

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

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

☐ LC -- Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

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

☒ Section 1805 ☐ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District that exceeds the maximum aggregate square footage of 2400 square feet per article 7 Section 707. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site). Said property is legally described as Lot 4 of Block 3, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 109 Welkom Dr., Yankton, South Dakota

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:

~~7/13/2021~~ 8/10/2021

Board of Adjustment date:

~~8/2/2021~~ 9/7/2021

Time:

Time:

Permit Number: _____

Yankton County

_____ Variance X Conditional Use _____ Rezoning

Owner: Curtis Olivier

Owners Address: 184 OAK HILLS DR

Owners Phone: 605 660-2169

Applicants Name,
if different from

Owner: Curtis Olivier

Applicants

Address: 184 OAK HILLS DR

Job Address: 109 WELKOM DR

Legal: LT 4 BLK 3 LAW OVERLOOK S/D

Section,

Township, Range: 18-93-56

Zoning

Classification: R2

Affected Zoning

Ordinance: Section 707Section 707

Reason for
Request: Change location of approved community building to east end of same property

List Specific
Hardships: After completing phase 1 we found it necessary to keep home owners separated from maintenance shop which is located on the west end of the property.

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 8-10-2021

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE): _____

Application Fee: \$300.00 Check #: 154505711 Receipt #: _____

Curtis Olivier

Signature: _____
Curtis Olivier

Date:

06/09/2021

Site Map



Parcel Number: 09.018.100.340

Site Description:

FINDINGS OF FACT – CONDITIONAL USE PERMIT

Curt Olivier – CUP-2021-49

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District that exceeds the maximum aggregate square footage of 2400 square feet. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site) per Article 7, Section 707.
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – Published –
3. Attend the public hearing	
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:	
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	
d. Utilities, with reference to locations, availability, and compatibility;	
e. Screening and buffering with reference to type, dimensions, and character;	

f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	
g. Required yards and other open spaces; and	
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	

Variance, Conditional
Use and Rezoning
Application
CUP-2021-49
Applicant
curtis d Olivier
Fees Paid
\$300.00
Created
June 9, 2021

Number
CUP-2021-
49

09.018.100.340 | Curtis Olivier |
109 WELKOM DR, YANKTON,
SD, 57078
Submitted by dahlindrywall on
6/9/2021



Applicant

curtis d Olivier

16056651817

DAHLINC@MIDCONETWORK.COM

Parcel search Completed On 6/9/2021 10:06 AM EST by dahlindrywall



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.018.100.340	109 WELKOM DR	YANKTON	OLIVIER, CURTIS (D)	0.000

Draft Building Permit Completed On 6/9/2021 10:32 AM EST by dahlindrywall

Upload Draft Building Permit

[park pictuer 6-9-21.jpg](#)

Submit Completed On 6/9/2021 10:33 AM EST by dahlindrywall

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature

Date

6/9/2021

Application Submitted Successfully Completed On 6/9/2021 10:34 AM EST by dahlindrywall

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Request Information Completed On 6/9/2021 11:01 AM EST by bconkling

Type of Request

Conditional Use

Fee

\$300.00

Reason for Request

Change location of approved community building to east end of same property

List Specific Hardships

After completing phase 1 we found it necessary to keep home owners separated from maintenance shop which is located on the west end of the property.

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Curtis Olivier

Applicant Address

184 OAK HILLS DR

Applicant Phone

605 660-2169

Owner Information

Owner Name

Curtis Olivier

Owner Address

184 OAK HILLS DR

Owner Phone Number

605 660-2169

Property Information

Parcel ID Number

09.018.100.340

Legal Description

LT 4 BLK 3 LAW OVERLOOK S/D

Site Address

109 WELKOM DR

City

YANKTON

Zip

57078

Section-Township-Range

18-93-56

Zoning District

R2

Zoning Description

R2

Existing Use of Property

storage facility, maintenance shop Executive Park Model Estates

Site Plan Completed On 6/9/2021 11:04 AM EST by bconkling

Map - Mark the location of structures and other necessary information.

☒ Sketch Layer



☒ Reference Layer

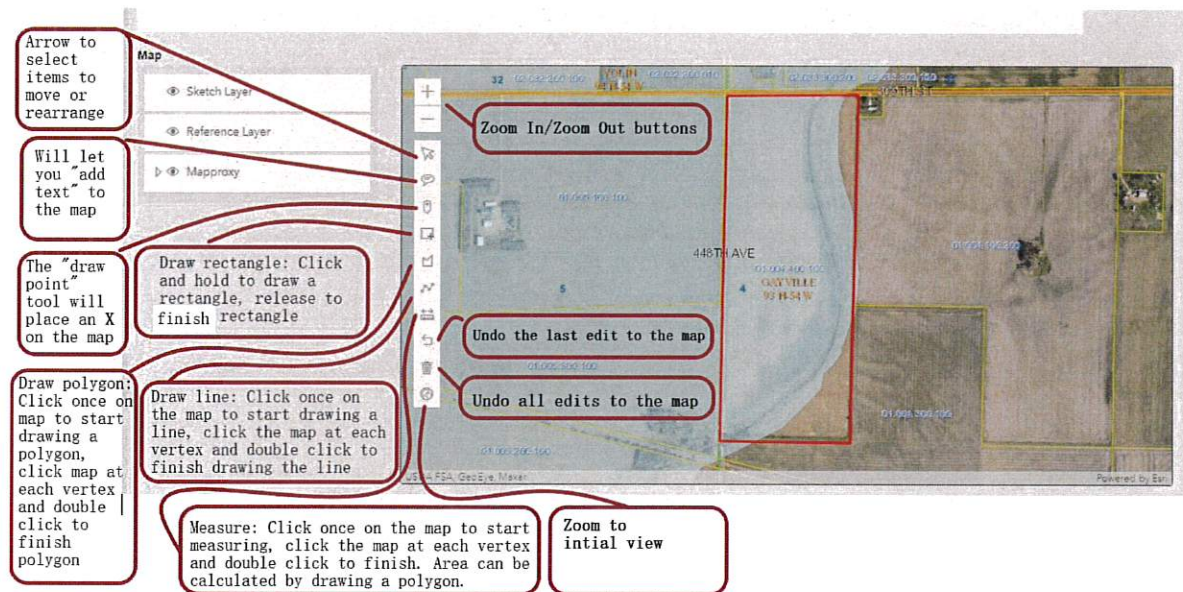
☒ Mapproxy



Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

[PARK ADDITION.pdf](#)



Planning Review Completed On 6/9/2021 11:39 AM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicant is requesting to change the location of a community center in his previously approved Conditional Use Permit and for exceeding the aggregate 2400 square footage allowed for accessory buildings in a Moderate Density Residential (R2) District

Planning Commission Code Reference

Section 707

Other Planning Commission Code Reference ⓘ

Board of Adjustment Code Reference

Section 707

Other Board of Adjustment Code Reference ⓘ

Please confirm the zoning provided by the applicant. If zoning is incorrect, please enter the correct zoning. It is this field that is printed on the final form to avoid applicant/system error. The correct zoning must be entered.

Zoning Classification ⓘ

R2

Wave Fee

Notes ⓘ

Director Review Completed On 6/9/2021 11:50 AM EST by gvetter

Zoning Director Review

Approve

Payment Completed On 6/10/2021 9:53 AM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$300.00

Confirmation Data

Payment Method	Online
Confirmation Number	154505711
Amount Paid	\$300.00

PC Prep Completed On 6/28/2021 9:14 AM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

July 13th 2021, 7:10 pm CDT

Letters to be mailed 10 days prior to the public meeting:

07/03/2021 7:10 PM

Additional Instructions for PC email

Return the affidavit 8 days prior to the public meeting:

07/05/2021 7:10 PM

Place your zoning action sign 7 days prior to the public meeting:

07/06/2021 7:10 PM

Upload PC Mailing Labels

labels.pdf

Upload PC Affidavit of Mailing

3 Mailing affidavit 1320.pdf

Upload PC Notification Letter

Olivier NOT Letter.pdf

Upload PC Newspaper Publication

Legals templatePC.pdf

Check box when ready to send notices

Permit Number

CUP-2021-49

Receipt Number

Email Preview Completed On 6/28/2021 9:14 AM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 07/03/2021 7:10 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 07/05/2021 7:10 PM

Place your zoning action sign 7 days prior to the public meeting, by 07/06/2021 7:10 PM

If any information is incorrect, please let me know immediately.

PC Prep Completed On 6/28/2021 9:15 AM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

July 13th 2021, 7:10 pm CDT

Letters to be mailed 10 days prior to the public meeting:

07/03/2021 7:10 PM

Additional Instructions for PC email

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Upload PC Mailing Labels

[labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[Olivier NOT Letter.pdf](#)

Upload PC Newspaper Publication

[Legals templatePC.pdf](#)

Check box when ready to send notices

Send Notice

Permit Number

undefined

Receipt Number

Email Preview Completed On 6/28/2021 9:15 AM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.

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Place your zoning action sign 7 days prior to the public meeting, by 07/06/2021 7:10 PM

If any information is incorrect, please let me know immediately.

PC App Form Completed On 6/28/2021 9:15 AM EST by bconkling

[PC App Form](#)

External Notes

Documents

Internal Notes

Documents



AFFIDAVIT OF MAILING

I, Marta Alfaro, hereby certify that on the 29 day of July, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

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

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

Dated the 29 day of July, 2021.

Marta Alfaro
(Name)
Affiant

Subscribed and sworn to before me this 29 day of July, 2021.



Linda Sykora
Notary Public - South Dakota
My commission expires: May 7, 2024

NOTIFICATION

July 26, 2021

Curt Olivier
184 Oak Hills Dr
Yankton, SD 57078

Dear Yankton County Property Owner:

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 10th day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District that exceeds the maximum aggregate square footage of 2400 square feet. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site) per article 7 Section 707. Said property is legally described as Lot 4 of Block 3, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 109 Welkom Dr., Yankton, South Dakota

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

Sincerely,
Curt Olivier

Petitioner

ABBOTT, DAVID (D)
PO BOX 117
YANKTON SD 57078

BESSERT, BARRY (D)
3606 RED MOUNTAIN DR
FORT COLLINS CO 80525

BLOTSKE, TIM (D)
4908 EAST MANGROVE ST
SIOUX FALLS SD 57110

BOB LAW INC (D)
3812 SD HWY 314
YANKTON SD 57078

BROMAN, EMILY K (D)
66 GET A WAY TRL
CROFTON NE 68730

CHALKSTONE BLUFFS VACATION (D)
3 EAST MAIN ST #201
VERMILLION SD 57069

DEJAGER, KEITH D (D)
117 OKIE DOKIE LN
YANKTON SD 57078

DICKES, KAREN E (D)
109 DEW DROP INN LN
YANKTON SD 57078

EHLERS, MARVIN D REVOC TRUST (D)
31129 435 AVE
YANKTON SD 57078

ERICKSON, WADE (D)
PO BOX 411
HOWARD SD 57349

EVANS, MATTHEW L (D)
31120 435 AVE
YANKTON SD 57078

EXECUTIVE PARK MODEL EST LLC (D)
3703 WEST 7 ST
YANKTON SD 57078

FOLKEN, CHARLES L (D)
379 ROAD R
LEIGH NE 68643

FRAUENDORFER, MICHAEL A (D)
31118 435 AVE
YANKTON SD 57078

FULLENKAMP, ROBERT J (D)
221 RED CEDAR DR
YANKTON SD 57078

GRECKEL, HARLAN H (D)
PO BOX 708
YANKTON SD 57078

HEYL, ALAN REVOCABLE TRUST (D)
31374 479 AVE
AKRON IA 51001

HOFFMAN, KENNETH (D)
28531 C-38
MERRILL IA 51038

IBIS, MARK (D)
1101 S 4 AVENUE
SIOUX FALLS SD 57105

JANKE, TERRY L LIVING TRUST (D)
56775 HWY 98
WINSIDE NE 68790

KLEINSCHMIT, GARY J (D)
108 OKIE DOKIE LN
YANKTON SD 57078

KNODEL FAMILY TRUST (D)
2606 ELLA LN
YANKTON SD 57078

KORTAN, DARRELL (D)
6101 WEST QUEENS CIR
SIOUX FALLS SD 57106

OLIVIER, CURTIS (D)
184 OAK HILLS DR
YANKTON SD 57078

ORTMAN LAKE HOUSE LLC (D)
PO BOX 187
CANISTOTA SD 57012

PRICE, ZAC (D)
325 WEST 6 ST
TEA SD 57064

REITER, JIM (D)
617 N OAKRIDGE RD
BRANDON SD 57005

RYKEN, GREG (D)
114 DEW DROP IN LN
YANKTON SD 57078

SD DEPT OF GAME FISH & PARKS (D)
523 EAST CAPITOL AVE
PIERRE SD 57501

SHIPWRECK INC (D)
115 STARBOARD ST
YANKTON SD 57078

SIEMSGLUSZ, MICHAEL (D)
3400 MACH 1 DR
NORFOLK NE 68701

SNUGGERUD, STEVEN (D)
3116 W BITTERROOT ST
SIOUX FALLS SD 57108

TAYLOR, RANDY (D)
2619 310 ST
ROCK VALLEY IA 51247

VOGT, CLARENCE M (D)
112 EAST ST
YANKTON SD 57078

WIEMAN, BRIAN (D)
119 MARINA BLUFFS RD
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Curtis Albright, hereby certify that on the 29
day of June, 2021, I mailed by first class mail, postage
prepaid, a true and correct copy of the Notice of Public Hearing
to all owners of real property lying within a 1,320 feet radius
of the proposed project to the most recent address of the
recipient known to your Affiant.

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

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

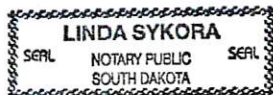
Dated the 29 day of June, 2021.

Curtis Albright
(Name)
Affiant

Subscribed and sworn to before me this 29 day of
June, 2021.

Linda Sykora
Notary Public - South Dakota
My commission expires: May 7, 2026

(SEAL)



NOTIFICATION

June 28, 2021

Curt Olivier
184 Oak Hills Dr
Yankton, SD 57078

Dear Yankton County Property Owner:

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 13th day of July, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District that exceeds the maximum aggregate square footage of 2400 square feet per article 7 Section 707. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site). Said property is legally described as Lot 4 of Block 3, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 109 Welkom Dr., Yankton, South Dakota

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

Sincerely,
Curt Olivier

Petitioner

ABBOTT, DAVID (D)
PO BOX 117
YANKTON SD 57078

BESSERT, BARRY (D)
3606 RED MOUNTAIN DR
FORT COLLINS CO 80525

BLOTSKE, TIM (D)
4908 EAST MANGROVE ST
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BOB LAW INC (D)
3812 SD HWY 314
YANKTON SD 57078

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66 GET A WAY TRL
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FOLKEN, CHARLES L (D)
379 ROAD R
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FRAUENDORFER, MICHAEL A (D)
31118 435 AVE
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FULLENKAMP, ROBERT J (D)
221 RED CEDAR DR
YANKTON SD 57078

GRECKEL, HARLAN H (D)
PO BOX 708
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HEYL, ALAN REVOCABLE TRUST (D)
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AKRON IA 51001

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28531 C-38
MERRILL IA 51038

IBIS, MARK (D)
1101 S 4 AVENUE
SIOUX FALLS SD 57105

JANKE, TERRY L LIVING TRUST (D)
56775 HWY 98
WINSIDE NE 68790

KLEINSCHMIT, GARY J (D)
108 OKIE DOKIE LN
YANKTON SD 57078

KNODEL FAMILY TRUST (D)
2606 ELLA LN
YANKTON SD 57078

KORTAN, DARRELL (D)
6101 WEST QUEENS CIR
SIOUX FALLS SD 57106

OLIVIER, CURTIS (D)
184 OAK HILLS DR
YANKTON SD 57078

ORTMAN LAKE HOUSE LLC (D)
PO BOX 187
CANISTOTA SD 57012

PRICE, ZAC (D)
325 WEST 6 ST
TEA SD 57064

REITER, JIM (D)
617 N OAKRIDGE RD
BRANDON SD 57005

RYKEN, GREG (D)
114 DEW DROP IN LN
YANKTON SD 57078

SD DEPT OF GAME FISH & PARKS (D)
523 EAST CAPITOL AVE
PIERRE SD 57501

SHIPWRECK INC (D)
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VOGT, CLARENCE M (D)
112 EAST ST
YANKTON SD 57078

WIEMAN, BRIAN (D)
119 MARINA BLUFFS RD
YANKTON SD 57078

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 10th day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to mine gravel from an Agriculture District (AG) per Article 5, Section 507. Said property is legally described as The Northeast Quarter (NE1/4) and Southeast Quarter (SE1/4), Section Eighteen (18), Township Ninety-Four (94) North, Range Fifty-Five (55) West of the 5th P.M., Yankton County, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 10th day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District (R2) that exceeds the maximum aggregate square footage of 2400 square feet per article 7 Section 707. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site). Said property is legally described as Lot 4 of Block 3, Law Overlook Subdivision, in the Northeast Quarter (NE1/4) of Section Eighteen (18), Township Ninety-Three (93) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota. E911 address is 109 Welkom Dr., Yankton, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:15 P.M. on the 10th day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit for an accessory building in a Moderate Density Residential

District that exceeds the maximum aggregate square footage of 2400 square feet and maximum sidewall height of 14 feet. Applicant wishes to build an accessory structure that is 2688 square feet with 16' sidewalls per Article 7, Section 707. Said property is legally described as Lot K and Lot L in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section Seven (7), Township Ninety-Three (93) North, Range Fifty-Six (56) West of the 5th P.M., Yankton County, South Dakota. E911 address is 108 Bird Dog Dr., Yankton, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:20 P.M. on the 10th day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit for multifamily housing in a Moderate Density Residential District. Applicant wishes to build multiple multifamily units per Article 7 Section 707. Said property is legally described as Lot 1 Drake Subdivision in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE1/4), Section Seventeen (17), Township Ninety-Three (93), Range Fifty-Six (56) West of the 5th P.M., Yankton County, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 13th day of July, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to mine sand and gravel from an Agriculture District (AG) per Article 5, Section 507. Said property is legally described as The Northeast Quarter (NE1/4) and Southeast Quarter (SE1/4), Section Eighteen (18), Township Ninety-Four (94) North of Range Fifty-Five (55) West of the 5th P.M., Yankton County, South Dakota

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Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 13th day of July, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District (R2) that exceeds the maximum aggregate square footage of 2400 square feet per article 7 Section 707. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site). Said property is legally described as Lot 4 of Block 3, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 109 Welkom Dr., Yankton, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:15 P.M. on the 13th day of July, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit for a campground in a Lakeside Commercial District (LC) per Article 11 Section 1107. Said property is legally described as Lot 11, Whitetail Run, in the SE1/4

of the NE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:20 P.M. on the 13th day of July, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit for an accessory building in a Moderate Density Residential District that exceeds the maximum sidewall height of 14 feet. Applicant wishes to build an accessory structure with 18' sidewalls per Article 7, Section 707. Said property is legally described as Lots Seven (7) and Eight (8), Block Three, Oak Hills Addition, Section 13, T93N, R56W of the 5th P.M., Yankton County, South Dakota, as per plat recorded in Book S3, page 103A. E911 address is 174 Oak Hills Dr., Yankton, South Dakota

Yankton County, South Dakota

Paid by
curtis d Olivier
DAHLINC@MIDCONETWORK.COM

Payment number
Date paid
Payment method

Receipt

154505711
June 9, 2021 12:01 PM
Online

\$300.00 paid on June 9, 2021

Variance, Conditional Use and Rezoning Application

Application ID: CUP-2021-49

Description	Amount
Fee	\$300.00

YANKTON COUNTY
APPLICATION #: 3369

(Type or Print)

OWNER: CURTIS OLIVER

OWNERS ADDRESS 184 OAK HILLS DR YANKTON SA.

OWNERS DAYTIME PHONE#: 605-660-2169

☒ Variance Application

☒ Conditional Use Permit

☐ Rezoning Permit

DESCRIPTION OF BUILDING PERMIT: Multi-family townhouses

REASON FOR BUILDING PERMIT DENIAL: CUP/Variance

DATE OF DENIAL: 10-18-2018

JOB ADDRESS: TBA Wekom Drive

LEGAL: N623 Acres NE 1/4, sec 17, T35S, R107E, S1D

TOWNSHIP: T35S R107E SECTION: 18

EXISTING USE OF PROPERTY: Pasture

PRESENT ZONING CLASSIFICATION: R-2 and LC

PROPOSED ZONING CLASSIFICATION: R-2 and LC

AFFECTED SECTION OF ZONING ORDINANCE: Article 7, Section 20(5)

REASON FOR REQUEST: Article 6, Section 1107(2)

LIST SPECIFIC HARDSHIPS: Construct ten unit townhouses/Park Model

uses, accessory structures for facilities

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

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

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): Nov. 13, 2018

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): Dec. 4, 2018

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

APPLICATION FEE: 100.00 CHECK #: Cash RECEIPT #:

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

Curtis Oliver 10/13/18 Curtis Oliver 10/12/18
Name of Applicant Date Signature of Applicant/Owner Date

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 10-18-2018

Applicant:

Curtis Olivier

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.
☒ LC - Lakeside Commercial ☐ RT-Rural Transitional

Conditional Use Permit(s) needed:
☐ Section 507 ☐ Section 519 ☐ Section 605 ☒ Section 707 ☐ Section 805
☒ Other section 1107 (2)

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed: _____ sq. ft. Side wall: _____

Proposed building size: _____ or _____ sq. ft.

Proposed sidewall height: _____ ft.

Affects Section: _____

NOTE:

Conditional Use Permit to build a campground in LC AND

Variance of Maximum Building Size Requirement to provide a park model construction facility
from 1,200 to 11,500 sq. ft. in R-2.

PC: Article 18, Section 1805 (1-5)

BOA: Section 1905 (1-6)

Planning Commission date: 12-11-2018

Time: 7:25 PM

Board of Adjustment date: 12-28-2018

Time: 12:35 PM

Yankton County South Dakota
Parcel Record Information

Parcel Number: 09.018.100.100 Type: RE Year: 2018

Address Info

Deed:
BOB LAW INC

Contract:

Mailing:
BOB LAW INC
3812 SD HWY 314
YANKTON SD 57078

Legal Info

Location:

Section/Town/Range: 18/ 93/ 56

Township: TOWNSHIP 93-56

Addition/Block/Lot: 18-93-56

Acres: 78.47

Legal Description: N123 ACRES OF NE4 EXC LTS 3,5,6 BLK 1 & EXC LTS
2-5,7,8,10,11,12 BLK 2 LAW OVERLOOK & EXC TR A LAW OVERLOOK
S/D

Values Info

Class	Description	Assessed	Equalized	Exempt
AGA	AGRICULTURAL LAND	126,374	107,418	0
NACC2	STRUCTURES ON PLATTED LOTS AND ACREAGES	77,800	72,821	0
TOTAL		204,174		

NOTIFICATION

December 13, 2018

Curtis Oliver
184 Oak Hills Dr.
Yankton, SD 57078

Exhibit #2.

Dear Yankton County Property Owner:

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

You are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County South Dakota, at 12:35 P.M. on the 28th day of December, 2018, at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build a campground in a Lakeside Commercial District (LC) in Yankton County. Applicant is requesting a Conditional Use Permit to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2). Applicant is requesting two (2) variances of Maximum Building Size Requirement, to provide park model construction facility from 1,200 sq. ft. to 11,500 sq. ft. and multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

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

Sincerely,

Curtis Oliver
Petitioner

OwnerAddress1

ALLEMANN, JERRY TRUST
ALSGAARD, HARTLEY C
AMIOTTE, LISA
BACKMAN, PATRICK
BERINGER, BRANDY KAY
BLACKBURN, JOHN P
BLACKBURN, JOHN P
BOB LAW INC
CARLOW, JANINE A
CHRISTENSEN, LISA J TRUST
DAYHUFF, JEFFREY W
DECKER, NICOLE
DEERFIELD TRUCK & EQUIPMENT CO
DEJAGER, KEITH D
DICKES, CHRISTOPHER D
DRACY, DAVID L
DUKE, JAMES W
EHLERS, MARVIN D REVOC TRUST
EICHFELD, AMY M
EVANS, MATTHEW L
FOLKEN, CHARLES L
FOLKERS, KENT D
FRAUENDORFER, MICHAEL A
FULLENKAMP, ROBERT J
GRECKEL, HARLAN H
HEIDBRINK, JOSEPH
HEYL, ALAN
HOFFMAN, KENNETH
HOLLAND, DAVID D
HOUCK, BRAD
HOXENG, GORDON E LIVING TRUST
HUNT, MICHAEL B REV LIV TRUST
JACOBSON, DARON
JANKE, TERRY L LIVING TRUST
KABEISEMAN, KATHERINE M
KABEISEMAN, LEONA M REV TRUST
KALTSULAS, THOMAS C
KEISER, MERLE L
KEMPCKE, GORDON P LIV TRUST
KING, DWIGHT F
KISSEL, CAROLYN L LIVING TRUST
KLEINSCHMIT, GARY J
KOLLIS, BENJAMIN L
KORTAN, DARRELL
KUSSMAN, RANDALL W
LEARING, GREGORY

OwnerAddress2

85950 572 AVE
222 LAKEVIEW TER
280 LAKEVIEW TER
115 STARBOARD ST
113 KINGSLEY LN
100 WEST 4 ST
175 LAKEVIEW TERR
3812 SD HWY 314
113 LAKEVIEW TER
224 NORTH HWY 20
113 EAST 3 ST
43408 KAISER RD
PO BOX 805
117 OKIE DOKIE LN
109 DEW DROP INN LN
178 LAKEVIEW TER
114 LAKEVIEW TER
31129 435 AVE
31102 435 AVE
31120 435 AVE
379 ROAD R
151 KINGSLEY LN
31118 435 AVE
221 RED CEDAR DR
5720 S BALDWIN CT
111 PORTSIDE LN
120 OKIE DOKIE LN
28531 C-38
158 LAKEVIEW TERR
31116 435 AVE
177 KINGSLEY LN
966 QUAIL HOLLOW CIR
33284 GROUSE AVE
56775 HWY 98
142 SCENIC DR
43520 SD HWY 52
188 MARINA DELL AVE
125 KINGSLEY LN
15271 US HWY 75
1836 METZEROTT RD #1004
300 LAKEVIEW TER
108 OKIE DOKIE LN
121 PORTSIDE LN
6101 WEST QUEENS CIR
210 KINGSLEY LN
8808 W DOCKSIDE DR

OwnerAddress3

WAYNE NE 68787
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
LEIGH NE 68643
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57108
YANKTON SD 57078
YANKTON SD 57078
MERRILL IA 51038
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
DAKOTA DUNES SD 57049
SIOUX CITY IA 51108
WINSIDE NE 68790
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
BLAIR NE 68008
ADELPHI MD 20783
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57106
YANKTON SD 57078
SIOUX FALLS SD 57107

Exhibit #2A

3049 I AVE
127 CRESTVIEW DR
43438 SD HWY 52
216 LAKEVIEW TER
211 KINGSLEY LN
PO BOX 187
520 E PLUM CREEK RD
4855 SKYLINE DR
1212 S PINE
143 KINGLSEY LN
114 DEW DROP IN LN
134 LAKEVIEW TER
131 KINGSLEY LN
114 PORTSIDE LN
605 EAST 11 ST
112 STARBOARD ST
192 LAKEVIEW TER
115 STARBOARD ST
508 BROADWAY AVE
161 LAKEVIEW TER
185 KINGSLEY LN
191 KATHERINE WAY
125 PORTSIDE LN
PO BOX 156
43408 KAISER RD
112 EAST ST
135 LAKEVIEW TER
810 EAST 21 ST
31122 435 AVE
7519 WEST LEGACY ST
PO BOX 805
119 MARINA BLUFFS RD
108 STARBOARD ST

STANLEY IA 50671
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
CANISTOTA SD 57012
SIOUX FALLS SD 57105
SIOUX CITY IA 51104
NORFOLK NE 68701
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57106
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Curtis Oliver, hereby certify that on the 13
day of December, 2018, I mailed by first class mail, postage
prepaid, a true and correct copy of the Notice of Public Hearing
to all owners of real property lying within a _____ mile radius
of the proposed project to the most recent address of the
recipient known to your Affiant.

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

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

Dated the 13 day of December, 2018.

Curtis Oliver
(Name)
Affiant

Subscribed and sworn to before me this 13 day of
December, 2018.

Linda Sykora
Notary Public -- South Dakota
My commission expires: May 7, 2020

(SEAL)



NOTIFICATION

November 28, 2018

Curtis Oliver
184 Oak Hills Dr.
Yankton, SD 57078

Exhibit #1 (2)

Dear Yankton County Property Owner:

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

You are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County South Dakota, at 7:25 P.M. on the 11th day of December, 2018, at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build a campground in a Lakeside Commercial District (LC) in Yankton County. Applicant is requesting a variance of Maximum Building Size Requirement, to provide park model construction facility, from 1,200 sq. ft. to 11,500 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

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

Sincerely,

Curtis Oliver
Petitioner

Oline

OwnerAddress1

ALLEMANN, JERRY TRUST
ALSGAARD, HARTLEY C
AMLOTTE, LISA
BACKMAN, PATRICK
BERINGER, BRANDY KAY
BLACKBURN, JOHN P
BLACKBURN, JOHN P
BOB LAW INC
CARLOW, JANINE A
CHRISTENSEN, LISA J TRUST
DAYHUFF, JEFFREY W
DECKER, NICOLE
DEERFIELD TRUCK & EQUIPMENT CO
DEJAGER, KEITH D
DICKES, CHRISTOPHER D
DRACY, DAVID L
DUKE, JAMES W
EHLERS, MARVIN D REVOC TRUST
EICHFELD, AMY M
EVANS, MATTHEW L
FOLKEN, CHARLES L
FOLKERS, KENT D
FRAUENDORFER, MICHAEL A
FULLENKAMP, ROBERT J
GRECKEL, HARLAN H
HEIDBRINK, JOSEPH
HEYL, ALAN
HOFFMAN, KENNETH
HOLLAND, DAVID D
HOUCK, BRAD
HOXENG, GORDON E LIVING TRUST
HUNT, MICHAEL B REV LIV TRUST
JACOBSON, DARON
JANKE, TERRY L LIVING TRUST
KABEISEMAN, KATHERINE M
KABEISEMAN, LEONA M REV TRUST
KALTSULAS, THOMAS C
KEISER, MERLE L
KEMPCKE, GORDON P LIV TRUST
KING, DWIGHT F
KISSEL, CAROLYN L LIVING TRUST
KLEINSCHMIT, GARY J
KOLLIS, BENJAMIN L
KORTAN, DARRELL
KUSSMAN, RANDALL W
LEARING, GREGORY

OwnerAddress2

85950 572 AVE
222 LAKEVIEW TER
280 LAKEVIEW TER
115 STARBOARD ST
113 KINGSLEY LN
100 WEST 4 ST
175 LAKEVIEW TERR
3812 SD HWY 314
113 LAKEVIEW TER
224 NORTH HWY 20
113 EAST 3 ST
43408 KAISER RD
PO BOX 805
117 OKIE DOKIE LN
109 DEW DROP INN LN
178 LAKEVIEW TER
114 LAKEVIEW TER
31129 435 AVE
31102 435 AVE
31120 435 AVE
379 ROAD R
151 KINGSLEY LN
31118 435 AVE
221 RED CEDAR DR
5720 S BALDWIN CT
111 PORTSIDE LN
120 OKIE DOKIE LN
28531 C-38
158 LAKEVIEW TERR
31116 435 AVE
177 KINGSLEY LN
966 QUAIL HOLLOW CIR
33284 GROUSE AVE
56775 HWY 98
142 SCENIC DR
43520 SD HWY 52
188 MARINA DELL AVE
125 KINGSLEY LN
15271 US HWY 75
1836 METZEROTT RD #1004
300 LAKEVIEW TER
108 OKIE DOKIE LN
121 PORTSIDE LN
6101 WEST QUEENS CIR
210 KINGSLEY LN
8808 W DOCKSIDE DR

OwnerAddress3

WAYNE NE 68787
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
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DAKOTA DUNES SD 57049
SIOUX CITY IA 51108
WINSIDE NE 68790
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
BLAIR NE 68008
ADELPHI MD 20783
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57106
YANKTON SD 57078
SIOUX FALLS SD 57107

Exhibit # 1 (2)

AFFIDAVIT OF MAILING

I, Linda Sykora, hereby certify that on the 29 day of November, 2018, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a _____ mile radius of the proposed project to the most recent address of the recipient known to your Affiant.

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

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

Dated the 29 day of November, 2018.

Linda Sykora
(Name)
Affiant

Subscribed and sworn to before me this 29 day of November, 2018.

Jan Schandy

Notary Public - South Dakota
My commission expires: 12-1-2019



NOTIFICATION

October 30, 2018

Curtis Oliver
184 Oak Hills Dr.
Yankton, SD 57078

Exhibit 1

Dear Yankton County Property Owner:

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

You are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County South Dakota, at 7:55 P.M. on the 13th day of November, 2018, at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build a campground in a Lakeside Commercial District (LC) in Yankton County. Applicant is requesting a Conditional Use Permit to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2). Applicant is requesting two (2) variances of Maximum Building Size Requirement, to provide park model construction facility from 1,200 sq. ft. to 11,500 sq. ft. and multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

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

Sincerely,

Curtis Oliver
Petitioner

OwnerAddress1

ALLEMANN, JERRY TRUST
 ALSGAARD, HARTLEY C
 AMIOTTE, LISA
 BACKMAN, PATRICK
 BERINGER, BRANDY KAY
 BLACKBURN, JOHN P
 BLACKBURN, JOHN P
 BOB LAW INC
 CARLOW, JANINE A
 CHRISTENSEN, LISA J TRUST
 DAYHUFF, JEFFREY W
 DECKER, NICOLE
 DEERFIELD TRUCK & EQUIPMENT CO
 DEJAGER, KEITH D
 DICKES, CHRISTOPHER D
 DRACY, DAVID L
 DUKE, JAMES W
 EHLERS, MARVIN D REVOC TRUST
 EICHFELD, AMY M
 EVANS, MATTHEW L
 FOLKEN, CHARLES L
 FOLKERS, KENT D
 FRAUENDORFER, MICHAEL A
 FULLENKAMP, ROBERT J
 GRECKEL, HARLAN H
 HEIDBRINK, JOSEPH
 HEYL, ALAN
 HOFFMAN, KENNETH
 HOLLAND, DAVID D
 HOUCK, BRAD
 HOXENG, GORDON E LIVING TRUST
 HUNT, MICHAEL B REV LIV TRUST
 JACOBSON, DARON
 JANKE, TERRY L LIVING TRUST
 KABEISEMAN, KATHERINE M
 KABEISEMAN, LEONA M REV TRUST
 KALTSULAS, THOMAS C
 KEISER, MERLE L
 KEMPCKE, GORDON P LIV TRUST
 KING, DWIGHT F
 KISSEL, CAROLYN L LIVING TRUST
 KLEINSCHMIT, GARY J
 KOLLIS, BENJAMIN L
 KORTAN, DARRELL
 KUSSMAN, RANDALL W
 LEARING, GREGORY

OwnerAddress2

85950 572 AVE
 222 LAKEVIEW TER
 280 LAKEVIEW TER
 115 STARBOARD ST
 113 KINGSLEY LN
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 3812 SD HWY 314
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 117 OKIE DOKIE LN
 109 DEW DROP INN LN
 178 LAKEVIEW TER
 114 LAKEVIEW TER
 31129 435 AVE
 31102 435 AVE
 31120 435 AVE
 379 ROAD R
 151 KINGSLEY LN
 31118 435 AVE
 221 RED CEDAR DR
 5720 S BALDWIN CT
 111 PORTSIDE LN
 120 OKIE DOKIE LN
 28531 C-38
 158 LAKEVIEW TERR
 31116 435 AVE
 177 KINGSLEY LN
 966 QUAIL HOLLOW CIR
 33284 GROUSE AVE
 56775 HWY 98
 142 SCENIC DR
 43520 SD HWY 52
 188 MARINA DELL AVE
 125 KINGSLEY LN
 15271 US HWY 75
 1836 METZEROTT RD #1004
 300 LAKEVIEW TER
 108 OKIE DOKIE LN
 121 PORTSIDE LN
 6101 WEST QUEENS CIR
 210 KINGSLEY LN
 8808 W DOCKSIDE DR

OwnerAddress3

WAYNE NE 68787
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 LAUREL NE 68745
 YANKTON SD 57078
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 YANKTON SD 57078
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 YANKTON SD 57078
 LEIGH NE 68643
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 SIOUX FALLS SD 57108
 YANKTON SD 57078
 YANKTON SD 57078
 MERRILL IA 51038
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 DAKOTA DUNES SD 57049
 SIOUX CITY IA 51108
 WINSIDE NE 68790
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 BLAIR NE 68008
 ADELPHI MD 20783
 YANKTON SD 57078
 YANKTON SD 57078
 YANKTON SD 57078
 SIOUX FALLS SD 57106
 YANKTON SD 57078
 SIOUX FALLS SD 57107

Exhibit

1A

AFFIDAVIT OF MAILING

I, Curtis Oliver, hereby certify that on the 31
day of OCT, 2018, I mailed by first class mail, postage
prepaid, a true and correct copy of the Notice of Public Hearing
to all owners of real property lying within a _____ mile radius
of the proposed project to the most recent address of the
recipient known to your Affiant.

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

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

Dated the 1 day of Nov, 2018.

Curtis Oliver
(Name)
Affiant

Subscribed and sworn to before me this 1 day of
November, 2018.

Linda Sykora
Notary Public - South Dakota
My commission expires: 5-07-2020

(SEAL)



NOTIFICATION

November 20, 2018

Curtis Oliver
184 Oak Hills Dr.
Yankton, SD 57078

Exhibit #7

Dear Yankton County Property Owner:

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

You are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County South Dakota, at 4:55 P.M. on the 4th day of December, 2018, at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2) in Yankton County. Applicant is requesting a variances of Maximum Building Size Requirement, to provide a multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

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

Sincerely,

Curtis Oliver
Petitioner

OwnerAddress1

ALLEMANN, JERRY TRUST
ALSGAARD, HARTLEY C
AMIOTTE, LISA
BACKMAN, PATRICK
BERINGER, BRANDY KAY
BLACKBURN, JOHN P
BLACKBURN, JOHN P
BOB LAW INC
CARLOW, JANINE A
CHRISTENSEN, LISA J TRUST
DAYHUFF, JEFFREY W
DECKER, NICOLE
DEERFIELD TRUCK & EQUIPMENT CO
DEJAGER, KEITH D
DICKES, CHRISTOPHER D
DRACY, DAVID L
DUKE, JAMES W
EHLERS, MARVIN D REVOC TRUST
EICHFELD, AMY M
EVANS, MATTHEW L
FOLKEN, CHARLES L
FOLKERS, KENT D
FRAUENDORFER, MICHAEL A
FULLENKAMP, ROBERT J
GRECKEL, HARLAN H
HEIDBRINK, JOSEPH
HEYL, ALAN
HOFFMAN, KENNETH
HOLLAND, DAVID D
HOUCK, BRAD
HOXENG, GORDON E LIVING TRUST
HUNT, MICHAEL B REV LIV TRUST
JACOBSON, DARON
JANKE, TERRY L LIVING TRUST
KABEISEMAN, KATHERINE M
KABEISEMAN, LEONA M REV TRUST
KALTSULAS, THOMAS C
KEISER, MERLE L
KEMPCKE, GORDON P LIV TRUST
KING, DWIGHT F
KISSEL, CAROLYN L LIVING TRUST
KLEINSCHMIT, GARY J
KOLLIS, BENJAMIN L
KORTAN, DARRELL
KUSSMAN, RANDALL W
LEARING, GREGORY

OwnerAddress2

85950 572 AVE
222 LAKEVIEW TER
280 LAKEVIEW TER
115 STARBOARD ST
113 KINGSLEY LN
100 WEST 4 ST
175 LAKEVIEW TERR
3812 SD HWY 314
113 LAKEVIEW TER
224 NORTH HWY 20
113 EAST 3 ST
43408 KAISER RD
PO BOX 805
117 OKIE DOKIE LN
109 DEW DROP INN LN
178 LAKEVIEW TER
114 LAKEVIEW TER
31129 435 AVE
31102 435 AVE
31120 435 AVE
379 ROAD R
151 KINGSLEY LN
31118 435 AVE
221 RED CEDAR DR
5720 S BALDWIN CT
111 PORTSIDE LN
120 OKIE DOKIE LN
28531 C-38
158 LAKEVIEW TERR
31116 435 AVE
177 KINGSLEY LN
966 QUAIL HOLLOW CIR
33284 GROUSE AVE
56775 HWY 98
142 SCENIC DR
43520 SD HWY 52
188 MARINA DELL AVE
125 KINGSLEY LN
15271 US HWY 75
1836 METZEROTT RD #1004
300 LAKEVIEW TER
108 OKIE DOKIE LN
121 PORTSIDE LN
6101 WEST QUEENS CIR
210 KINGSLEY LN
8808 W DOCKSIDE DR

OwnerAddress3

WAYNE NE 68787
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
LEIGH NE 68643
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57108
YANKTON SD 57078
YANKTON SD 57078
MERRILL IA 51038
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
DAKOTA DUNES SD 57049
SIOUX CITY IA 51108
WINSIDE NE 68790
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
BLAIR NE 68008
ADELPHI MD 20783
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57106
YANKTON SD 57078
SIOUX FALLS SD 57107

Exhibit #2

LUTGEN, GARY L
MERTENS REAL ESTATE LLC
MILLER, JUSTIN L 2018 TRUST
NELSON, LEROY F
OPSAHL, KEVIN P
ORTMAN LAKE HOUSE LLC
PESCE, ULISES
PFEISTER, SUZANNE E REV TRUST
PLAMBECK, MARK
POKORNEY, STEPHEN
RYKEN, GREG
SAYLER, GARY A
SCHEVE, LLOYD F FAMILY TRUST
SCHRAMM, JUSTIN M
SCHREMPP, JARED J
SCHROEDER, DUANE F TRUST
SERCK, LUKE
SHIPWRECK INC
SMITH, GERALD
SORBEL, MURIEL TRUST OF 2000
STURM, JAMES L
SWANSON, TANNER
UPHOFF, JOHN V
URWILER, STEVEN A
VASTENHOUT, NICOLE
VOGT, CLARENCE M
VOSS, HANK REVOCABLE TRUST
WALSH, KARLA
WASS, ROSEMARY T A
WELLING, BRIAN
WHITE CRANE ESTATES LLC
WIEMAN, BRIAN A
WOODS, TODD B

3049 I AVE
127 CRESTVIEW DR
43438 SD HWY 52
216 LAKEVIEW TER
211 KINGSLEY LN
PO BOX 187
520 E PLUM CREEK RD
4855 SKYLINE DR
1212 S PINE
143 KINGLSEY LN
114 DEW DROP IN LN
134 LAKEVIEW TER
131 KINGSLEY LN
114 PORTSIDE LN
605 EAST 11 ST
112 STARBOARD ST
192 LAKEVIEW TER
115 STARBOARD ST
508 BROADWAY AVE
161 LAKEVIEW TER
185 KINGSLEY LN
191 KATHERINE WAY
125 PORTSIDE LN
PO BOX 156
43408 KAISER RD
112 EAST ST
135 LAKEVIEW TER
810 EAST 21 ST
31122 435 AVE
7519 WEST LEGACY ST
PO BOX 805
119 MARINA BLUFFS RD
108 STARBOARD ST

STANLEY IA 50671
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
CANISTOTA SD 57012
SIOUX FALLS SD 57105
SIOUX CITY IA 51104
NORFOLK NE 68701
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
YANKTON SD 57078
SIOUX FALLS SD 57106
LAUREL NE 68745
YANKTON SD 57078
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Justin Olivier, hereby certify that on the 20 day of November, 2018, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a _____ mile radius of the proposed project to the most recent address of the recipient known to your Affiant.

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

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

Dated the 20 day of November, 2018.

Justin Olivier
(Name)
Affiant

Subscribed and sworn to before me this 20 day of November, 2018.

Linda Sykora
Notary Public - South Dakota
My commission expires: 5-07-2020



Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 10-18-2018

Applicant:

Curtis Olivier

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.
☒ LC – Lakeside Commercial ☐ RT-Rural Transitional

Conditional Use Permit(s) needed:

☐ Section 507 ☐ Section 519 ☐ Section 605 ☒ Section 707 ☐ Section 805
☒ Other section 1107 (2)

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed: _____ sq. ft. Side wall: _____

Proposed building size: _____ or _____ sq. ft.

Proposed sidewall height: _____ ft.

Affects Section: _____

NOTE:

Conditional Use Permit to build 10 multi-family units in R-2. AND

Variance of Maximum Building Size for multi-family storage facility from 1,200 to 5,000 sq. ft.
in R-2.

PC: Article 18, Section 1805 (1-5)

BOA: Section 1905 (1-6)

Planning Commission date: 11-13-2018

Time: 7:55 PM

Board of Adjustment date: 12-4-2018

Time: 4:55 PM

DAHLIN DRYWALL INC
3703 W 7TH STREET
YANKTON, SD 57078
Ph: 605 665-1817 Fax: 605 665-6894
Email: dahlinc@midconetwork.com

PROJECT APPROVAL:

Part 1 – Construction of 10 attached family units (wood constructed

Main Floor Living = 1602 foot

Garage Main = 672 foot

Basement (unfinished) = 1152 foot

Units will be sold with property footage per unit 48' x 220' = 10,560'

Utilities service by B-Y Electric, B-Y Water, and septic tanks – Built per codes.

Part 2 – Project Lot 4 Additions

Add 50' x 75' Existing building for office area

Add 75' x 150' for construction of executive park models

Add 50' x 100' for personal storage for family units

Part 3 –

Build 70 executive park models with in a gated community – to be displayed so does not look like camping park.

Find a few available models attached –

High end quality finished units to be sold in the amount ranging \$70,000 to \$86,000

Units will be built and moved into place

Units will have their own serial number and the capability of being transferred to another location not permanently attached

Lots will be on an annual rental agreement

Utilities serviced by B-Y Electric, B-Y Water, and septic tanks – built per codes

Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Olivier
Address: 184 Oak Hills Dr. Yankton
Hearing date: 11-13-18
Description: CUP 10 units in R-2

Action 111318K: Moved by Bodenstedt, second by Kretsinger to recommend to approve a Conditional Use Permit based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

By roll call vote, all members voted aye.
Motion carried.

Michael Welch (Y) N AB
Don Kettering (Y) N AB
Debra Bodenstedt (Y) N AB
Butch Becker (Y) N AB
Zane Williams (Y) N AB

Dan Guthmiller (Y) N AB
Carll Kretsinger (Y) N AB
Erik Koenigs Y N AB
Jeff Gudahl (Y) N AB

Motion: Deb B.
Second: Carll K

Yankton County Planning Commission

Meeting date: November 13, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W

Physical Address TBA Welkom Drive, Yankton, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant is requesting a Conditional Use Permit for a Conditional Use Permit (Article 7, Section 707) to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed CUP on October 31, 2018 (supported by affidavit), a legal notice was published on November 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:55 pm on November 13, 2018 in the Yankton County Government Center County Commission chambers. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed. Mr. Olivier discussed the proposed campground and stated the concept will be "park models" which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping.

The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground.

Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:

- A. Recommend granting of the conditional use;
- B. Recommend granting with conditions; or

The commission recommends granting approval of the conditional use permit with listed conditions.

- C. Recommend denial of the conditional use.

5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (Welkom Drive).
- B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are currently compliant.
- C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas is in compliance.

- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security, septic systems are DENR approved.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering is provided with townhouse alignment and landscaping.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations for proposed activity.
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest.

Action 111318K: Moved by Bodenstedt, second by Kretsinger to recommend to approve a Conditional Use Permit based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

By roll call vote, all members voted aye.

Motion carried.

Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Olivier
Address: 184 Oak Hills Dr. Yankton
Hearing date: 11-13-18
Description: Variance Multi-family storage R-2.
1,200 → 5,000

Action 111318L: Moved by Bodenstedt, second by Becker to recommend to approve a variance based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variances of Maximum Structure Size Requirement, multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

By roll call vote, four members voted aye, four members voted nay.
Motion failed.

Michael Welch Y N AB

Dan Guthmiller Y N AB

Don Kettering Y N AB

Carl Kretsinger Y N AB resind

Debra Bodenstedt Y N AB

Erik Koenigs Y N AB

Butch Becker Y N AB

Jeff Gudahl Y N AB

Zane Williams Y N AB

4 - Yes

4 - No

failed

Motion: Deb Bodenstedt

Second: Butch Becker

Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Oliver
Address: 184 Oak Hills Dr Yankton
Hearing date: 11-13-18
Description: Variance Multi family storage R-2
1-10 unit
1,200 - 5,000

Action 111318M: Moved by Guthmiller, second by Kretsinger to recommend to approve a variance based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural

Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

By roll call vote, four members voted aye, four members voted nay.

By roll call vote, six members voted aye, two member voted nay.

Motion carried.

Michael Welch Y N AB

Don Kettering Y N AB

Debra Bodenstedt Y N AB

Butch Becker Y N AB

Zane Williams Y N AB

Dan Guthmiller Y N AB

Carll Kretsinger Y N AB

Erik Koenigs Y N AB

Jeff Gudahl Y N AB

6-yes
2-no

Motion: Dan Guthmiller

Second: Carll Kretsinger

Yankton County Planning Commission

Meeting date: November 13, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W

Physical Address: TBA Welkom Drive, Yankton, SD.

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
 - A. The strict application of the ordinance would produce undue hardship; The proposal is to provide personal storage for a multifamily development. The structure will be in harmony with the ten (10) townhouses.
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship can be shared by other properties but is limited to properties requiring multifamily storage facility. This proposal is in harmony with the proposed development.
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district. The variance is part of the overall plan for the property.
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
 - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The

property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings.

- B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of maximum structure size requirement have been granted in Yankton County.
 - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
 - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (maximum structure size requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed variance on October 30, 2018 (supported by affidavit), a legal notice was published on November 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
2. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public meeting was held at 7:55 pm on November 13, 2018 in the Yankton County Government Center County Commission chambers. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed.
- Mr. Olivier discussed the proposed campground and stated the concept will be "park models" which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground.
- Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested

a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Maximum Structure Size Requirement is approved.

Action 111318L: Moved by Bodenstedt, second by Becker to recommend to approve a variance based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variances of Maximum Structure Size Requirement, multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.
By roll call vote, four members voted aye, four members voted nay.
Motion failed.

Action 111318M: Moved by Guthmiller, second by Kretsinger to recommend to approve a variance based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural

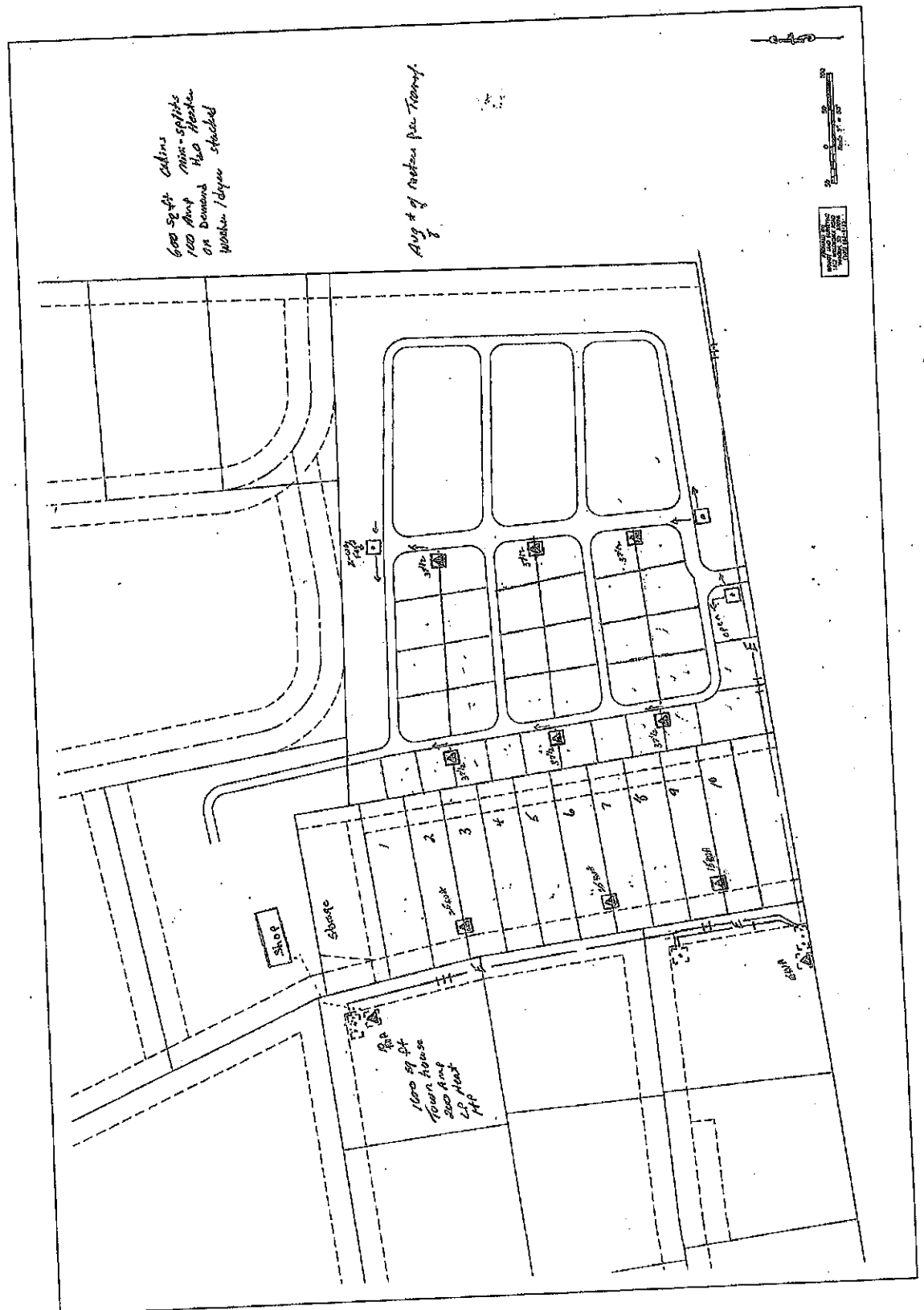
Residential District (R-2). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

By roll call vote, four members voted aye, four members voted nay.

By roll call vote, six members voted aye, two member voted nay.

Motion carried.

Avg # of notes per transp.



Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Oliver (Executive Estates)
Address: 184 Oak Hills Dr. Yankton
Hearing date: 12-11-18
Description: CLP build a campground in LC

Action 121118H: Moved by Becker, second by Gudahl to recommend to approve a Conditional Use Permit based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.

By roll call vote, all members voted aye.

Motion carried.

Michael Welch (Y) N AB

Don Kettering (Y) N AB

Debra Bodensedt (Y) N AB

Butch Becker (Y) N AB

Zane Williams (Y) N AB

Dan Guthmiller (Y) N AB

Carll Kretsinger Y N AB

Erik Koenigs (Y) N AB

Jeff Gudahl (Y) N AB

Motion: Butch Becker

Second: Jeff Gudahl

Yankton County Planning Commission

Meeting date: December 11, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W

Physical Address TBA SD Hwy 52, Yankton, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant is requesting a Conditional Use Permit for a Conditional Use Permit (Article 11, Section 1107-2) to build a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed CUP on November 29, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:25 pm on December 11, 2018 in the Yankton County Government Center County Commission chambers. The November 13, 2018 Planning Commission meeting presented the following information. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed. Mr. Olivier discussed the proposed campground and stated the concept will be “park models” which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and

Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground.

Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

December 11, 2018 meeting, the Conditional Use Permit request for the campground, Curtis Olivier presented a detailed Rules and Operations manual for the campground. Mr. Olivier stated the property ownership for the campground will be a single owner (lots will be rented). The subdivision preliminary plat Lots 16 and Lot 17 will not be subdivided without a public hearing. Mr. Olivier presented a detailed septic system, electrical plan and fresh water plan. The subdivision plan shows a detailed surface drainage plan and ingress / egress plan. The proposed storage building will only be accessed from the campground property. Mr. Olivier presented photographs showing the traffic flow, landscape plans and structure placement. Mr. Olivier will obtain a South Dakota state campground permit and is meeting all the Yankton County requirements.

Chairperson Welch requested public comment from proponents of the proposal. Doug Walsh, area resident, stated his approval of the project. He stated Mr. Olivier will build a quality development and it will be an asset to the community.

Chairperson Welch requested public comment from opponents of the proposal. Nick Moser, attorney representing neighbors, discussed the Article 18 requirements for proper ingress / egress. The only entrance / exit will be the current SD Hwy 52 access driveway. Mr. Moser also discussed the definitions of a campground and the Olivier proposal does not fit the definition as stated. The project is a "tiny house" or "manufactured house" park or facility. The campground Conditional Use Permit is not a proper approach for this application.

Christopher Dickes, neighbor, stated the proposal is more complete than the previous month presentation. Mr. Dikes stated the rules / regulations are applicable to the property owners

not the campground tenants. The Planning Commission recommends compliance from the property owner.

Gary Kleinschmidt, neighbor, stated the rules / regulations must be enforced to maintain the standards of the surrounding property owners. Mr. Kleinschmidt stated the rules are "almost too good to be true" and expects them to be enforced by the property owners and incorporated into the CUP findings of fact.

Keith DeJager, neighbor, stated his opposition to the project and felt they are more like modular homes than a campground. His preference would be a storage facility is a commercial operation must occur on this property. Mr. DeJager also stated Welkom Drive is not available for ingress / egress for the campground vehicles.

Mr. Olivier rebuttal was confirmation of the ingress / egress from SD Hwy 52, the storage will only be accessed from the campground property and the structures are not campers they are regulated as a campground with all the applicable rules the same as a campground.

Mr. Welch ended public comment and Mr. Becker confirmed the ingress / egress plan for the campground is SD Hwy 52 and for the multi-family housing is Welkom Drive. Mr. Koenigs requested a clarification of manufactured homes definition. The zoning administrator stated the definition and it is clear the proposal is not a manufactured home park as all manufactured homes have a federal register (HUD) requirement. The "tiny home" concept is not in the definitions. The zoning ordinance does provide a classification of 1109 – Classification of Unlisted Use. This section does provide guidance to allow activities not specifically listed but are similar in use to specifically listed uses in the zoning ordinance.

The Planning Commission determined the proposal is similar to the campground regulation currently in use, the site plan is detailed to provide strict adherence to ingress / egress requirements, landscape, lighting, septic system, fresh water, traffic flow and published campground guidelines and rules.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:

- A. Recommend granting of the conditional use;
- B. Recommend granting with conditions; or

The commission recommends granting approval of the conditional use permit with listed conditions.

- C. Recommend denial of the conditional use.

5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (SD Hwy 52).

- B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on

adjoining properties and properties generally in the district; All off right-of-way areas are currently compliant, the proposal has provided detailed site plan, completed preliminary plan and campground covenants / regulations.

- C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas are in compliance.
- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security, septic systems are DENR approved.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering is provided with townhouse alignment and landscaping.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations for proposed activity.
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest. The applicant has provided sufficient regulations to control excessive activity, noise and traffic.

Action 121118H: Moved by Becker, second by Gudahl to recommend to approve a Conditional Use Permit based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.

By roll call vote, all members voted aye.

Motion carried.

Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Oliver
Address: 184 Oak Hills Dr. Yankton
Hearing date: 12-11-18
Description: Variance of Max Requirement 1,200 → 11,500 in R-2

Action 121118I: Moved by Guthmiller, second by Bodenstedt to recommend approval a variance based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, to provide park model construction facility and campground storage facility from 1,200 sq. ft. to 11,500 sq. ft., in a Lakeside Commercial District (LC). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD. By roll call vote, all members voted aye. Motion carried.

Michael Welch Y N AB

Dan Guthmiller Y N AB

Don Kettering Y N AB

Carl Kretsinger Y N AB

Debra Bodenstedt Y N AB

Erik Koenigs Y N AB

Butch Becker Y N AB

Jeff Gudahl Y N AB

Zane Williams Y N AB

Motion: Dan Guthmiller

Second: Deb Bodenstedt

Yankton County Planning Commission

Meeting date: December 11, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W

Physical Address: TBA SD Hwy 52, Yankton, SD.

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
 - A. The strict application of the ordinance would produce undue hardship; The proposal is to provide personal storage for a campground development. The structure will be in harmony with the proposed campground. The structure will be temporary construction facility for the campground units until the available lots at a capacity.
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship can be shared by other properties but is limited to properties requiring campground storage facility. This proposal is in harmony with the proposed development.
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district. The variance is part of the overall plan for the property.
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings. The proposal is frequent to warrant an amendment to the ordinance.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
 - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and

- which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings with a development proposal.
- B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of maximum structure size requirement have been granted in Yankton County.
- C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
- D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (maximum structure size requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed variance on November 28, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
2. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public meeting was held at 7:25 pm on December 11, 2018 in the Yankton County Government Center County Commission chambers. The November 13, 2018 Planning Commission meeting presented the following information. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed. Mr. Olivier discussed the proposed campground and stated the concept will be "park models" which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground. Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal

site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

December 11, 2018 meeting, the Conditional Use Permit request for the campground, Curtis Olivier presented a detailed Rules and Operations manual for the campground. Mr. Olivier stated the property ownership for the campground will be a single owner (lots will be rented). The subdivision preliminary plat Lots 16 and Lot 17 will not be subdivided without a public hearing. Mr. Olivier presented a detailed septic system, electrical plan and fresh water plan. The subdivision plan shows a detailed surface drainage plan and ingress / egress plan. The proposed storage building will only be accessed from the campground property. Mr. Olivier presented photographs showing the traffic flow, landscape plans and structure placement. Mr. Olivier will obtain a South Dakota state campground permit and is meeting all the Yankton County requirements.

Chairperson Welch requested public comment from proponents of the proposal. Doug Walsh, area resident, stated his approval of the project. He stated Mr. Olivier will build a quality development and it will be an asset to the community.

Chairperson Welch requested public comment from opponents of the proposal. Nick Moser, attorney representing neighbors, discussed the Article 18 requirements for proper ingress / egress. The only entrance / exit will be the current SD Hwy 52 access driveway. Mr. Moser also discussed the definitions of a campground and the Olivier proposal does not fit the definition as stated. The project is a "tiny house" or "manufactured house" park or facility. The campground Conditional Use Permit is not a proper approach for this application.

Christopher Dickes, neighbor, stated the proposal is more complete than the previous month presentation. Mr. Dikes stated the rules / regulations are applicable to the property owners not the campground tenants. The Planning Commission recommends compliance from the property owner.

Gary Kleinschmidt, neighbor, stated the rules / regulations must be enforced to maintain the standards of the surrounding property owners. Mr. Kleinschmidt stated the rules are "almost too good to be true" and expects them to be enforced by the property owners and incorporated into the CUP findings of fact.

Keith DeJager, neighbor, stated his opposition to the project and felt they are more like modular homes than a campground. His preference would be a storage facility is a commercial

operation must occur on this property. Mr. DeJager also stated Welkom Drive is not available for ingress / egress for the campground vehicles.

Mr. Olivier rebuttal was confirmation of the ingress / egress from SD Hwy 52, the storage will only be accessed from the campground property and the structures are not campers they are regulated as a campground with all the applicable rules the same as a campground.

Mr. Welch ended public comment and Mr. Becker confirmed the ingress / egress plan for the campground is SD Hwy 52 and for the multi-family housing is Welkom Drive. Mr. Koenigs requested a clarification of manufactured homes definition. The zoning administrator stated the definition and it is clear the proposal is not a manufactured home park as all manufactured homes have a federal register (HUD) requirement. The "tiny home" concept is not in the definitions. The zoning ordinance does provide a classification of 1109 – Classification of Unlisted Use. This section does provide guidance to allow activities not specifically listed but are similar in use to specifically listed uses in the zoning ordinance.

The Planning Commission determined the proposal is similar to the campground regulation currently in use, the site plan is detailed to provide strict adherence to ingress / egress requirements, landscape, lighting, septic system, fresh water, traffic flow and published campground guidelines and rules.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

3. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
4. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission recommends approval of this request.
5. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Maximum Structure Size Requirement is recommended for approval.

Action 121118I: Moved by Guthmiller, second by Bodenstedt to recommend approval a variance based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, to provide park model construction facility and campground storage facility from 1,200 sq. ft. to 11,500 sq. ft., in a Lakeside Commercial District (LC). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD. By roll call vote, all members voted aye.
Motion carried.



Executive Estates Rules and Regulations

Welcome! The Management of Executive Estates is proud of our beautiful, 45 and above estates. Consideration and courtesy to others plus your cooperation in maintaining an attractive home will help sustain our high standards. The Estates Guidelines have been created to provide our Residents with a written statement of our Estate's standards and procedures. Please read the Guidelines carefully. Thank you.

All residents must use the Estates main entrance upon arrival and departure. Two decals, car passes will be issued with the sale of the unit.

Executive Estates

- Sites are guaranteed for the length of your paid annual lease and a deposit.
- We are a 45 and above estates; guests under 18 are permitted for 30 days. Any guest staying over 30 days must have written management approval.
- Telephone, Electric, Analog, Basic TV, and Internet service is available and can be obtained from the local provider. Utilities must be in resident's name and paid directly to local provider.
- Pets: Executive Estates is a pet free estates. Pets are not allowed in the estates.
- SITE SELECTION: We assign sites upon the sale of the unit.
- CANCELLATIONS: Deposits are forfeited No refunds on the deposit.
- The Annual lease starts on the date of the sale of your unit and is due each year on that same date. All annual payments (US Funds) are due without billing. A \$100.00 late fee is charged to payments received after 15 days late. A \$50.00 fee is charged for returned checks plus the \$100.00 late fee. Receipts will not be mailed unless requested. Preferred payment is personal check, money order, and bank draft. Cash is not accepted.
- **Annual lease includes lot rent, water,** sewer, trash, lawn care, and snow removal by estate staff.

All homes are to be a 2nd home (vacation home) and not to be used as the owners primary living quarters and must be owner occupied. The only exceptions are immediate family

members for up to two weeks without the owner present if prior notification from the resident is made with the Estates office.

- Tax surcharge: A pass-on tax will be assessed as a portion of the annual lease.

POLICY AND GUIDELINES

- ANY PERSON(S) Filling out a purchase agreement must also fill out a Rental Application for residency. A \$50.00 non-refundable application fee is due when the application is submitted. A Background and Credit Check will be obtained. The application must be approved prior to the completion of the sale or possession of the home.
- ALL RESIDENTS All units are designed and based on one or two person occupancy.
- SPEED LIMIT 10 MPH: Please obey all speed limit, stop signs, and one-way signs.
- QUIET HOURS are from 11:00pm until 7:00am. Excessive noise or disturbance will not be tolerated at any time. Nuisance will not be tolerated nor any use or practice which is the source of annoyance to residents and interfering with their peaceful enjoyment. Noise or conduct which management finds objectionable such as annoying parties, abusive or profane actions or language shall not be permitted at any time in the Estates.
- SOLICITING of any type is not permitted. No peddling, soliciting, or commercial enterprises will be allowed in the estates. No displays of crafts, merchandise, or any type of wares are permitted at home Sites. No yard sales except on days sponsored by the Estates. No yard signs or flags are to be permitted other than 1 American Flag.
- NO BUSINESS may not be run from a resident's home.
- SMOKING is prohibited in all buildings.
- NO OPEN FLAMES of any kind. BBQ grills and gas fire pits are permitted.
- THERE WILL BE ABSOLUTELY NO BB guns, air guns, firearms, fireworks, or similar device discharged within the confines of the estates.
- SEWER DONUTS with clamps and backflow preventers on water hookups are required by Executive Estates and are the resident's responsibility.
- GUESTS UNDER AGE 18 are permitted for 30 days. Any guest under 18 staying over 30 days must have written management approval. Appropriate age usage is posted at the facilities with age requirements. Immediate family members of the unit may stay in the home for up to two weeks without the permanent resident being present if the owner contacts the Estates Office upon arrival.

- SUB-LETTING is permitted. Sub-letters renting a minimum of 6 months will go through the application process and abide by all rules and regulations of Executive Estates.
- RESALES: Residents who wish to sell their homes are required to fill out a Resale Inspection Application. A \$35.00 inspection fee is due when the application is submitted. Management will then inspect the condition of the outside of the home for washing, painting, or repairs that may be required. Any improvements deemed necessary must be completed before the home is advertised for sale or sold if the home is to remain in the Estates. One commercially printed "For Sale" sign is permitted in the window of the home; no yard signs. Signs may not be larger than 11" x 19". An Open House is permitted, as long as the owner is present during the open house. Open House yard signs are not permitted; signs may be put in a window of the home. Potential buyers must fill out an application for residency and pay a \$40.00 non-refundable application fee and meet the Estate's age requirement and must be approved by management prior to the completion of the sale or possession of the home. Executive Estates has been very successful in selling homes for our residents. Our commission fees are competitive.
- DO NOT FEED the birds, turtles, or any animal or wildlife.
- CLOTHESLINES are not permitted.
- APPLIANCES may not be outside the home (e.g. refrigerators, freezers, washers or dryers, etc.).
- **Park Models** Electric, phone, and cable lines must be buried. Sewer connections and lines must be under the home with an accessible cleanout. All homes shall be kept clean and unacceptable conditions at all times. No outside storage. All parts of the site shall be kept clean, neat, and in sanitary conditions. If a unit is in need of washing and a resident does not comply with notification, Executive Estates will have the unit washed and charge the resident the current rate.
- WORK ORDERS: Our maintenance area is an excluded area to all residents. FOR YOUR SAFETY, PLEASE DO NOT ENTER THE MAINTENANCE AREA. For maintenance concerns or requests please contact the Estates Office. We have instructed all employees that they are NOT to do any maintenance job without an approved work order. Due to insurance and liability concerns we do not loan tools or equipment.
- **ELECTRICAL WATER, OR SEWER** problems should be reported to the Estates Office before you call a repairman. After hours for emergencies only, call **888-888-8888**. Maintenance will check our service to the meter. We do not make indoor repairs but we

can make sure our outside connections are working properly. Executive Estates will not pay or reimburse bills incurred by you or a repairman you have called.

- **PARKING** on vacant sites or lots is not permitted. Parking at recreation buildings other than for activities or use of the facilities is not permitted without permission from the Estates Office. Parking in the street or on the grass is not permitted. Assigned parking may be available in the overflow lot or in a storage area ONLY.
- **STORAGE** No Boats, Storage Trailers, Car Dollies, extra RVs, etc. are permitted on any site. We required a completed "Storage Request Form" with a copy of the current registration. A vehicle pass must be attached to unit in storage. Executive Estates does not accept any responsibility and/or liability for vehicles or items in storage. Storage sites must be kept clean and neat.

Vehicles must be parked in an orderly manner. Loading and unloading at your site for 48 hours is permitted as long as you do not block traffic.

- **VEHICLES** must be parked completely on your site and your your site will have 2 parking spots and not in the grass or street. Vehicles are required to have Executive Estates ID. Guest parking in designated overflow parking only. No unlicensed vehicles permitted on the property. Damaged or unsightly vehicles are not permitted on the property. Vehicle repair is not permitted on any site. Minor repairs or maintenance may be done in the storage are; please contact the Estates Office for location.
- **MOTORCYCLES, BIKES, SCOOTERS, GOLF CARTS** must have the proper safety equipment for day and night use. Mopeds/Scooters with engines no larger than 100cc are allowed to be used in the Estates and to the facilities. Mopeds/Scooters with engines over 100cc may be permitted with special written permission of management. Motorcycles, mopeds, and scooters, if properly licensed, may be operated by a Resident only as transportation on Estates streets via the shortest route in and out of the Estates. No joyriding will be permitted within the Estates by Resident or guests. All permitted vehicles must have factory-type quiet mufflers. "QUIET" is defined as being such that a motorcycle, moped, or motor scooter will be operated at a noise level which in Estates Management's sole discretion is not unreasonably loud or will disturb the health, safety, property, welfare, or quiet enjoyment of estates residents. All bikes, scooters, and rollerblades must be used in a safe and orderly manner and persons under the age of 18 must be supervised. Must be a licensed driver to operate a golf cart.
- **CAR COVERS** and wheel covers are permitted if factory made and in acceptable appearance and in good condition. Car covers must be secured to the vehicles by rubber straps, bungee cords, or rope, under the vehicles from one side to the other. Weights to hold the cover down on the sides, such as blocks, water bottles, etc. will NOT be allowed. No tarps, plastic, boards, cardboard pieces of aluminum to be used for car or wheel covers.

The Estates assumes no liability for any vehicles left on site or covers either lost or damaged. If a cover becomes unsightly or starts to blow off it will be removed and disposed of.

- **WINTERIZING YOUR SITE:** When you leave for the winter or any extended time please put everything inside or under your home. DO NOT leave anything out when gone, this includes lawn furniture, bikes, flowerpots. If items are left out, they will be disposed of. They will not be returned or replaced. NO FOIL, CARDBOARD, PAPER, ETC. may be used to cover windows or glass doors. Shades, drapes, and approved pre-fab sun reflectors should be used for this purpose.
- DIGGING for any reason is prohibited without management approval. All utilities are buried underground and you will be charged for damages.
- ANTENNAS are not permitted. Satellite Dishes may not exceed 39" in diameter. Outdoor reception devices must be installed on the resident's home or on the ground of resident's home site in a location which is most inconspicuous and must be attractively landscaped and shielded from view to the greatest extent feasible. Outdoor devices must not obstruct a driver's view of any street, driveway, or intersection, nor may they be installed on or encroach upon any common area or other resident's home site. Short-term residents may have freestanding dishes placed on the concrete pad shielded from view as much as possible.
- REGISTERED CONTRACTORS/BUSINESSES: Executive Estates accepts no responsibility for contractor performance and/or material used for site improvements. All vendors and contractors must submit a copy of their Yankton County Occupational Licenses and Liability Insurance coverage before they do work in Executive Estates. A list of registered vendors is available at the Estates Office.
- **ALTERATIONS TO THE EXTERIOR** OF YOUR HOME INCLUDING BUT NOT LIMITED TO SCREEN ROOMS, ADDMONS, DECKS, CARPORTS, AWNINGS, AIR CONDITIONERS, CONCRETE, TREES, AND PLANTS MUST BE APPROVED IN WRITING BY MANAGEMENT. A SITE IMPROVEMENT APPLICATION must be completed and approved by management prior to the start of any alteration. All improvements are based on Estates regulations and Yankton County requirements. Yankton County regulations for permitting supersede estates rules. A County permit must be obtained when required. All additions or alterations must meet the required setbacks between structures per Yankton County code. Approval by the management does not waive resident's responsibility to secure all permits required by the governing municipality. Yankton County Development & Permitting Department, 888-8888. Property on empty sites will not be given up to allow for any carport, deck, or shed. Awnings may not protrude past your lot line and you may need neighbor's written

approval. PAINT COLORS to the exterior of your home must be approved in writing by management. Driveways may be texture coated or seal coated and colors must be approved in writing by management. A site improvement form must be completed and approved by management prior to the exterior improvements being made. If you are changing colors of the home, a paint sample must be attached. We will allow neutral colors, pale colors, and colors that would be compatible with the other homes in the estates. SHUTTERS, etc. may be installed with management's approval. Wood may be used if painted the same color as the home.

- UTILITY SHEDS: Are not permitted on your site. Executive Estates will have on site storage units available for rent.
- **CONCRETE**: All units will have a concrete step and patio provided to each unit. All concrete work must have prior approval by management and a permit from Executive Estates. The resident agrees that he/she is financially responsible for removal or replacement of concrete work in the event that it would have to be excavated to gain access to any utilities.
- **FENCES**: All units may put up a privacy fence around their deck/patio as long as they pick out the fencing from the Executive Estates office and they will have 3 colors to pick from.
- FREE STANDING SCREEN rooms or shade covers are not permitted on any unit. No canvas, metal or cloth; screen rooms are permitted on homes.
- **LANDSCAPING** Around your unit must be done from your unit 3' out and needs to be approved in writing by management prior to installation. Residents are responsible for weed control in these areas year round as well as driveways, patios, and walkways. Areas not cared for will result in a violation notice being sent and if Executive Estates is forced to care for this area, a \$150.00 fee will be assessed each time. Bushes or trees with thorns or thorn type leaves may not be planted since they could injure our employees when they are mowing. Executive Estates is not responsible for any damage or removal of any flowers, bushes, and trees that are planted whether approved or not approved. Any flowers, plant, or tree planted by a resident is the complete care of the resident. Residents are also responsible for anything planted by the previous owner of their home. Any ornaments, lights, hoses, etc. must be removed when the home is unattended. Executive Estates will not be responsible for loss or damage to any plants or outside items. We do not weed or trim garden areas and weed killer may be used to control weeds at unattended sites.

- **MOW EDGE OR BORDER:** The unit, 3' out must have barrier, mow edge, or border of some type such as concrete, landscape blocks, or a maintained flower or planting area around the home. If not, the management will not accept responsibility for any mower or weed eater damage done to the home.
- **LAWN CARE:** Other than the 3' boarder around your unit, lawns will be mowed and trimmed by management. We are not responsible for insects, weed control, or irrigation.

This Estates is intended, operated, and maintained for the occupancy, use, and benefit of persons 45 years of age or older. As such, this Estates adheres to and enforces the requirements of the "Housing for Older Persons Act" of 1995. Consequently, at least 80% of the occupied homes must be occupied by at least one person who is 45 years of age or older as of the date of occupancy and any other occupant must be 35 years of age or older (except spouses, and permanent full-time caregivers whose presence is required by a licensed physician). In the event the oldest occupant of a home dies or vacates the home, the remaining occupant(s) may continue as a resident(s) of the Estates and an occupant of the home as long as at least 80 percent of the occupied homes in the Estates, including that occupied by the remaining resident(s) are occupied by at least one person 45 years of age or older. Notwithstanding this express policy and intent to the contrary, Estates Management reserves the right in its sole discretion to accept a resident who is less than 45 years of age but older than 35, as long as at least 80% of the occupied homes in the Estates, including that of the new resident, are occupied by at least one person 45 years of age or older.

At the time of application for initial occupancy or upon request of Estates Management, a prospective resident shall, for all purposes of age verification, produce for inspection and copying one of the following: driver's license, birth certificate, passport, immigration card, military identification, or other valid local, state, national or international document of comparable reliability containing the prospective resident's birth date; or a certification in a lease, rental agreement, application, affidavit, or other document signed by any member of the prospective resident's household age thirty-five or older asserting that at least one person in the home is 45 years of age or older.

Upon request of Estates Management, existing residents shall produce documentation, as referenced above, for purpose of age verification. On January 1st of each even numbered year, all existing residents shall be required to provide the names and ages of all current occupants of the home, in writing, to Estates Management.

Only homes owned and occupied by persons who have applied for residency in the Estates and who have been approved as such by Estates Management are permitted to reside in the Estates. As a condition to approval for residency in the estates, all residents are required to show proof of ownership of their home; such proof may be made by title or registration to the home. Each occupant of the home must be approved for residency by the Estates Management prior

to the beginning of occupancy in the home. Written approval of the Estates Management is required as to any changes in the number or makeup of persons in the home.

The estates recreation facilities are available for the use of our residents and their registered guests only. Use the estates facilities at your own risk. The estates will not be responsible for personal injury or property damage to our tenants, their families, or their guests. Hours and rules governing the various facilities will be posted in each individual area. No one is allowed in the estates office or any recreational building without SHOES and a SHIRT.

These Rules and Regulations are based on the experience of the owner and changes and modifications may be made without prior notice. VIOLATIONS to these Rules and Regulations may result in eviction from the estates. Under South Dakota State Statute, if the resident or guest does not correct the violation when notified or repeats a rule violation within his/her term of occupancy, he/she may be evicted.

PRIVACY STATEMENT

WE TAKE GREAT CARE TO SAFEGUARD YOUR CUSTOMER INFORMATION AND TO ENSURE ITS ACCURACY.

We limit employee access to nonpublic personal information to those who need to know this information in order to serve customer relationships. Employees are educated about the importance of privacy in accordance with our Standards of Conduct Policy.

We maintain physical, electronic and procedural safeguards that comply with all applicable regulatory standards to guard your nonpublic personal information.

We strive to maintain complete, current and accurate information about you and your accounts. If you request a correction to our records, we will respond in a timely manner.

WE COLLECT CUSTOMER INFORMATION SO WE ARE ABLE TO OFFER YOU PRODUCTS AND ENHANCE THE SERVICE WE PROVIDE TO YOU.

We collect and maintain nonpublic personal information in order to:

- Service your accounts and process your requests efficiently and accurately.
- Identify you and protect your accounts from unauthorized access or identity theft.
- Inform you of financial services, such as insurance products, and choices that can meet your needs now and in the future. This information may be collected from a variety of sources, including:
 - Information we receive from you on applications or Other loan or account forms, such as your name, address, and financial information.
 - Information we receive through your transactions or experiences with affiliates within the Executive Estates family of companies, such as your account, balance and payment history.
 - Information we receive from outside companies, such as a credit reporting agency, which reports your credit score and credit history.

WE MAY SHARE INFORMATION WITH NONAFFILIATED THIRD PARTIES WHO ARE ACTING ON OUR BEHALF.

We may disclose all the information we collect, as described above. Information is shared with nonaffiliated third parties only when those parties are acting on our behalf, or as required or permitted by law. These third parties may include:

- Service providers who provide support services to help us administer your financial relationship. They may include data processing companies, companies that prepare account statements, or companies that help us market products to you. These companies are legally obligated to maintain the confidentiality of the information we provide to them, and are restricted from using this information for any reason beyond the performance of specified services on our behalf.
- Companies who work with us under joint marketing agreements to provide you with financial services that we do not offer ourselves but we believe may be of interest to you. In such cases, we may share information we collect, as described above, but only as necessary to offer these services to you. These companies are legally obligated to maintain the confidentiality of the information we provide to them, and are restricted from using this information for any reason other than what is specified in the agreement. Other parties as permitted or required by applicable law. These may include, for example, government agencies in response to subpoenas and other legal processes, consumer reporting agencies, or those with whom you have authorized us to share information.

WITHIN THE EXECUTIVE ESTATES, INFORMATION MAY BE SHARED IN ORDER TO SERVICE YOUR RELATIONSHIP AND MEET YOUR FINANCIAL GOALS.

The Executive Estates works together to help you achieve your financial goals. We may share information among our affiliated companies to offer you additional financial services that may be of interest or value to you. As listed in this statement, the Executive Estates family of companies encompasses a number of different companies that provide a wide range of quality financial services, including land leases, home sales, storage rentals, mortgage services, and insurance. In order to evaluate your needs and to introduce you to additional financial services, we are permitted to share among these companies information about your transactions, account history or other experiences with us.

In addition, we may also share non-experience information. Information received from applications or outside sources such as credit reporting agencies is considered non-experience information. Under the Fair Credit Reporting Act, you may advise us that you do not want us to share this non-experience information within the Executive Estates by completing and mailing the attached Opt-Out Request Form.

Please allow a reasonable period of time (up to 90 days) for us to process your request. Whether or not you choose to opt out, we may share identifying information and information about your transactions and experiences within the Executive Estates family of companies. Even if you

choose to opt out, you will continue to receive statements and other account information, as well as special offers that could be of value to you from other affiliates in the Executive Estates family of companies.

EXECUTIVE ESTATES MISSION STATEMENT

Executive Estates is committed to being the premier provider of quality community lifestyles by offering individualized housing and residential services.

EXECUTIVE ESTATES VISION STATEMENT

We are an inspired, engaged, and collaborative team committed to providing extraordinary service to our residents, customers, and each other.

A MESSAGE TO OUR CUSTOMERS:

At Executive Estates, we have a long tradition of integrity and service. These are a part of our Company's core values, and are reflected in the way we serve our customers each day. This privacy statement reflects the policy for all of the entities that make up the Executive Estates family of companies. It describes how "nonpublic personal information," which includes customer and financial information, may be collected and shared, as well as the steps we take to protect this information from unauthorized access. This policy applies both to current and former residents and customers, and is designed to comply with the privacy provisions in Title I of Gramm-Leach-Bliley Act, as well as applicable federal privacy regulations.

Fair Credit Reporting Act Opt-Out Request Form

Please exclude me from non-experience information sharing within the Executive Estates family of companies as described above.

Date:

Name:

Community:

Site #:

Address:

City:

State:

Zip Code:

Please provide a telephone number that we may use to contact you if we have questions (required to opt-out):

Please provide an e-mail address that we may use to contact you if we have questions (optional):

By signing below, I (we) confirm that I (we) wish to opt-out of all non-experience information sharing as described in Executive Estates Privacy Statement.

X

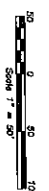
Please complete all information on this form, cut it out and mail it back to us at the following address:

Executive Estates Communities, Inc. / Executive Estates Home
Services, Inc. — Opt-Out Program

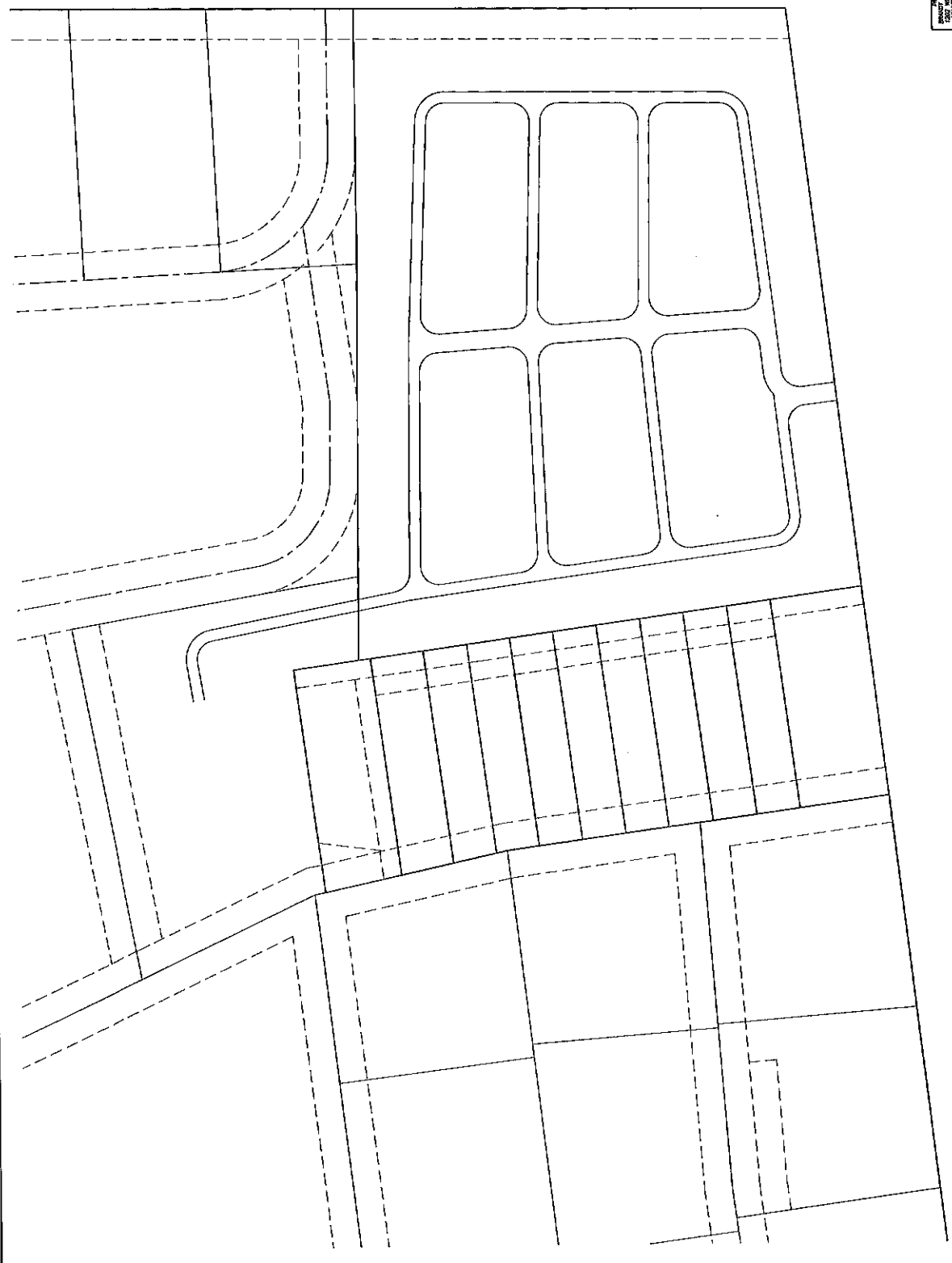
Sketch Plan



PHOTOGRAPHED BY
U.S. AIR FORCE
ON 11-1-50
SCALE 1" = 50'







APPROVED BY:
DATE: 10/10/2010
PROJECT: 10/10/2010
DRAWN: 10/10/2010



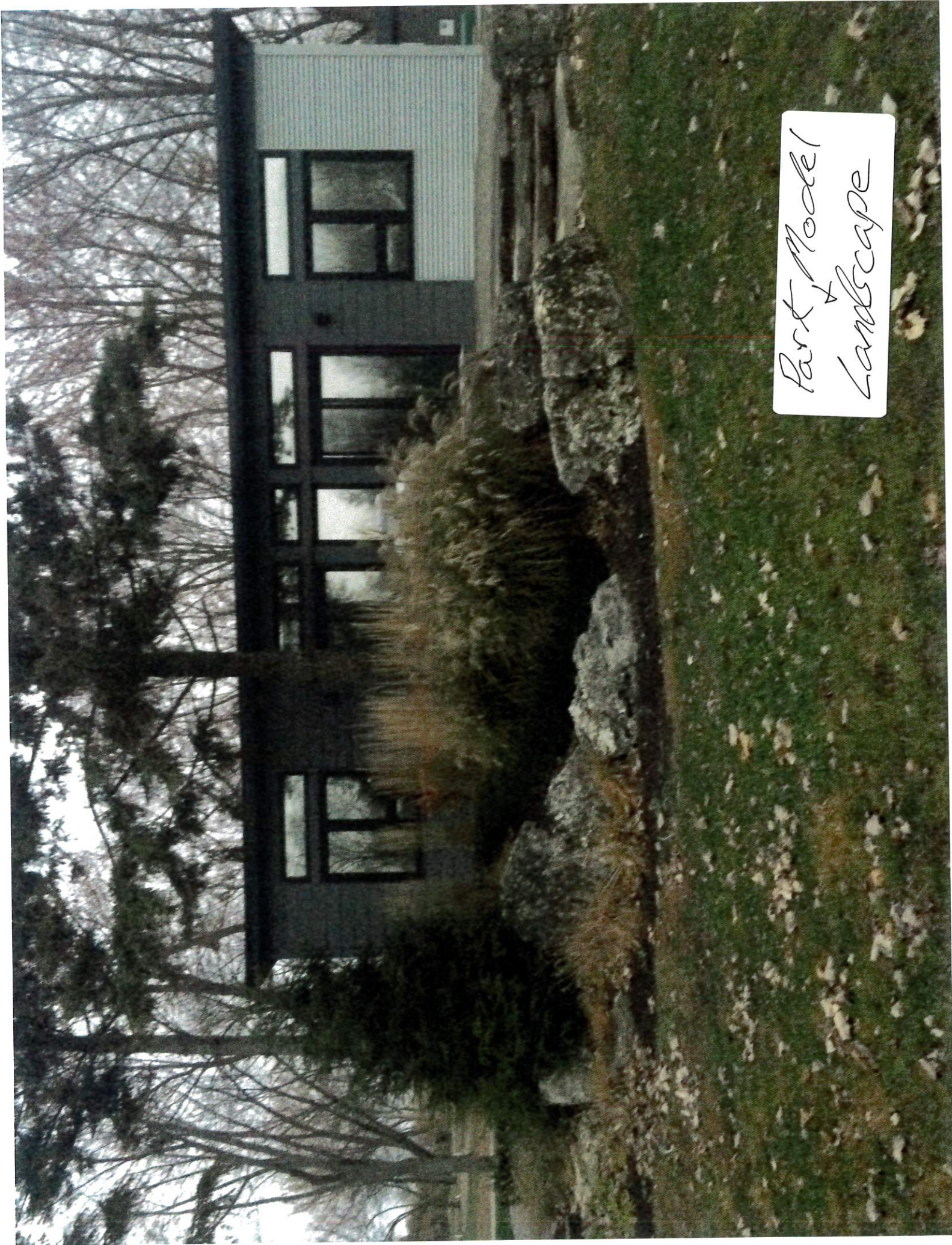
Sketch Plan

Part 7 Page 1
Landscape



Look Model
x
Landscape





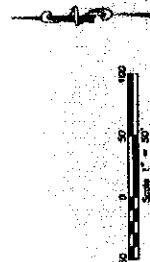
Part Model
&
Landscape

Postcard Model
Landscape

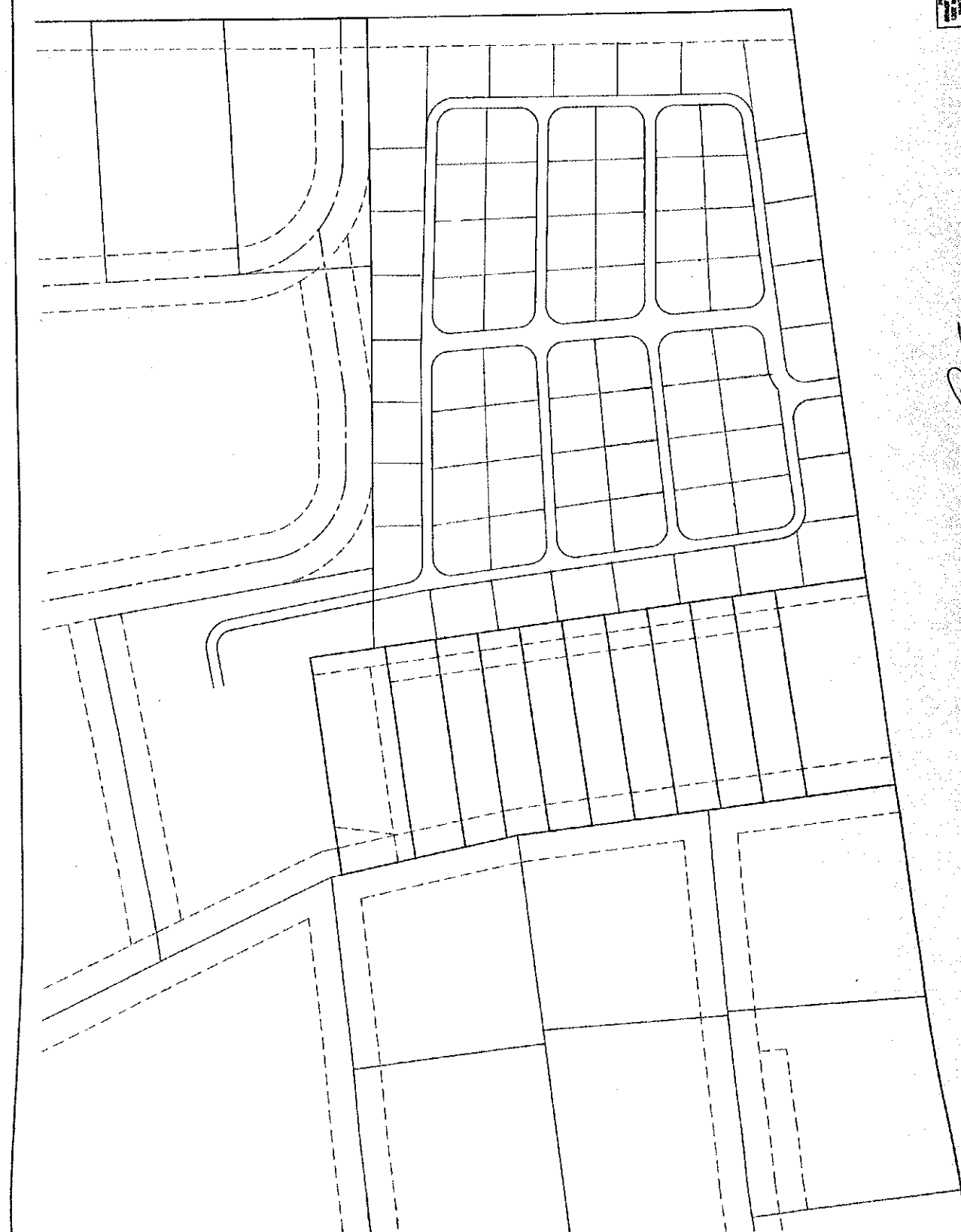


Port Mabel
Landscape

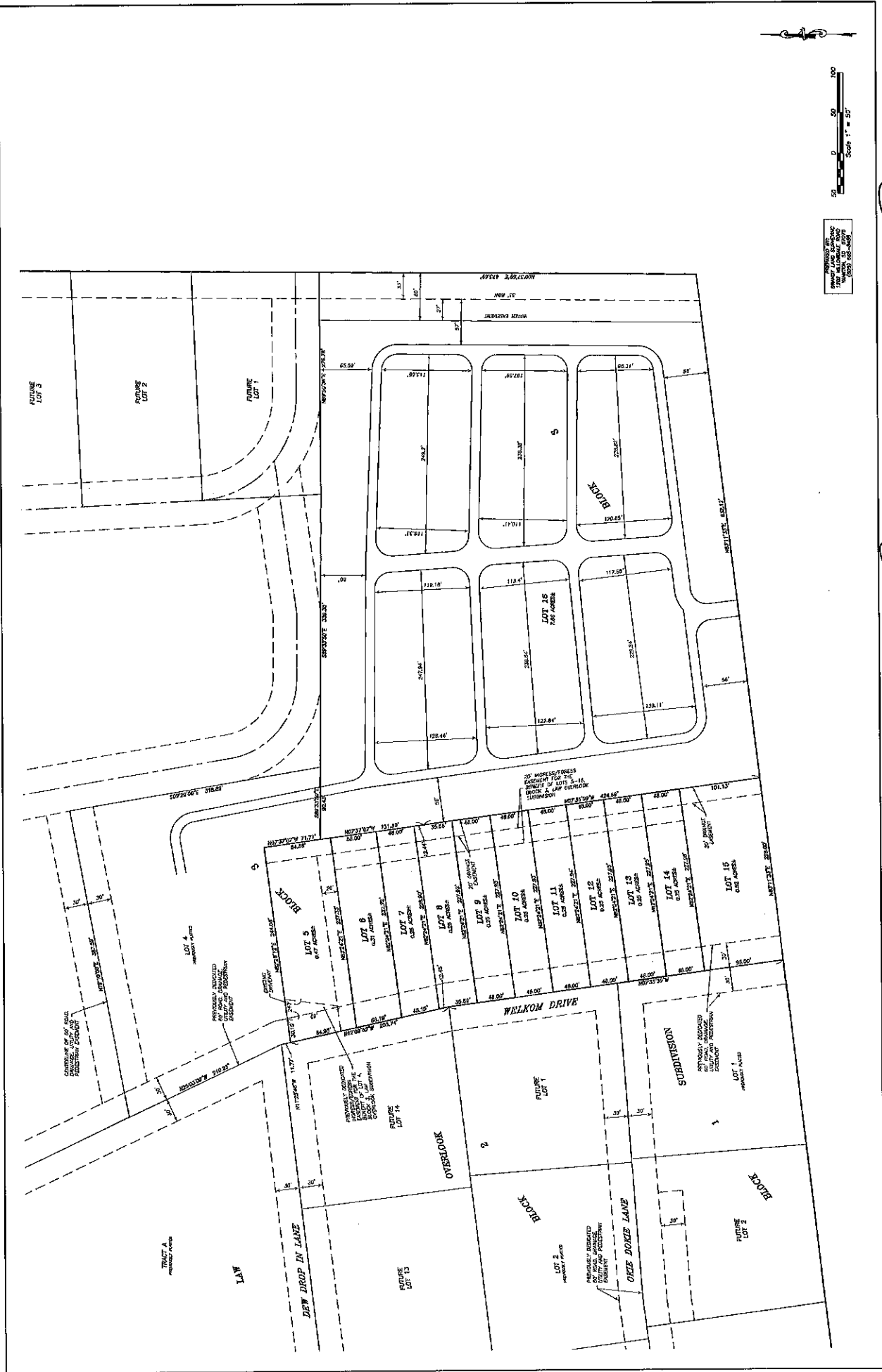




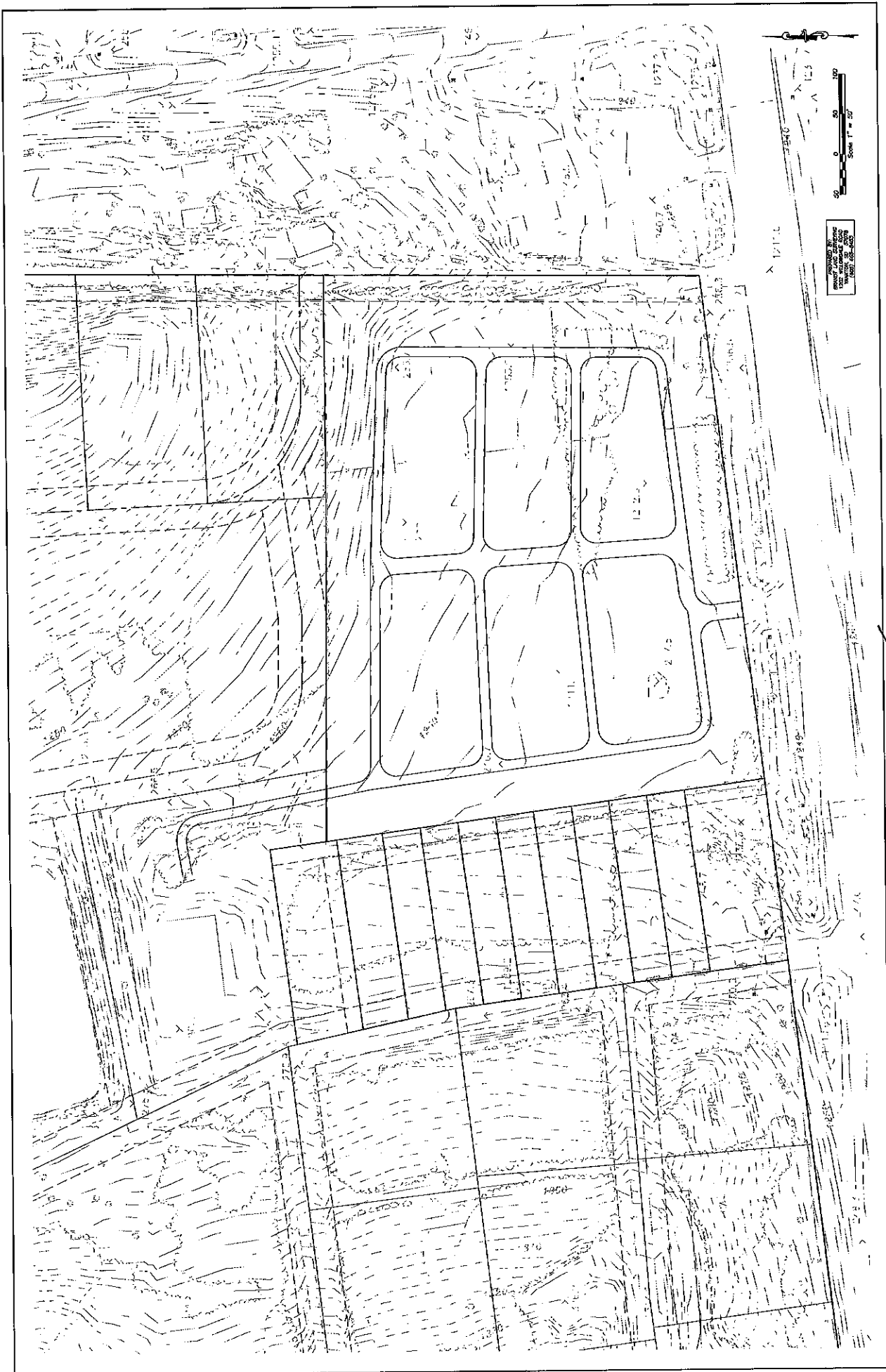
APPROVED FOR
RECORD AND RETURN
COUNTY OF COCONO
JANUARY 22 2008
BOOK 105-145



Sketch Plan



1st Draft Preliminary Plan



Topography Plan / Map

LEGEND

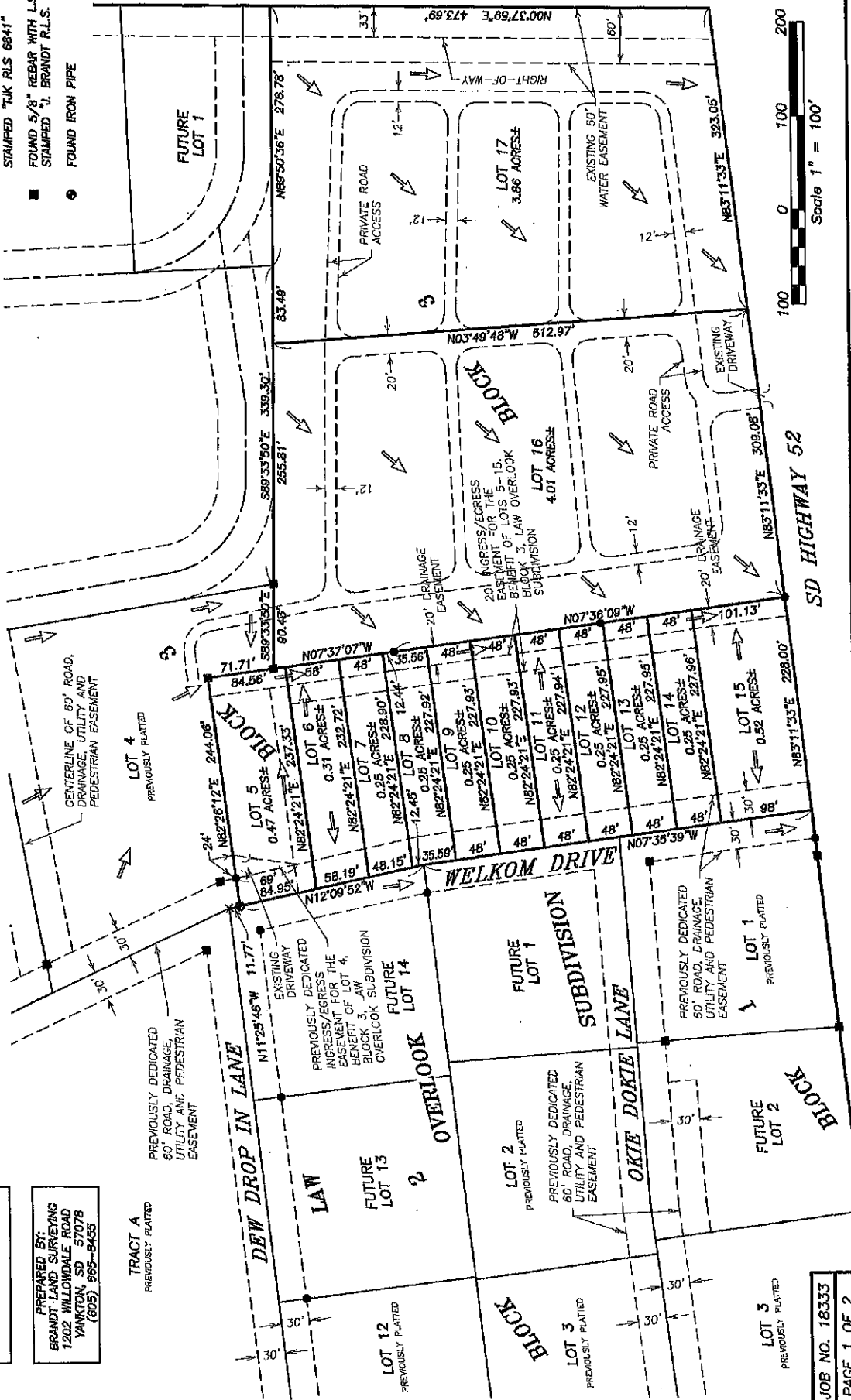
- FOUND IRON PIPE WITH CAP
STAMPED "TJK RLS 6841"
- FOUND 5/8" REBAR WITH L.S. CAP
STAMPED "I. BRANDT R.L.S. 5349"
- FOUND IRON PIPE

**DRAINAGE PLAN FOR LOTS 5-17 OF BLOCK 3, LAW OVERLOOK SUBDIVISION,
IN THE NE1/4 OF SECTION 18, T98N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.**

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 666-8455

TRACT A
PREVIOUSLY PLATTED





GENERAL NOTES

- BY WATER SERVICE
- 6" 200 PSI GASKET PIPE
- 1" PVC SERVICE LINE
- DAP TO 6" PIPE

DESIGNED BY
 DWIGHT L. LINDSEY
 1700 N. 10TH AVE.
 DENVER, CO 80202
 (303) 733-4555



WATER PLAN

Pat Garrity

From: dahlinc@midconetwork.com
Sent: Thursday, November 1, 2018 10:56 AM
To: Pat Garrity
Subject: Fwd: Re: yankton project

Pat
Here is the response from Scott Hipple, the same as you thought.
Thanks
Curt Olivier

----- Original Message -----

From: "Hipple, Scott" <scott.hipple@state.sd.us>
To: "dahlinc@midconetwork.com" <dahlinc@midconetwork.com>
Sent: Thu, Oct 25, 2018, 09:29 AM
Subject: RE: yankton project

The septic systems will need to be designed to serve two or more lots to provide at least 20,000 sq. feet of land for a system. There must be an easement for this and for both residences to be connected to the system.

The owner of the property is technically the person we would name in a legal action should a septic system fail and need to be repaired or replaced.

Scott Hipple, R.E.H.S.

Environmental Scientist III

SD Department of Environment and Natural Resources Phone (605) 773-3651

Fax (605) 773-6035

From: dahlinc@midconetwork.com [mailto:dahlinc@midconetwork.com]

Sent: Thursday, October 25, 2018 8:36 AM

To: Hipple, Scott

Subject: [EXT] yankton project

Scott

Just following up on a preliminary project in Yankton, SD. I emailed you a brief description along with a sketch explaining the project. Wondering what your thoughts were and if you need more information.

Thanks Curt Olivier



GENERAL NOTES

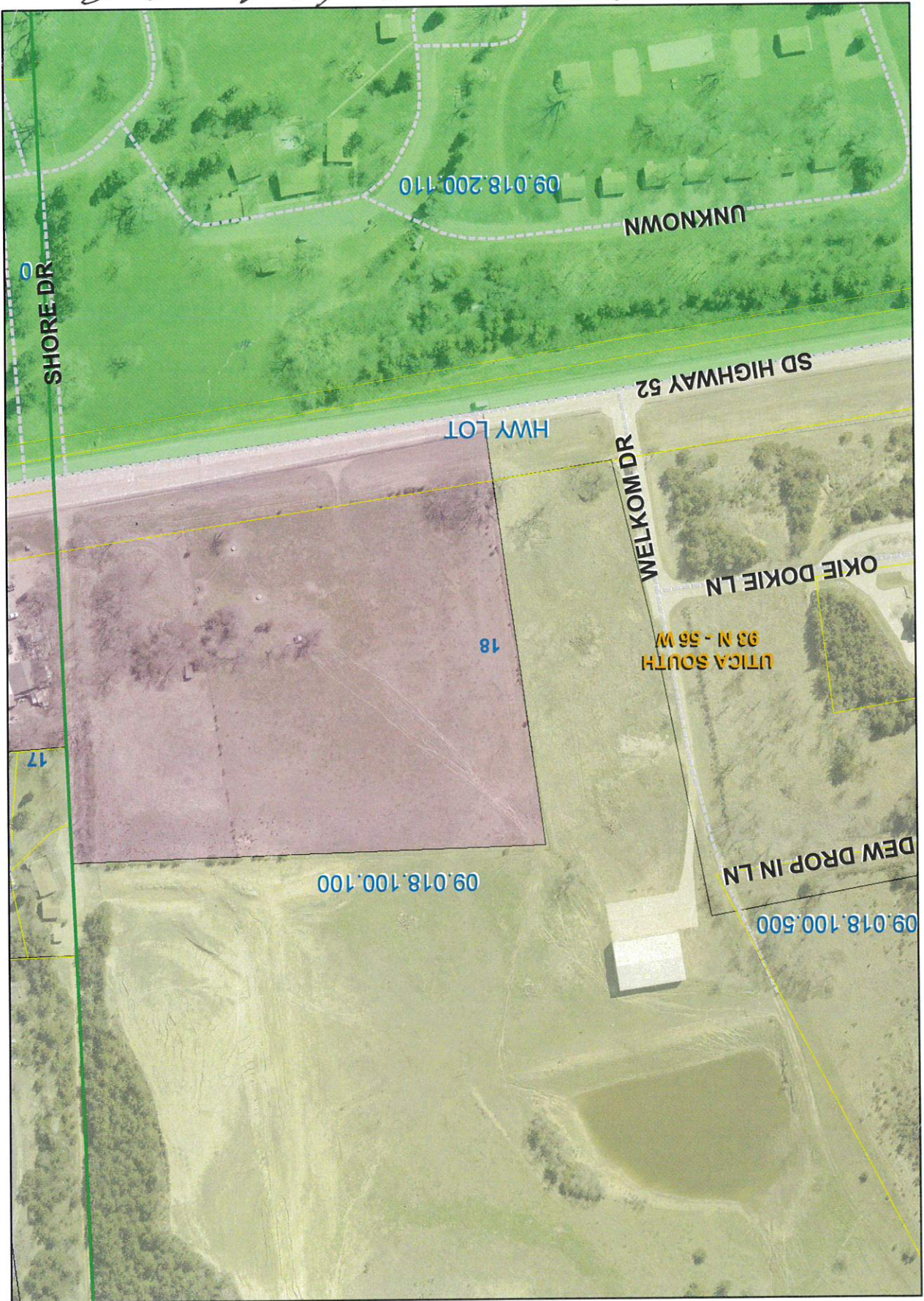
- 100 GALLON SEPTIC TANKS
- 3" x 10' 8" CHIMNEY WITH
- 1" FLOOR BURNT
- 4" PIPE FROM UNIT TO TANK
- PENDING STATE APPROVAL

DESIGNED BY
BRANDY LAND SURVEYING
INCORPORATED
JANUARY 30, 2018
(05) 652-4653



SEWER PLAN

Modernite Density Lakeside Commercial



Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Olivier
Address: 184 Oak Hills Dr. Yankton, SD
Hearing date: 11-13-18
Description: CUP campground in LC (Park Models)

Action 111318N: Moved by Becker, second by Gudahl to recommend to approve a Conditional Use Permit based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD. By roll call vote, two members voted aye, six members voted nay. Motion failed.

Michael Welch Y N AB
Don Kettering Y N AB
Debra Bodenstedt Y N AB
Butch Becker Y N AB
Zane Williams Y N AB

Dan Guthmiller Y N AB
Carll Kretsinger Y N AB
Erik Koenigs Y N AB
Jeff Gudahl Y N AB

Motion: Butch Becker
Second: Jeff Gudahl

2 aye
6 nay

Yankton County Planning Commission

Meeting date: November 13, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W

Physical Address TBA Welkom Drive, Yankton, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant is requesting a Conditional Use Permit for a Conditional Use Permit (Article 11, Section 1107-2) to build a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed CUP on October 31, 2018 (supported by affidavit), a legal notice was published on November 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:55 pm on November 13, 2018 in the Yankton County Government Center County Commission chambers. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed. Mr. Olivier discussed the proposed campground and stated the concept will be "park models" which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping.

The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground.

Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:

- A. Recommend granting of the conditional use;
- B. Recommend granting with conditions; or

The commission recommends granting approval of the conditional use permit with listed conditions.

- C. Recommend denial of the conditional use.

5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (SD Hwy 52).

- B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are currently compliant, the proposal should provide detailed site plan, completed preliminary plan and campground covenants / regulations.

- C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas is in compliance.
- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security, septic systems are DENR approved.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering is provided with townhouse alignment and landscaping.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations for proposed activity.
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest. The applicant will provide sufficient regulations to control excessive activity, noise and traffic.

Action 111318N: Moved by Becker, second by Gudahl to recommend to approve a Conditional Use Permit based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD. By roll call vote, two members voted aye, six members voted nay. Motion failed.



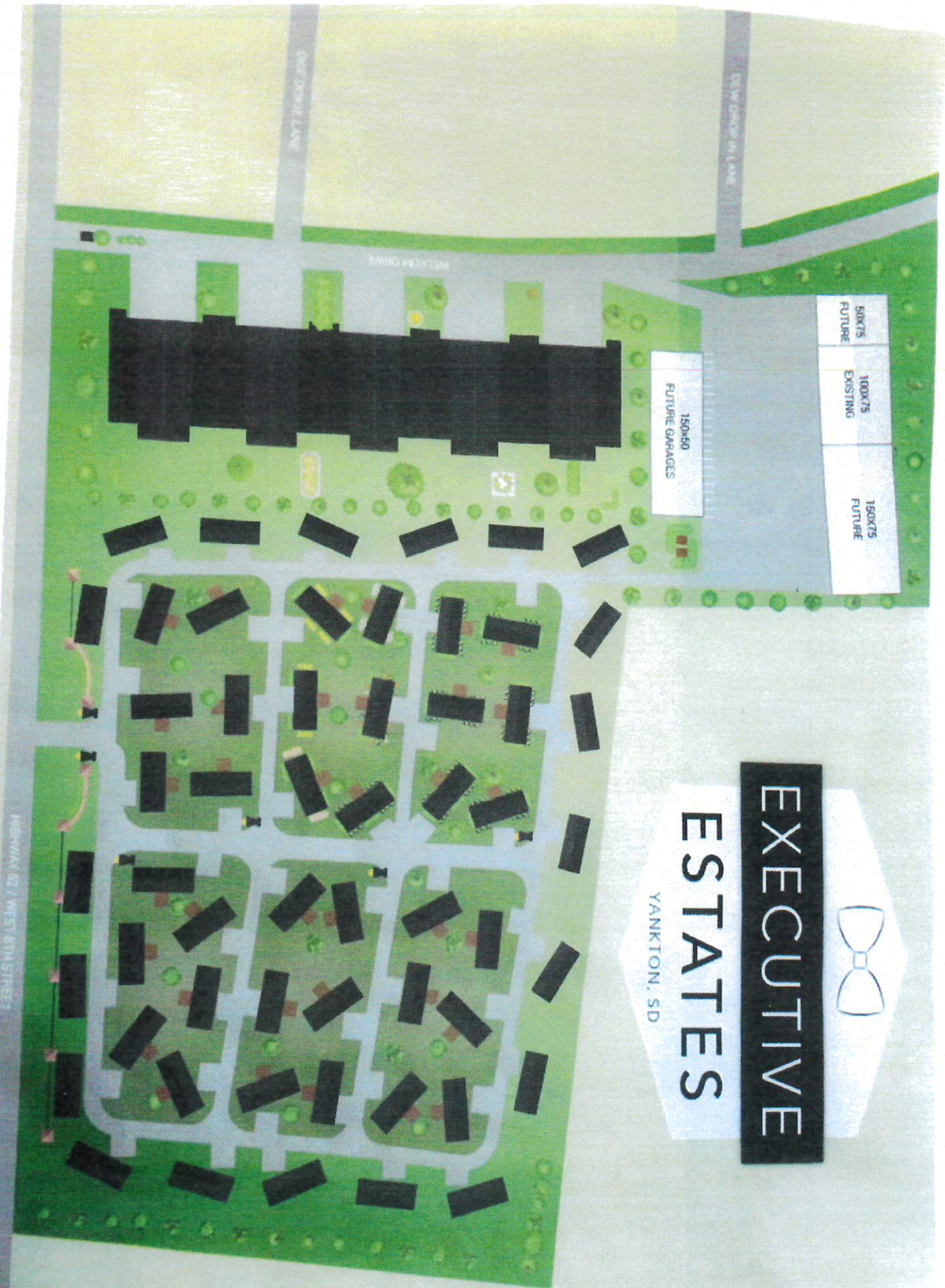
EXECUTIVE

ESTATES

YANKTON, SD

50x75 FUTURE	100x75 EXISTING	150x75 FUTURE
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150x60
FUTURE GARAGES



Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Curtis Olivier
Address: 184 Oak Hills Dr. Yankton
Hearing date: 11-13-18
Description: Variance Max Building park models R-2
1,200 to 11,500

Action 1113180: Moved by Gudahl, second by Kettering to recommend to deny a variance based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, to provide park model construction facility from 1,200 sq. ft. to 11,500 sq. ft., in a Lakeside Commercial District (LC). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 - 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.

By roll call vote, six members voted aye, two member voted nay.
Motion carried.

<u>Michael Welch</u> <u>(Y)</u> N AB	<u>Dan Guthmiller</u> Y <u>(N)</u> AB
<u>Don Kettering</u> <u>(Y)</u> N AB	<u>Carll Kretsinger</u> <u>(Y)</u> N AB
<u>Debra Bodenstedt</u> <u>(Y)</u> N AB	<u>Erik Koenigs</u> Y N AB
<u>Butch Becker</u> Y <u>(N)</u> AB	<u>Jeff Gudahl</u> <u>(Y)</u> N AB
<u>Zane Williams</u> <u>(Y)</u> N AB	

6 - aye to deny
2 nay

Motion: Jeff H. design
Second: Don K.

Yankton County Planning Commission

Meeting date: November 13, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W

Physical Address: TBA Welkom Drive, Yankton, SD.

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
 - A. The strict application of the ordinance would produce undue hardship; The proposal is to provide personal storage for a multifamily development. The structure will be in harmony with the proposed campground.
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship can be shared by other properties but is limited to properties requiring campground storage facility. This proposal is in harmony with the proposed development.
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district. The variance is part of the overall plan for the property.
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
 - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The

- property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings with a development proposal.
- B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of maximum structure size requirement have been granted in Yankton County.
 - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
 - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (maximum structure size requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
 5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed variance on October 30, 2018 (supported by affidavit), a legal notice was published on November 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
 2. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public meeting was held at 7:55 pm on November 13, 2018 in the Yankton County Government Center County Commission chambers. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed.
Mr. Olivier discussed the proposed campground and stated the concept will be "park models" which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground.
Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested

a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
The Planning Commission further finds that the reasons set forth in the application and hearing do not satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission deny this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Maximum Structure Size Requirement is denied.

Action 111318O: Moved by Gudahl, second by Kettering to recommend to deny a variance based on Finding of Facts dated November 13, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, to provide park model construction facility from 1,200 sq. ft. to 11,500 sq. ft., in a Lakeside Commercial District (LC). Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.

By roll call vote, six members voted aye, two member voted nay.

Motion carried.

CAMPGROUND GUIDELINE APPLICATION CHECKLIST

This checklist is intended to assist applicants with the required information for a Campground application. This is a guide and does not supercede or overrule any section of the Yankton County Zoning Ordinance. Due to the variety of applications, not all items may be applicable to each request. Applicants are required to present the following documentation to the Zoning Administrator on the date assigned for placement on the Planning Commission's or Board of Adjustment's agenda for consideration.

Campgrounds Guidelines

- ☒ Area encompasses 5 or more acres not including buildings.
- ☒ Site Plan shows:
 - ☒ Exact placement of the campground on the lot
 - ☐ Location of all utilities - water, electricity, sewers
 - ☐ Location of dump station
 - ☐ Location of refuse area
 - ☐ Type and location of signage
 - ☐ Type of outdoor/external lighting
 - ☐ Any separate parking areas
 - ☐ An approved or pending DENR septic system
 - ☐ A topographical map
 - ☐ State Campground Permit
 - ☐ Ingress and egress, traffic pattern
 - ☐ Setbacks on lot of campground pads
 - ☐ Landscaping plan
 - ☒ Operative rules and regulation including camper's proof of insurance and quiet times if near homes

1. Conditions that may be placed upon the operation if applicable:

- ☒ a. Placement of sign/permit needed
- ☒ b. Number of plats permitted
- ☒ c. SD campground permit must be obtained
- ☒ d. SD septic system permit must be obtained
- ☒ e. Refuse area(s) must be clearly marked
- ☒ f. Any significant changes, either by the permitting process or change(s) in plans, must be brought to the attention of the Yankton County Planning Commission

Please note that the applicant must attend all meetings concerning the requested zoning change and may be required to submit additional information at any time throughout the processes to ensure a full and fair hearing of the facts.

Conditional Use and/or Building Permit's expire 180 days from date of issue if construction has not begun.

Campgrounds Guidelines

1. R-2, Moderate Density or LC, Lakeside Commercial –
Sect. 1521 applies – Needs 5 acres for campground.
2. Site Plan showing
 - a. Exact placement of the campground on the lot
 - b. Location of all utilities - water, electricity, sewers
 - c. Location of dump station
 - d. Location of refuse area
 - e. Type and location of signage
 - f. Type of outdoor/external lighting
 - g. Any separate parking areas
 - h. An approved or pending DENR septic system
 - i. A topographical map
 - j. State Campground Permit
 - k. Ingress and egress, traffic pattern
 - l. Setbacks on lot of campground pads
 - m. Landscaping plan
 - n. Operative rules and regulation including camper's proof of insurance and quiet times if near homes
3. Conditions
 - a. Placement of sign/permit needed
 - b. Number of plats permitted
 - c. SD campground permit must be obtained
 - d. SD septic system permit must be obtained
 - e. Refuse area(s) must be clearly marked
 - f. Any significant changes, either by the permitting process or change(s) in plans, must be brought to the attention of the Yankton County Planning Commission

Campground Plan Review Questionnaire

Establishment Name			
Owner's Name		Phone #	
Physical Address			
Mailing Address			
City, State, Zip			
Completion Date			

Please complete and return the following questionnaire along with a scaled drawing of the campground at least 30 days prior to beginning construction.

Type of Campground: Full Service ☐ Limited Service ☐ Temporary ☐

Campground Size in Acres: acres

Total Number of Sites: sites

Typical Site Dimensions: x

Distance Between Sites: feet

Number of Service Buildings:

Width of Surfaced Roadways: feet

Water Hookups: Yes ☐ No ☐ If yes (# of sites)

Sewer Hookups: Yes ☐ No ☐ If yes (# of sites)

Are caps provided for sewer risers? Yes ☐ No ☐

Electrical Hookups: Yes ☐ No ☐ If yes (# of sites)

Watering Stations: Number of: **Distance from farthest campsite?** feet

Sanitary Dump Stations: Number of:

Is a concrete apron provided for the dump station drain? Yes ☐ No ☐

Is a water hydrant provided at the dump station? Yes ☐ No ☐

Note: All dump station water hydrants must be protected by backflow preventers and must be identified as "Non-Potable Water."

Water Supply: Public ☐ Private ☐ Rural Water ☐

Note: Private water systems must be analyzed for bacteriological and nitrate contamination. Attach a copy of the laboratory results.

Sewer System: Public ☐ Private ☐

Note: Private sewer systems must be approved by the Dept. of Environment and Natural Resources. Please contact DENR at (605)773-3351 for information on obtaining sewer system approval.

Swimming Pools: (please enclose construction plans) Number of:

Spas or Hot Tubs: Number of:

Please describe your service building floor, wall, and ceiling coverings:

Floor:	
Wall:	
Ceiling:	

Number of Service Building Fixtures:

	Men's	Women's
Toilets		
Urinals		
Lavatories		
Showers		
Vent Fans		

SEND YOUR COMPLETED QUESTIONNAIRES TO:
Office of Health Protection
615 E Fourth Street
Pierre, SD 57501-1700
Phone (605)773-4945
Fax (605) 773-6667
www.doh.sd.gov

ARTICLE 11

LAKESIDE COMMERCIAL DISTRICT (LC)

Section 1101 Intent

The intent of the Lakeside Commercial District (LC) is to provide commercial areas for those establishments that can function most satisfactorily in an area directly related to a tourist, outdoor recreation, and residential environment requiring vehicular circulation routes and large off right-of-way parking due to the nature of the customer base and vehicle traffic.

Section 1103 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Lakeside Commercial District (LC):

1. Arcades;
2. Bars;
3. Day Cares, family;
4. Day Cares, group family home;
5. Financial institutions;
6. Gasoline stations;
7. Golf courses;
8. Governmental services;
9. Historic sites;
10. Indoor archery/shooting ranges;
11. Open sales areas;
12. Parks;
13. Restaurants;
14. Restaurants, drive-in;
15. Restaurants, in-house;
16. Retail sales;
17. Service establishments;
18. Theaters; and
19. Utility facilities.

Section 1105 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Lakeside Commercial District (LC) when established in conformance within the space limits of this district.

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility; and
5. Signs, flag.
6. Signs, name and address plate;
7. Signs, on-site;
8. Signs, real estate;

Section 1107 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Lakeside Commercial District (LC):

1. Amusement parks;
2. Campgrounds;
3. Day care centers;
4. Dwellings, multi-family;
5. Dwellings, single-family;
6. Dwellings, two-family;
7. Exhibition areas;
8. Garages, public;
9. Hotels;
10. Kennels;
11. Motels;
12. Outdoor shooting/archery ranges;
13. Outdoor storage areas;
14. Repair shops, auto-body;
15. Repair shops, motor vehicle;
16. Self-storage warehouses;
17. Signs, off-site, pursuant to Article 14;
18. Swimming pools;

19. Towers;
20. Veterinary clinics; and
21. Warehousing facilities.

Section 1109 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 1111 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1109 shall be prohibited.

Section 1113 Minimum Lot Requirements

1. The minimum lot area shall be one (1) acre; and
2. The minimum lot width shall be one hundred and fifty (150) feet.

Section 1115 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of seventy-five (75) feet;
2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.

Section 1117 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.