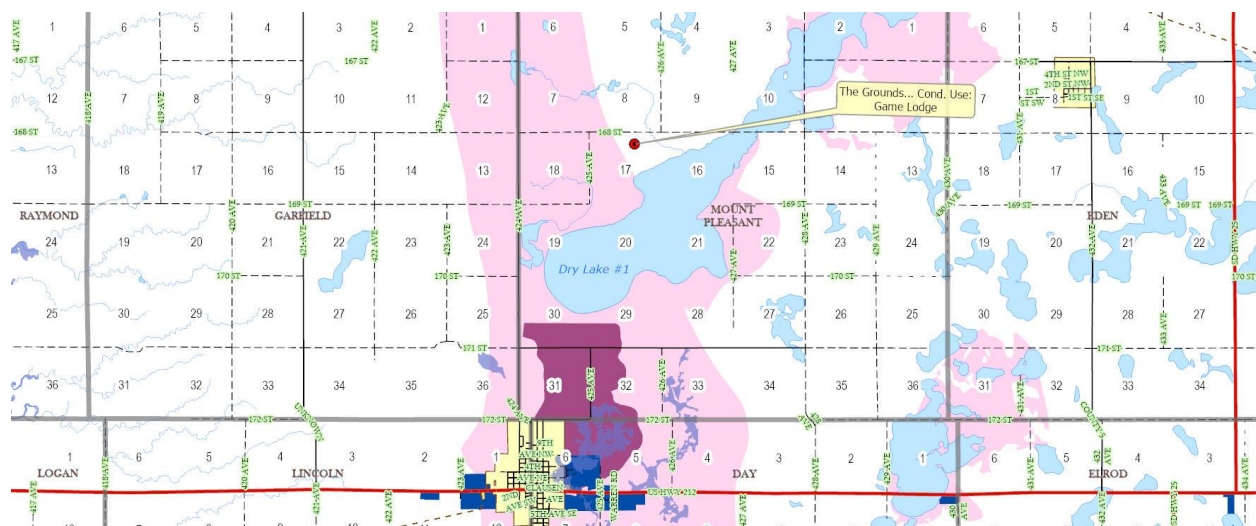
ITEM #2 CONDITIONAL USE

Applicant: The Grounds at Oak Tree, LLC.

Owner: Fenceline Flush, LLC.

Property Description the East 763 Feet of the West 958 Feet of the North 1,340 Feet of the Northeast Quarter of Section 17, Township 117 North, Range 57 West of the 5th P.M. Clark County, South Dakota.

Lat/Long (Existing Approach): 44.949714°; - 97.705555°



Action Item – Conditional Use Permit – Game Lodge (2.04.04.18)

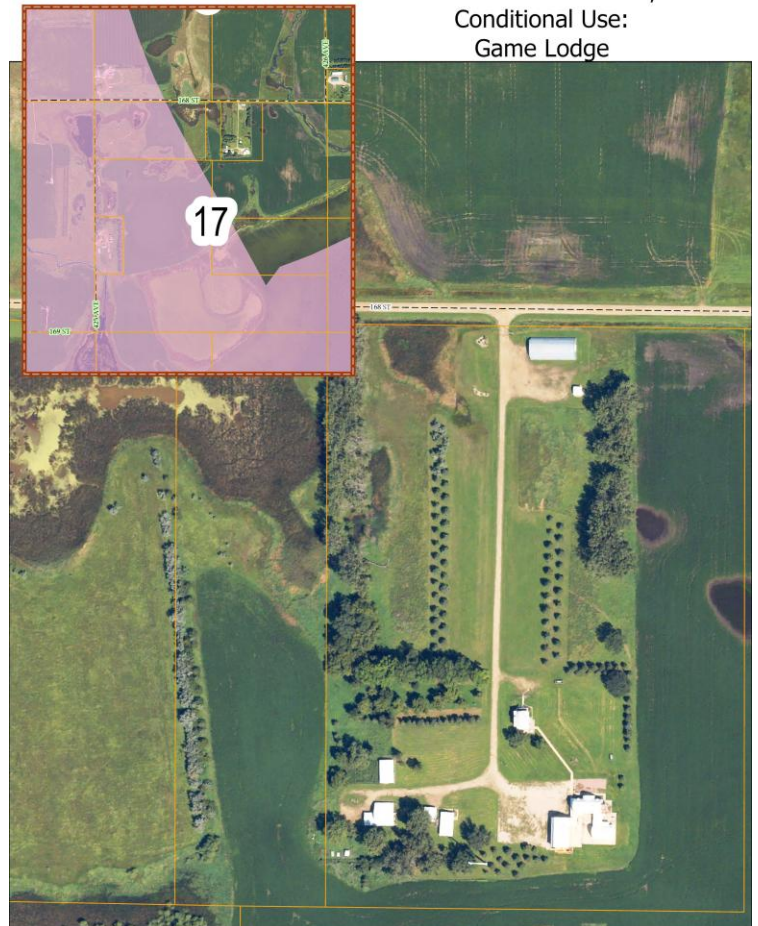
Zoning Designation: Agricultural District

Request: The Grounds at Oak Tree, LLC seeks to operate a Game Lodge at the former Oak Tree Game Lodge.

History/Issue(s):

Specifics of Property/Request:

1. Fenceline Flush, LLC recently purchased the former Oak Tree Game Lodge site (23 acres).
 - a. Staff was unable to find record of any previously issued conditional use permits for Oak Tree Game Lodge.
 - b. The Game Lodge use has been discontinued for over 6 years.
 - c. Applicant seeks to primarily re-open Oak Tree in a manner similar to previously.
2. The site includes:
 - a. A main lodge with up to 14 rooms, commercial kitchen/dining, and other common areas.
 - b. An old house ("farmhouse") with up to 4 bedrooms.
 - c. Manufactured home for staff, may not be used right away but would like the opportunity to replace it.
 - d. Shop building with office/bathroom.
 - e. Kennel with up to 14 kennels inside and washroom
3. Up to 40 renters and 10 employees are expected to utilize the site at peak use demand.
4. Current plans are to rent the facility to hunters/fishing.
5. Applicant has agreements to reserve hunting rights on neighboring property
6. Any meals prepared on site would be for only the renters.
7. Sufficient parking for the entire operation is located near the main lodge (southeast), with additional parking in front of respective buildings.
8. May allow the use of open areas as banquet facilities on rare occasions.
9. Applicant does not intend to allow campers to stay on site.



Ordinance and Comprehensive Land Use Plan regarding this request:

- *Conditional Use Permit*

1. The comprehensive land use plan makes no reference to game lodges. However, on page 30 the plan mentions that only those commercial uses which cannot be accommodated in a municipality should be located outside city limits.
 - a. Given that this use is intended for hunters of surrounding land and a nearby lake (primarily) this use falls within the category of one that cannot be accommodated in a municipality.
2. No specific requirements are listed for game lodges. Regarding the general requirements of the Zoning Ordinance with reference to conditional use in addition to:
 - a. All existing structures meet ALL required setbacks of the Agricultural District.
 - b. The site will continue to use the existing access to 168th Street (gravel county road) that previously served Oak Tree.
 - c. Parking and loading is located nearly 1,000 feet from any right-of-way and near the spine (center) of the lot (east to west.)
 - d. Garbage is collected by a commercial hauler.
 - e. Water is provided by rural water (primarily).
 - f. Septic tanks are used for private wastewater.
 - g. No fences (for screening) are proposed. However the property is surrounded on 3 sides by trees.
 - h. No new signs are proposed. Exterior lighting will be replaced to the degree that it had existed in the past. Lighting will be added at the entrance (pointing upward at the "sign.")
 - i. The use is a listed use and therefore is "generally compatible" to other uses within the district according to the zoning ordinance.
3. State law requires that most non-residential/non-agricultural structures to be constructed according to 2021 international building code. Certain exemptions do also apply to "Specialty Resorts."
4. No information has been provided regarding the satisfaction of the Clark County Highway Superintendent regarding the proposal to re-open Oak Tree.
5. State Law requires lodging houses of this nature to follow rules for "hotel/motel," "vacation rental," or "Specialty Resorts" as are appropriate.
 - a. Oak Tree formerly operated under the "specialty resort" category. It is expected this would be the classification/requirement again.
6. State law/admin rule specifies certain requirements of food preparation/sale for guests of the property vs visitors to the site.
7. State law has requirements regarding the sale of alcohol and complimentary service of alcohol to guests.

Staff Recommendation:

Staff Recommendation: Conditional Use Permit – **Game Lodge:** The Board may postpone the request, deny the request or approve the request. If approved, the staff recommends, at a minimum, the following conditions:

(1) **Effective Date and Transferability:**

- a. The Conditional Use Permit authorizes the use of this property as a Game Lodge with the ability to host occasional private events (as a banquet facility) as an accessory use.

- b. The Conditional Use Permit shall become effective upon signing of the letter of assurance.
- c. The Conditional Use Permit is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
- d. 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.

(2) General Requirements:

- a. Applicant acknowledges that SDCL 11-10-6 requires certain structures to be constructed in compliance with the 2021 version of the International Building Code (IBC). Certain amendments in the future (to state law) may require newer version of IBC to be followed.
- b. Applicant agrees to provide documentation to the Board of Adjustment upon request that structures constructed for this use were done so in accordance with the requirements of SDCL 11-10-6.
- c. Applicant acknowledges that the State of South Dakota regulates Lodging and Food Service Establishments; and agrees to comply with applicable requirements of the State of South Dakota regarding lodging, food service and sales, and alcohol sales.
- d. Applicant agrees to provide documentation to the Board of Adjustment upon request that the requirements of all required licenses or other permits have been obtained from the State of South Dakota, and/or present evidence that those rules are being complied with.
- e. Applicant agrees that no junk, salvage materials, or inoperable vehicles shall be stored on site.
- f. Applicant agrees to control noxious weeds.
- g. Applicant agrees that on-street parking associated with this use is prohibited.
- h. There shall be no campers associated with the game lodge on-site.
- i. Game lodge clients shall abide by all laws related to hunting.
- j. The number of guests shall be limited to two (2) persons per sleeping room, unless more are allowed according to the applicable state license.

(3) Expiration of Permit/Violations

- a. This conditional use permit shall expire two years from the date upon which it becomes effective if the construction related to the project requiring the conditional use has not been completed. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.
- b. This conditional use permit shall expire upon the expiration (without renewal) of the "Specialty Resort License" or similar applicable license with the State of South Dakota.
 - 1. In the event the permit expires in accordance with this requirement, the applicant shall be required to obtain a new conditional use permit.
 - 2. In the event the permit expires and/or the use as a "Game Lodge" is discontinued, the property may only be occupied by a permitted use in accordance with the Clark County Zoning Ordinance, unless otherwise permitted by the Zoning Ordinance.
- c. The Board of Adjustment may, after notice and hearing, revoke a conditional use permit in the event of a violation of any of the conditions upon which such permit was issued. In addition, the conditional use permit may not be transferred during any violation.