

May 14, 2024

# AGENDA

## YANKTON COUNTY PLANNING COMMISSION

☐ Cheri Loest  
☐ Mike Welsh  
☐ Don Kettering

☐ Sam Hummel  
☐ Chris Barkl  
☐ Dan Clark

☐ Lauren Nelson

### **7:00 P.M.**

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

### **7:05 P.M.**

#### **CMC Adventures, LLC – Rezone**

Applicant is requesting to rezone a parcel dual zoned Moderate Density Rural Residential District (R2) and Rural Transitional District (RT) to a Moderate Density Rural Residential District (R2). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 30938 436<sup>th</sup> Ave, Yankton.

### **7:10 P.M.**

#### **List – Conditional Use Permit**

Applicant is requesting a Conditional Use Permit for to run his electrician's business out of an accessory building in a Low Density Residential District (LD) per Article 6 section 609, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, South Dakota

### **7:15 P.M.**

#### **List – Conditional Use Permit**

Applicant is requesting a Conditional Use Permit for an accessory building in a Low Density Residential District (LD) that exceeds the maximum aggregate square footage of 4000 square feet. Applicant wishes to build an accessory structure that is 6000 square feet with 14' sidewalls per Article 6 Section 607, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, South Dakota

### **7:20 P.M.**

#### **Plats**

**CMC Adventures, LLC** - A replat of Lots 1, 2 and 3 of Ranch 1, Ranch Estates, in the W1/2 of Section 4, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota, Hereafter to be known as: Lots 4 through 10 of Ranch 1, Ranch Estates, in the W1/2 of Section 4, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota.

**Drotzmann** - Plat of Lots 1 Thru 20, Deer Boulevard Estates, in the SE1/4 of Section 9, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota.

**Schenk** - Plat of Lots 12, 13, 14 and 15, Lake Forest Estates, in the W1/2 and in the S1/2 of the SE1/4, All in Section 16, T93N, R57W of the 5<sup>th</sup> P.M., Yankton County, South Dakota (**Ziskov South**)

**7:25 P.M.**

**NextGen Presentation**

**7:30 P.M.**

**Discussion – Article 26, Wind Energy Systems**

**7:35 P.M.**

**Public Comment**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular  
DATE: 4/9/2024 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling  
ROLL ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK  
CALL:  
APPROVAL OF MINUTES: MOTION BY: Loest SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

APPROVAL OF AGENDA: MOTION BY: Loest SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK  
**Approve amended agenda passed 6-0 (Remove Schenk-Lake Forest lots 12-15 plat)**

AGENDA ITEM: Reorganization of Planning Commission  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

MOTION: **Chair – Barkl nominated by Kettering, second by Clark – 6-0 in favor of Barkl**  
**Vice-Chair – Welsh nominated by Loest, second by Kettering – 3 votes**  
**Hummel nominated by Hummel, second by Barkl - 2 votes**  
**Loest, Kettering, Hummel voted for Welsh      Welsh and Barkl voted for Hummel**  
**Clark Abstained    Welsh approved as Vice-Chair**

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

AGENDA ITEM: **Brady – Rezone 05.013.400.150**  
ADDRESS/LEGAL: Applicant is requesting to rezone three parcels that are Dual Zoned Low Density Rural Residential District (LC) AND Rural Transitional District (RT) to Low Density Rural Residential District (LD) per Article 18 Section 1809 and Article 20 Section 2003. Said properties are legally described as Lot A in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4), **AND** The South one-half (S1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), and the East Sixteen and one-half Feet (E16 ½’) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), **AND** The North Six Hundred Sixty Feet (N660’) of the West Four Hundred Feet (W400’) of the South Half (S1/2) of Government Lot Ten (10), All in Section 13, Township Ninety-three (93), Range Fifty-five (55), Yankton County, South Dakota. E-911 address for applicant is 265 Antler Drive, Yankton, South Dakota  
COMMENTS: None

MOTION: **Approve based on Findings of Facts**  
**Passed 6-0**

APPROVAL: MOTION BY: Loest SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: **List – Rezone 13.001.400.615**

ADDRESS/LEGAL: Applicant is requesting to rezone a lot in a Low Density Rural Residential District (R1) to a Moderate Density Rural Residential District (R2) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Paige Addition, in the E1/2 of the SW1/4 of Section 10, T93N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS: None

MOTION: **Approve based on Findings of Facts**  
**Passed 6-0**

APPROVAL: MOTION BY: Loest SECOND BY: Clark  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: **Mutschelknaus – Plat 09.015.500.501**

ADDRESS/LEGAL: A replat of Lots 1 Through 12, Block 5, Timberland Park Addition, in the SE1/4 of Section 15, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota, Hereafter to be known as; Tracts 1 and 2, Block 5, Timberland Park Addition, in the SE1/4 of Section 15, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota.

COMMENTS: None

MOTION: **Approve as presented**  
**Passed 6-0**

APPROVAL: MOTION BY: Loest SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: **Schenk – Plat 13.016.200.200**

ADDRESS/LEGAL: Plat of Lots 12, 13, 14 and 15, Lake Forest Estates, in the W1/2 and in the S1/2 of the SE1/4, All in Section 16, T93N, R57W of the 5<sup>th</sup> P.M., Yankton County, South Dakota



COMMENTS:

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MOTION: **Removed from agenda**

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APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

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AGENDA ITEM: **Reade – Plat 05.010.125.100**

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ADDRESS/LEGAL: A Replat of Tract 1, Reade Addition, in the SE1/4 of the NE1/4 of Section 10, T93N, R55W of the 5<sup>th</sup> P.M., Yankton County, South Dakota. Hereafter to be known as: Tract 2, Reade Addition, in the SE1/4 of the NE1/4 of Section 10, T93N, R55W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

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COMMENTS: None

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MOTION: **Approve as presented  
Passed 6-0**

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APPROVAL: MOTION BY: Loest SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

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AGENDA ITEM: **List – Plat 13.001.400.615**

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ADDRESS/LEGAL: Plat of lots 1-5 in Paige Addition, in the E1/2 of the Sw1/4 of Section 10, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

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COMMENTS: None

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MOTION: **Approve as presented  
Passed 6-0**

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APPROVAL: MOTION BY: Loest SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

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AGENDA ITEM: **Dumont Holdings, LLC – Plat 13.013.400.010**

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ADDRESS/LEGAL: Plat of Lots 9, 10, 11, 12, 13 and 14, Forest Lake Subdivision, in the NW1/4 of the NE1/4 of Section 13, T93N, R57W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

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COMMENTS: None

MOTION: **Approved as presented**  
**Passed 6-0**

APPROVAL: MOTION BY: Loest SECOND BY: Welsh  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: **Public Comment**  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: None

MOTION: **Adjourn**  
**Passed 6-0**

APPROVAL: MOTION BY: Kettering SECOND BY: Loest  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

Yankton County Planning Commission  
**Yankton County Board of Adjustment**

Applicant

**CMC Adventures, LLC – Rezone**

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

☐ LC – Lakeside Commercial ☒ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 607 ☐ Section 705 ☐ Section 1709 ☐ Section 1723

☒ Section 1809

**NOTE:**

Applicant is requesting to rezone a parcel dual zoned Moderate Density Rural Residential District (R2) and Rural Transitional District (RT) to a Moderate Density Rural Residential District (R2). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 30938 436<sup>th</sup> Ave, Yankton.

PC: Article 18 Section 1809

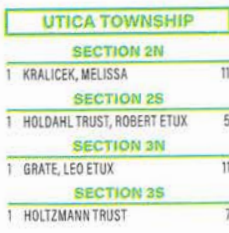
BOA: Article 20 Section 2003

Planning Commission date: 5/14/2024

Time: 7:05 P.M.

Board of Adjustment date: 6/4/2024, 6/18/2024

Time: 6:30 P.M.





# FINDINGS OF FACT – REZONE

CMC Adventures, LLC (Mike Bornitz)– REZ-242

Are the requirements of Section 1723 met?	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.	
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state: <ul style="list-style-type: none"> <li>a. Special conditions and circumstances exist which require the land to be rezoned;</li> <li>b. The special conditions and circumstances do not result from the actions of the applicant; and</li> <li>c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.</li> </ul>	
3. Notice of public hearing shall be given, as in Section 1803 (3-5).	
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.	
5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include: <ul style="list-style-type: none"> <li>a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone;</li> </ul>	
b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure;	
c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and	

<p>d. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.</p>	
<p>6. No petition for amendment or change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.</p>	
<p>7. Before any amendment or petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:</p> <ul style="list-style-type: none"> <li>a. The Comprehensive Plan;</li> <li>b. Specific rules governing land uses;</li> <li>c. Zoning district regulations; and</li> <li>d. Satisfactory provision and arrangement has been made concerning the following, where applicable:</li> </ul>	
<ul style="list-style-type: none"> <li>1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations;</li> <li>2. 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;</li> <li>3. 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 amendment or rezone on adjoining properties and properties generally in the district;</li> <li>4. Refuse and service areas, with particular reference to the items in (A) and (B) above;</li> <li>5. Utilities, with reference to locations, availability,</li> </ul>	

<p>and compatibility;</p> <p>6. Screening and buffering with reference to type, dimensions, and character;</p> <p>7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;</p> <p>8. Required yards and other open spaces; and</p> <p>9. General compatibility with adjacent properties and other property in the district.</p>	
<p>8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</p>	



# REZONE PERMIT

Longitude

**-97.47560599701275**

Latitude

**42.90300001991121**

Permit Number

**REZONE242**

Parcel Number

**09.004.400.301**

Permit Status

**Approved Active**

Permit Fee

**450**

Total Due

**450**

Was fee paid?

**Yes**

Receipt Number

**4036**

Planning Commission Action Date

**May 14, 2024**

Application Accepted By

**Bill Conkling**

Checked By

**BILL GARY**

Existing Zoning

**MODERATE DENSITY RESIDENTIAL/RURAL TRANSITIONAL**

Affected Zoning Ordinance

**1809, 2003**

Section Township Range

**4-93-56**

Is location in floodplain?

**No**

Applicant Name

**CMC Adventures, LLC**

Applicant Phone

**6053662180**

Applicant Address

**504 S. Horizon Circle, Sioux Falls, SD 57106**

Applicant Email Address

**mikeb@cutlerlawfirm.com**

Owner Email Address

**mikeb@cutlerlawfirm.com**

Location of Property

**Lat: 42.903 Lon: -97.475606**



Powered by Esri

Property Address

**30938 436 AVE**

Reason for Request

**Re-zone parcel to Moderate Density Residential**

Legal Description

**LTS 1, 2 & 3 RANCH 1 RANCH ESTATES**

Applicant Signature

A handwritten signature in black ink, consisting of a large 'L' shape followed by a series of loops and a horizontal line.

ApplicantSignature-.jpg

Owner Signature

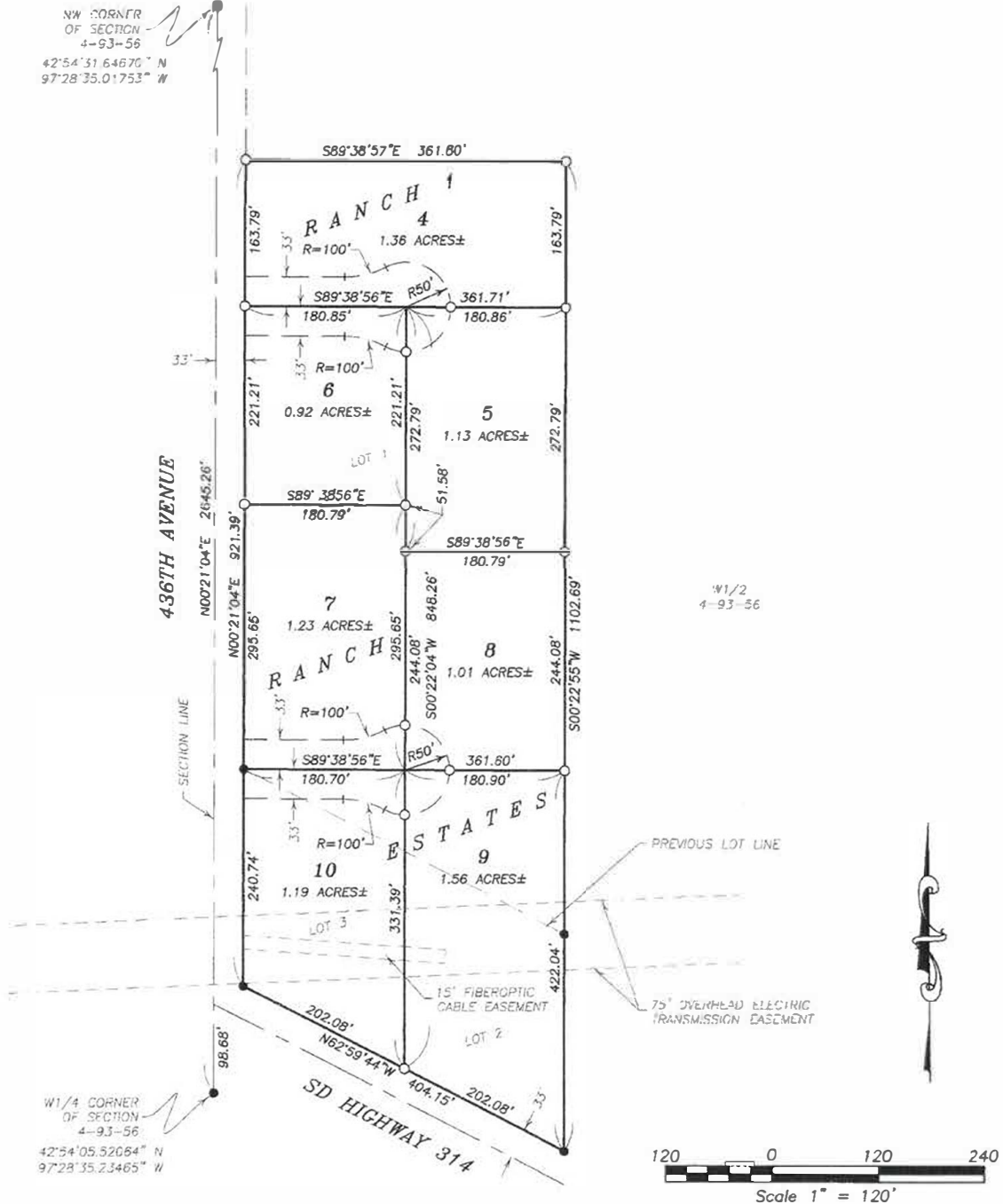
A handwritten signature in black ink, consisting of a large, stylized 'L' shape followed by a horizontal line.

OwnerSignature-.jpg

Date of Application Submission

**Apr 13, 2024**

A REPLAT OF LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS;  
 LOTS 4 THROUGH 10 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

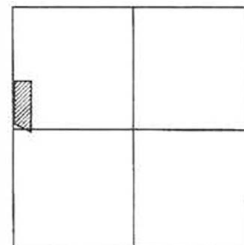


### LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR
- FOUND MAG NAIL
- U.E. UTILITY EASEMENT

NOTE:  
 BASIS OF BEARING  
 BY GPS OBSERVATION

PREPARED BY:  
 BRANDT LAND SURVEYING  
 1202 WILLOWDALE ROAD  
 YANKTON, SD 57078  
 (605) 665-8455



LOCATION (N.T.S.)  
 4-93-56

A REPLAT OF LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS;  
LOTS 4 THROUGH 10 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND REPLAT OF LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOTS 4 THROUGH 10 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 22ND DAY OF APRIL, 2024.



JOHN L. BRANDT REG. NO. 5349

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY,

SOUTH DAKOTA, AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER'S CERTIFICATE

I, MICHAEL BORNITZ, MEMBER OF CMC ADVENTURES, LLC, DO HEREBY CERTIFY THAT CMC ADVENTURES, LLC, IS THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND REPLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THIS PLAT HEREBY VACATES LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, AS RECORDED IN BOOK S10 OF PLATS, PAGE 57. I ALSO HEREBY DEDICATE THE UTILITY EASEMENTS AS SHOWN ON THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MICHAEL BORNITZ, MEMBER  
CMC ADVENTURES, LLC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MICHAEL BORNITZ, WHO ACKNOWLEDGED HIMSELF TO BE A MEMBER OF CMC ADVENTURES, LLC, AND THAT HE AS MEMBER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

\_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

\_\_\_\_\_  
COUNTY AUDITOR

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO 436TH AVENUE IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09-01:02.

\_\_\_\_\_  
HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF

MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, HAVE BEEN PAID IN FULL.

\_\_\_\_\_  
COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS

AFFIDAVIT OF MAILING

I, Michael Bornitz, hereby certify that on the 30<sup>th</sup> day of April, 20 24, 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 24<sup>th</sup> day of April, 20 24.

Mi Bornitz  
(Name)

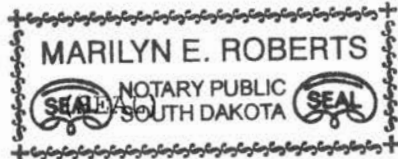
Affiant

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 20 24.

Marilyn E. Roberts

Notary Public - South Dakota

My commission expires: 6-6-2029





## NOTIFICATION

April 29, 2024

Applicant:  
CMC Adventures, LLC  
504 S. Horizon Circle  
Sioux Falls, SD 57106

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 1320 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 7:05 P.M. on the 14th day of May, 2024 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 rezone a parcel dual zoned Moderate Density Rural Residential and Rural Transitional District (R2) to a Moderate Density Rural Residential District (R2). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 30938 436<sup>th</sup> Ave, Yankton.*

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,  
CMC Adventures, LLC  
Petitioner



BATCHELLER, JAY (D)  
30967 436 AVE  
YANKTON SD 57078

CBG PROPERTIES LLC (D)  
PO BOX 708  
YANKTON SD 57078

CWACH, MARY ELLEN FAMILY TRUST (I  
% JACK JOE CWACH, TRUSTEE  
2665 WEST 162 ST  
STILWELL KS 66085

CWACH, MARY ELLEN FAMILY TRUST (I  
30954 436 AVE  
YANKTON SD 57078

EBELING, JOHNIE (D)  
4700 SD HWY 314  
YANKTON SD 57078

JACKSON, BRYANT MERTEN (D)  
4710 SD HWY 314  
YANKTON SD 57078

KEEGAN, MARTY J (D)  
4806 SD HWY 314  
YANKTON SD 57078

KUCHTA, ELMER FAMILY REV TRUST (C  
4810 SD HWY 314  
YANKTON SD 57078

LIST, ROBERT L TESTAMENTARY TR (D)  
% DIANNE LIST, TRUSTEE  
PO BOX 689  
YANKTON SD 57078

MARIENAU, MARK (D)  
4906 SD HWY 314  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

MEHRMAN REVOCABLE TRUST (D)  
4712 SD HWY 314  
YANKTON SD 57078

PLAVEC, JAMES T REV TRUST (D)  
30930 SD HWY 314  
YANKTON SD 57078

PLAVEC, KEITH J (D)  
5500 NORTH CEDARWILDE CT  
PEORIA IL 61615

REZAC FAMILY REVOCABLE TRUST (D)  
30776 435 AVE  
YANKTON SD 57078

STECKELBERG, KEVIN R (D)  
4706 SD HWY 314  
YANKTON SD 57078

VER HEUL, BECKY ANN (D)  
4900 SD HWY 314  
YANKTON SD 57078

ZIMMERMAN, DUANE G (D)  
2717 DEER BLVD  
YANKTON SD 57078

1600 Other Real Estate

**EQUAL HOUSING OPPORTUNITY**  
All real estate advertised in this newspaper is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin. In the sale, rental or financing of housing or an intention to make any such preference, limitation or discrimination. Familial status includes children under the age of 18 living with parents or legal guardians, pregnant woman and people securing custody of children under the age of 18.  
In addition, South Dakota State Law also prohibits discrimination based on ancestry and creed.  
This paper will not knowingly accept any advertising for real estate which is in violation of the law. As persons are hereby informed that all dwellings advertised are available on an equal opportunity basis. If you believe you have been discriminated against in connection with the sale, rental or financing of housing, call the South Dakota Fair Housing ombudsman at 877-832-0161.

1605 Apartment For Rent

**1 & 2 Bedroom Orchard Square, 418 W. 15<sup>th</sup>, Yankton.** Rent based on income and includes utilities. Non-smoking units. Equal Housing Opportunity. Skogen Company 605-665-1322 or 605-263-3941.

**1 & 2 Bedroom Townhouses, Canyon Ridge, Yankton.** Must qualify by family size and income. Non-smoking units. 605-664-8896 or Skogen Company 605-263-3941.

**1 BD Apts., Memory Lane.** Ground level for elderly or persons with disabilities. No Smoking, close to The Center. Rent based on income. Non-smoking units. Equal Housing Opportunity. 605-760-4711 or Skogen Company 605-263-3941.

**1 bedroom apartments., MEADOW PARK, \$575.00 per month** plus electricity with the heat being electric. Water, sewer, and garbage included with rent. Security Deposit of one month's rent required. Initial six month lease, then month to month. Non-smoking units. 605-760-4711 or Skogen Company 605-263-3941.

**1-Bdrm. \$550., Scotland, SD.** Free utilities. Pets Allowed. Remodeled. 605-464-0872 or 605-464-9092.

**3-Bedroom Townhouse. Must** qualify by family size and income. Non-smoking unit. Rent based on income. EHO 605-661-8901 or Skogen Company 605-263-3941.

1705 Items \$100 or Less

**Classifieds 665-7811**

**Cruiser III wheelchair 5 medium** perfect condition \$75. Nova 8450 3 in 1 commode with back and side bars NEW \$25. Call 605-260-0585.

**Hand/meat grinder \$5. Shower** curtain with rods and rings \$5. New bathroom \$2. Black mens jacket size Large \$3. Black mens jacket size Medium. Call 605-664-0771.

**Nice wooden console/TV table** 48"L x 20 1/4"D x 30"H. \$75.00 cash. Call or text 605-661-7252.

1830 Rummage Sales

**1009 Pearl (garage off the alley) Friday, 5/3, 1pm-6pm Saturday, 5/4, 8am-11am** Multiple items with very low prices.

**2926 Masters Ave. (behind Walmart turn on Sawgrass) One Day Blow Out Sale Saturday, 5/4, 9am-3pm**

1830 Rummage Sales

**805 Hillcrest Grand Thursday, 5/2, 8am-5pm Friday, 5/3, 8am-5pm Saturday, 5/4, 8am-12pm** Shoes- children's, toys, St. XL clothes, large pictures, household items.

**SPRING CLEANING SALE 2.0 FRIDAY, 5/3 12 noon-5:00 pm SATURDAY, 5/4 7:30 am-2:00 pm 1103 Ellis Road 1.5 mi East of Yankton on Hwy 50**

LR tables, bookshelves, Lamps, pictures, miscellaneous kitchen items, Dishes, home and holiday décor, Crystal items, black and white home décor, Small girls bikes, tools, antique oil and radiator fan cans, tires, man cave and upcycle items. Additional items added.

2010 Legal and Public Notices

**NOTICE OF DEADLINE FOR VOTER REGISTRATION**

Voter registration for the Primary Election to be held on June 4, 2024, will close on May 20, 2024 at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at [www.sdso.gov](http://www.sdso.gov) or call the county auditor at 605-260-4400 ext. 0.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at [www.sdso.gov](http://www.sdso.gov).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Patty Hojten  
County Auditor

Published twice at the total approximate cost of \$26.21 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3 & 10, 2024.

**NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES**

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, May 18, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, May 13, 2024 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota This 22nd day of April, 2024.

Lisa Yardley  
FINANCE OFFICER

Published once at the total approximate cost of \$5 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3, 2024.

**NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES**

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, July 19, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN

2010 Legal and Public Notices

ested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota This 22nd day of April, 2024.

Lisa Yardley  
FINANCE OFFICER

Published once at the total approximate cost of \$13.76 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3, 2024.

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Commission, Yankton County, South Dakota, at 6:30 P.M. on the 7th day of May, 2024 and at 6:30 P.M. on the 21st day of May, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Tom Brady is requesting to rezone three parcels that are Dual Zoned Low Density Rural Residential District (LR) to Low Density Rural Residential District (LD) per Article 18 Section 1809 and Article 20 Section 2003. Said properties are legal ly described as the Lot A in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4), AND The South one-half (S1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), AND The East Sixteen and one-half Feet (E16 1/2) of the Northeast Quarter (NE1/4), AND The North Six Hundred Sixty Feet (N360') of the West Four Hundred Feet (W400') of the South Half (S1/2) of Government Lot Ten (10). All in Section 13, Township Ninety-three (93), Range Fifty-five (55), Yankton County, South Dakota. E-911 address for applicant is 265 Antler Drive. Yankton, South Dakota.

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Commission, Yankton County, South Dakota, at 6:35 P.M. on the 7th day of May, 2024 and at 6:35 P.M. on the 21st day of May, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan Lahr requesting to rezone a lot in a Low Density Rural Residential District (LR) to a Moderate Density Rural Residential District (RD) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Paige Addition, in the E1/2 of the SW1/4 of Section 10, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

Published twice at the total approximate cost of \$40.32 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published April 26 & May 3, 2024.

**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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. CMC Adventures, LLC is requesting to rezone a parcel dual zoned Moderate Density Rural Residential District (RD) and Rural Transitional District (RT) to a Moderate Density Rural Residential District (RD). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 30938 436th Ave, Yankton.

**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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan Lahr requesting a Conditional Use Permit to run his electrician's business out of an accessory building in a Low Density Residential District (LD) per Article 6 Section 609, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally de-

2010 Legal and Public Notices

ing Lot A and Excluding the North Eighty Feet (80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'). Yankton County, South Dakota.

Published twice at the total approximate cost of \$52.12 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3 & 10, 2024.

**STATE OF SOUTH DAKOTA**

**COUNTY OF YANKTON**

**IN CIRCUIT COURT**

**FIRST JUDICIAL CIRCUIT**

**ESTATE OF CONNIE F. WIESLER, Deceased.**

Pro. #24-000018

**NOTICE TO CREDITORS**

Notice is given that on April 15th, 2024, Gary M. Wiesler, whose address is 89420 564th Avenue, St. Helena, NE 68774 was appointed as Personal Representative of the Estate of Connie F. Wiesler, Deceased.  
Creditors of Decedent must file their claims within four (4) months after the date of the first publication of this Notice, or their claims may be barred.  
Claims may be filed with the Personal Representative or may be filed with the Clerk and a copy of the claim mailed to the Personal Representative.  
Dated this 16th day of April, 2024.

Robert W. Klumpp  
KLUMPP LAW, PC  
101 West 2nd Street  
Yankton, SD 57078  
(605) 665-9495

Jody Johson  
Clerk of Courts  
PO Box 155  
Yankton, SD 57078

Gary M. Wiesler  
89420 564th Avenue  
St. Helena, NE 68774

Published three times at the total approximate cost of \$49.10 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published April 19, 26 & May 3, 2024.

**Tacos**

From Page 1

"Once you're there, you'll not only be able to sign up for the passport, but you'll also be able to find all the information about the businesses or the participants, as well as voting," she added.

Wagner said the group learned a lot from the burger battle and had some great feedback.  
"From the community members, we heard that it's exciting," she said. "They've been telling us it makes them excited to try new places that they maybe would not have considered exploring. Other feedback we received was to condense the time to limit the number of participants. So, that's why we have a smaller number of participants (for the Taco Takeover)."

May was a special month for a taco takeover with Cinco de Mayo and the beginning of summer season, according to Wagner.

"It's just a great way to kick off the summer and all the festivities Yankton has planned," she said.

Will there be more food challenges in the future?

"We're hoping to continue to dive into other types of cuisines," Wagner said. "Ideally, I would like to have this evolve into a year-round event with different foods. Maybe next we do pizza or we do wings. We've had requests to do a dessert challenge, and some people who

**Names Are Released in Pennington Co. Fatal Crash**

**RAPID CITY** —An 18-year-old died Saturday evening in a two-vehicle crash four miles south of Rapid City in Pennington County.

According to the South Dakota Department of Public Safety, preliminary information indicates Joshua M. Garner, the driver of a 2023 Kawasaki motorcycle, was traveling eastbound on Upper Spring Creek Road.

The driver of a 2022 Honda Ridgeline, Albert N. Fisher, 89, was traveling westbound on the same road and began making a left turn onto Arena Drive when the oncoming motorcycle struck the rear passenger side of the pickup at 5:03 p.m.

Garner was transported to a nearby hospital where he later died from his injuries, while Fisher had no injuries.

"And the reason it's in the book is because this book is filled with tough, challenging decisions that I have had to make throughout my life," Noem said. "And I hope that people understand from this that what the point of the story is, is that most politicians will run from the truth. They will shy away and hide from making tough decisions. I don't do either of those."

Noem said state law allows for the killing of dangerous dogs such as Cricket. She did not address the legality of shooting the goat.

She described the backlash as a continuation of criticism directed at her during the COVID-19 pandemic, when she avoided strict lockdowns.

"It's an unfortunate situation, but one that I hope people understand that they need to hear the truth and not what the media has been spinning," Noem said. "The media, continuously, through the fake news, does not always tell the truth, and they spin the story. They did the same thing to me during COVID and they're doing it again here. I hope people buy the book and read the truth."

*South Dakota Searchlight* is part of *States Newsroom*, a nonprofit news network supported by grants and a coalition of donors as a 501(c)(3) public charity. *South Dakota Searchlight* maintains editorial independence. Contact Editor Seth Tupper for questions: [info@southdakotasearchlight.com](mailto:info@southdakotasearchlight.com). Follow *South Dakota Searchlight* on Facebook and Twitter.

**CROSSWORD**  
By THOMAS JOSEPH

**ACROSS**  
43 Spotted  
1 Social  
group  
44 School  
event  
6 Shopping  
centers  
45 Wise  
guys  
11 Ready for  
battle  
12 Hello  
13 Planet  
14 Road  
reversal  
15 Moody  
music  
16 Furious  
18 Maze  
runner  
19 Tell  
tales  
20 Cow  
chow  
21 Pallid  
Man  
23 Monster  
25 Bnfl time  
27 Goose  
egg  
28 Spanish  
snacks  
30 Interface  
33 Work  
wk.'s end  
34 Bro's  
sibling  
36 Scottish  
river  
37 Playwright  
Hellman  
39 Pop  
40 Bird-  
related  
41 Cake

**DOWN**  
1 Phone  
feature  
2 Kitchen  
come-ons  
3 Some-  
thing easy  
4 Finger  
count  
5 Bygone  
point  
6 O'Hara of  
"The Quiet  
Man"  
7 Utah ski  
resort  
8 Some-  
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9 Menace  
10 Yellow-  
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17 Pen  
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22 Slangy  
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24 Goal  
26 Spots for  
slots  
28 Quiz show  
fodder  
29 "Chander-  
lier" singer  
31 Medium  
meeting  
32 Yard sur-  
rounders  
33 Wing  
parts  
35 Slightly  
sarcastic  
38 Overdue  
42 Heel

**Yesterday's answer**

**ALIAS CLOUDS**  
**LUSH PAIRUP**  
**ELITE ENERGY**  
**CLARINET**  
**MANDOLIN**  
**GARAGE ONE**  
**LLANO CLOGS**  
**IMP WHINES**  
**BASS DRUM**  
**TROMBONE**  
**SITOUT EPTIC**  
**ORANGE RENO**  
**WAGES SCAN**



**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 609 ☐ Section 707 ☐ Section 807

☒ Section 1805 ☐ Section 1905

**NOTE:**

**Conditional Use Permit**

**Applicant is requesting a Conditional Use Permit for to run his electrician's business out of an accessory building in a Low Density Residential District (LD) per Article 6 Section 609, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, South Dakota**

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:  
5/14/2024

Board of Adjustment date:

6/4/2024

Time:

7:10

P.M.

Time:

6:35

P.M.



GIES INC

## FINDINGS OF FACT – CONDITIONAL USE PERMIT

List 05.016.100.320– CUP-243

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	609, 1805, 1905 Applicant is requesting a Conditional Use Permit for to run his electrician's business out of an accessory building in a Low Density Residential District (LD)
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.	
--	--

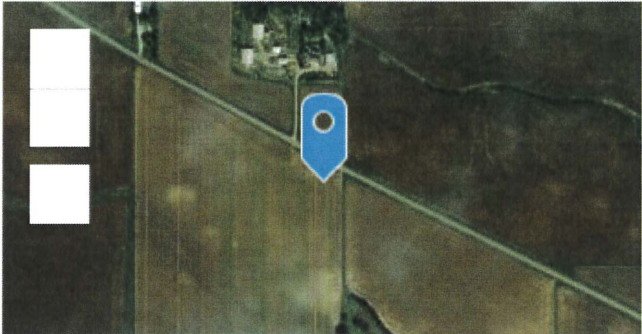
# CUP MANAGER

Submitted by: Anonymous user

Submitted time: Apr 17, 2024, 2:20:09 PM

Point

Lat: 42.888528 Lon: -97.447201



Maxar | Esri Community Maps Contributors, Nebraska Game & Parks Commission, South Dakota Game Fish and Parks, Esri, Tom... Powered by Esri

Longitude

-97.4472010901414

Latitude

42.88852801327227

Permit Number

CUP242

Parcel Number

09.010.300.100

Permit Status

Approved Active

Permit Fee

300

Total Due

300

Was fee paid?

Yes

Receipt Number

1055

Planning Commission Action Date

May 14, 2024, 7:15:00 PM

Application Accepted By

Bill Conkling

Checked By

BILL GARY

Existing Zoning

LOW DENSITY RESIDENTIAL

Affected Zoning Ordinance

1805, 1905

Is location in floodplain?

No

Applicant Name

Ryan List

Applicant Phone

16056611669

Applicant Address

3208 SD HIGHWAY 314

Applicant Email Address

listelectric@yahoo.com



Owner Name

Ryan List

Owner Phone

16056611669

Owner Address

3208 SD Hwy 314 Yankton SD

Owner Email Address

listelectric@yahoo.com

Property Address

3208 SD HWY 314

Reason for Request

To build 60x100x14 building

Height of Building

14' side walls

Total Square Feet of Building

6,000

Legal Description

E2 NW4 EXC LT A & EXC S80' N1046.4' W150'& E2 SW4 EXC PARCEL A & D & EXC

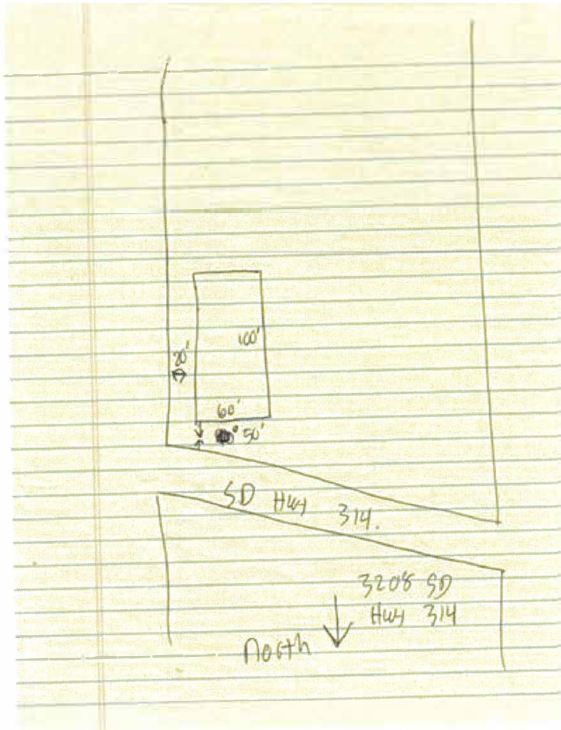
Date of Application Submission

Apr 17, 2024, 12:00:00 PM

Section Township Range

10-93-56

Attachments:



Ryan List

ApplicantSignature-.jpg

Ryan List

OwnerSignature-.jpg



steel build.jpg

PDF

list cup.pdf  
2MB



AFFIDAVIT OF MAILING

I, Ryan List, hereby certify that on the 4 day of May, 2024, 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 7 day of May, 2024.

Ryan List  
(Name)  
Affiant

Subscribed and sworn to before me this 7<sup>th</sup> day of May, 2024.

Cole Nachtigal  
Notary Public - South Dakota  
My commission expires: 8/4/29

(SEAL)



## NOTIFICATION

April 29, 2024

Applicant:  
Ryan List  
3208 SD HWY 314  
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 14th day of May, 2024 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 for to run his electrician's business out of an accessory building in a Low Density Residential District (LD) per Article 6 Section 609, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, 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,  
Ryan List

Petitioner

ALIPRANDI, STEFANO (D)  
67 LAKE SHORE DR  
ROCKAWAY NJ 07866

AUCH, CHRISTIAN (C)  
PO BOX 231  
FORDYCE NE 68736

BARRETT, BEAU C (D)  
3005 WEST 11 ST  
YANKTON SD 57078

BELGUM, TODD A (D)  
1003 RIVERVIEW LN  
YANKTON SD 57078

BENEDICTINE CONVENT (D)  
1005 WEST 8 ST  
YANKTON SD 57078

BINDER, TIMOTHY (D)  
169 CLARK TRL  
YANKTON SD 57078

BLOM, COLE S (D)  
517 LOCUST ST  
YANKTON SD 57078

BOB LAW INC (D)  
PO BOX 7094  
YANKTON SD 57078

BRAUN, MARLIN R (D)  
3210 WEST 11 ST  
YANKTON SD 57078

BRAY, ELIZABETH (D)  
1000 RIVERVIEW LN  
YANKTON SD 57078

BRUE, DUANE A (D)  
3008 WEST 23 ST  
YANKTON SD 57078

BYE, BRIAN (D)  
2901 WEST 11 ST  
YANKTON SD 57078

CRISMAN, JACOB P (D)  
2906 WEST 23 ST  
YANKTON SD 57078

DOERING, HENRY L (D)  
902 BEEMER AVE  
YANKTON SD 57078

EKEREN REVOCABLE TRUST (D)  
2911 WEST 11 ST  
YANKTON SD 57078

FEAR, JAMES R (D)  
1007 APRIL LN  
YANKTON SD 57078

FRANK, DONNA C (D)  
29645 444TH AVE  
IRENE SD 57037

GUTHMILLER, GARY (D)  
2908 WEST 23 ST  
YANKTON SD 57078

HEINE, GARY J (D)  
RH & SH FARMS  
PO BOX 586  
YANKTON SD 57078

HOFER, DAVID REVOCABLE TRUST (D)  
1009 APRIL LN  
YANKTON SD 57078

INHOFFER, RICK (D)  
3306 WEST 8 ST  
YANKTON SD 57078

KAMBACK, DOROTHY (D)  
PO BOX 256  
YANKTON SD 57078

KIRCHNER, ORVILLE (LE) (D)  
3108 WEST 11 ST  
YANKTON SD 57078

KUCHTA, KENNETH L (D)  
3501 DEER BLVD  
YANKTON SD 57078

LAPP, DAVID (D)  
1004 MAY LN  
YANKTON SD 57078

LARSON, BARRETT P (D)  
2900 WEST 11 ST  
YANKTON SD 57078

LARSON, BARRETT P TRUST (D)  
2900 WEST 11 ST  
YANKTON SD 57078

LARSON, DIANE (D)  
2900 WEST 11 ST  
YANKTON SD 57078

LAW, BARBARA M IRREV TRUST (D)  
1501 WEST ST  
YANKTON SD 57078

LAW, ROBERT R (D)  
PO BOX 7094  
YANKTON SD 57078

LEET, LARRY REVOCABLE TRUST (D)  
1011 APRIL LN  
YANKTON SD 57078

LEWIS & CLARK RV PARK LLC (D)  
827 HEMI DR  
YANKTON SD 57078

LIST, MICHELLE (D)  
3208 SD HWY 314  
YANKTON SD 57078

LIST, MICHELLE L (D)  
3208 SD HWY 314  
YANKTON SD 57078

LOCKWOOD LEASING LLC (D)  
PO BOX 561  
VIBORG SD 57070

MACY FAMILY TRUST (D)  
115 BROADWAY SUITE 1  
YANKTON SD 57078

MAU, ANTHONY LIVING TRUST (D)  
3701 WEST 11 ST  
YANKTON SD 57078

MIELKE, KEITH L (D)  
1003 JUNE LN  
YANKTON SD 57078

MUELLER, MARY C (D)  
3204 WEST 8 ST  
YANKTON SD 57078

MUELLER, STEVEN (D)  
3204 WEST 8 ST  
YANKTON SD 57078

NEDVED, FRANK (D)  
1007 JUNE LN  
YANKTON SD 57078

NEUHARTH, RANDY LEE (D)  
3010 WEST 23 ST  
YANKTON SD 57078

ODENS, JAN J (D)  
1209 WEST 17 ST  
YANKTON SD 57078

ODENS, NICHOLAS J (D)  
3002 WEST 11 ST  
YANKTON SD 57078

PEARSON, GARLAND R (D)  
3108 WEST 23 ST  
YANKTON SD 57078

REZAC FAMILY REVOCABLE TRUST (D)  
30776 435 AVE  
YANKTON SD 57078

ROWATT INVESTMENTS LLC (D)  
19419 ADKINS FOREST DR  
SPRING TX 77379

RYKEN LEGACY LAND TRUST (D)  
%RUSSELL RYKEN  
19597 EAST 70 ST N  
OWASSO OK 74055

SD DEPT OF TRANSPORTATION (D)  
700 EAST BROADWAY AVE  
PIERRE SD 57501

SILVERNAIL, JASON D (D)  
2902 WEST 23 ST  
YANKTON SD 57078

SPRINGWATER LLC (D)  
263 KNIEST AVE  
YANKTON SD 57078

TERESHINSKI FAMILY TRUST (D)  
1005 JUNE LN  
YANKTON SD 57078

THOMAS, DAVID L (D)  
3109 WEST 11 ST  
YANKTON SD 57078

THON, RONALD REV TRUST (D)  
1010 MAY LN  
YANKTON SD 57078

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078

VOELZKE, JEANNETTE K (D)  
1002 RIVERVIEW LN  
YANKTON SD 57078

WYSUPH, WILLIAM B (D)  
3206 WEST 11 ST  
YANKTON SD 57078

YEAGER, RICHARD G (D)  
3703 WEST 11 ST  
YANKTON SD 57078

ZAVADIL, KEVIN M (D)  
PO BOX 1062  
YANKTON SD 57078



**1600 Other Real Estate****EQUAL HOUSING OPPORTUNITY**

All real estate advertised in this newspaper is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, in the sale, rental or financing of housing or an intention to make any such preference, limitation or discrimination. Familial status includes children under the age of 18 living with parents or legal guardians, pregnant women and people securing custody of children under the age of 18.

In addition, South Dakota State Law also prohibits discrimination based on ancestry and creed.

This paper will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis. If you believe you have been discriminated against in connection with the sale, rental or financing of housing, call the South Dakota Fair Housing ombudsman at 877-832-0161.

**1605 Apartment For Rent**

**1 & 2 Bedroom Orchard Square, 418 W. 15<sup>th</sup>, Yankton.** Rent based on income and includes utilities. Non-smoking units. Equal Housing Opportunity. Skogen Company 605-665-1322 or 605-263-3941.

**1 & 2 Bedroom Townhouses, Canyon Ridge, Yankton.** Must qualify by family size and income. Non-smoking units. 605-664-8886 or Skogen Company 605-263-3941.

**1 BD Apts., Memory Lane.** Ground level for elderly or persons with disabilities. No Smoking, close to The Center. Rent based on income. Non-smoking units. Equal Housing Opportunity. 605-760-4711 or Skogen Company 605-263-3941.

**1 bedroom apartments. MEADOW PARK, \$575.00 per month, plus electricity with the heat being electric.** Water, sewer, and garbage included with rent. Security Deposit of one month's rent required. Initial six month lease, then month to month. Non-smoking units. 605-760-4711 or Skogen Company, 605-263-3941.

**1-Bdrm. \$550+. Scotland, SD.** Free utilities. Pets Allowed. Remodeled. 605-464-0872 or 605-4464-9092.

**3-Bedroom Townhouse. Must** qualify by family size and income. Non-smoking unit. Rent based on income. EHO 605-661-8901 or Skogen Company 605-263-3941.

**1705 Items \$100 or Less****Classifieds 665-7811**

**Cruiser III wheelchair \$5.** Medium perfect condition \$75. Nova 8450 3 in 1 commode with back and side bars NEW \$25. Call 605-260-0585.

**Hand/meat grinder \$5.** Shower curtain with rods and rings \$5. New bathmat \$2. Black mens jacket size Large \$3. Black mens jacket size Medium. Call 605-664-0771.

**Nice wooden console/TV table** 48"L x 20 1/4"D x 30"H. \$75.00 cash. Call or text 605-661-7252.

**1830 Rummage Sales**

**1009 Pearl (garage off the alley) Friday, 5/3, 1pm-6pm Saturday, 5/4, 8am-11am** Multiple items with very few clothes.

**2926 Masters Ave. (behind Walmart turn on Sawgrass) One Day Blow Out Sale Saturday, 5/4, 9am-3pm**

**1830 Rummage Sales**

**805 Hillcrest Grand Thursday, 5/2, 8am-5pm Friday, 5/3, 8am-5pm Saturday, 5/4, 8am-12pm** Shoes- children's, toys, 5 to XL clothes, large pictures, household items.

**SPRING CLEANING SALE 2.0 FRIDAY, 5/3 12 noon-5:00 pm SATURDAY, 5/4 7:30 am-2:00 pm 1103 Ellis Road 1.5 ml East of Yankton on Hwy 50**

LR tables, bookshelves, Lamps, pictures, miscellaneous kitchen items, Dishes, home and holiday décor, Crystal items, black and white home décor. Small girls bikes, tools, antique oil and radiator fill cans, tires, man cave and upcycle items. Additional items added.

**2010 Legal and Public Notices****NOTICE OF DEADLINE FOR VOTER REGISTRATION**

Voter registration for the Primary Election to be held on June 4, 2024, will close on May 20, 2024 at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at [www.sdso.gov](http://www.sdso.gov) or call the county auditor at 605-260-4400 ext 0.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at [www.sdso.gov](http://www.sdso.gov).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Patty Hojem  
County Auditor

Published twice at the total approximate cost of \$26.21 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3 & 10, 2024.

**NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES**

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, May 18, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, May 13, 2024 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota This 22nd day of April, 2024.

Lisa Yardley  
FINANCE OFFICER

Published once at the total approximate cost of \$ and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3, 2024.

**NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES**

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, July 19, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN

**2010 Legal and Public Notices**

ested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota This 22nd day of April, 2024.

Lisa Yardley  
FINANCE OFFICER

Published once at the total approximate cost of \$13.76 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3, 2024.

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Commission, Yankton County, South Dakota, at 6:30 P.M. on the 7th day of May, 2024 and at 6:30 P.M. on the 21st day of May, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Tom Brady is requesting to rezone three parcels that are Dual Zoned Low Density Rural Residential District (LC) AND Rural Transitional District (RT) to Low Density Rural Residential District (LD) per Article 18 Section 1809 and Article 20 Section 2003. Said properties are legally described as the Lot A in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4), AND The South one-half (S1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), and the East Sixteen and one-half Feet (E16 1/2') of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), AND The North Six Hundred Sixty Feet (N660') of the West Four Hundred Feet (W400') of the South Half (S1/2) of Government Lot Ten (10), All in Section 13, Township Ninety-three (93), Range Fifty-five (55), Yankton County, South Dakota. E-911 address for applicant is 265 Antler Drive, Yankton, South Dakota.

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Commission, Yankton County, South Dakota, at 6:35 P.M. on the 7th day of May, 2024 and at 6:35 P.M. on the 21st day of May, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List requesting to rezone a lot in a Low Density Rural Residential District (R1) to a Moderate Density Rural Residential District (R2) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Paige Addition, in the E1/2 of the SW1/4 of Section 10, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

Published twice at the total approximate cost of \$40.32 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published April 26 & May 3, 2024.

**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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. CMC Adventures, LLC is requesting to rezone a parcel dual zoned Moderate Density Rural Residential District (R2) and Rural Transitional District (RT) to a Moderate Density Rural Residential District (R2). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 30938 436th Ave, Yankton.

**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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List is requesting a Conditional Use Permit to run his electrician's business out of an accessory building in a Low Density Residential District (LD) per Article 6 Section 609, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally de-

**2010 Legal and Public Notices**

ing Lot A and Excluding the South Eighty Feet (\$80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, South Dakota.

Published twice at the total approximate cost of \$52.12 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3 & 10, 2024.

**STATE OF SOUTH DAKOTA ) )****COUNTY OF YANKTON ) )****IN CIRCUIT COURT****FIRST JUDICIAL CIRCUIT**

ESTATE OF CONNIE F. WIESELER, Deceased.

Pro. #24-000018

**NOTICE TO CREDITORS**

Notice is given that on April 15th, 2024, Gary M. Wieseler, whose address is 89420 564th Avenue, St. Helena, NE, 68774 was appointed as Personal Representative of the Estate of Connie F. Wieseler, Deceased.

Creditors of Decedent must file their claims within four (4) months after the date of the first publication of this Notice, or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Clerk and a copy of the claim mailed to the Personal Representative.

Dated this 16th day of April, 2024.

Robert W. Klimisch  
KLIMISCH LAW, P.C.  
101 West 2nd Street  
Yankton, SD 57078  
(605) 665-9495

Jody Johnson  
Clerk of Courts  
PO Box 155  
Yankton, SD 57078

Gary M. Wieseler  
89420 564th Avenue  
St. Helena, NE 68774

Published three times at the total approximate cost of \$49.10 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published April 19, 26 & May 3, 2024.

**Tacos****From Page 1.**

"Once you're there, you'll not only be able to sign up for the passport, but you'll also be able to find all the information about the businesses or the participants, as well as voting," she added.

Wagner said the group learned a lot from the burger battle and had some great feedback.

"From the community members, we heard that it's exciting," she said. "They've been telling us it makes them excited to try new places that they maybe would not have considered exploring. Other feedback we received was to condense the time to limit the number of participants. So, that's why we have a smaller number of participants (for the Taco Takeover)."

May was a perfect month for a taco takeover with Cinco de Mayo and the beginning of summer season, according to Wagner.

"It's just a great way to kick off the summer and all the festivities Yankton has planned," she said.

Will there be more food challenges in the future?

"We're hoping to continue to dive into other types of cuisines," Wagner said. "Ideally, I would like to have this evolve into a year-round event with different foods. Maybe next we do pizza or we do wings. We've had requests to do a dessert challenge, and some people who

**Names Are Released in Pennington Co. Fatal Crash**

RAPID CITY — An 18-year-old man died Saturday evening in a two-vehicle crash four miles south of Rapids City in Pennington County.

According to the South Dakota Department of Public Safety, preliminary information indicates Joshua M. Garner, the driver of a 2023 Kawasaki motorcycle, was traveling eastbound on Upper Spring Creek Road.

The driver of a 2022 Honda Ridgeline, Albert N. Fisher, 89, was traveling westbound on the same road and began making a left turn onto Arena Drive when the oncoming motorcycle struck the rear passenger side of the pick-up at 5:03 p.m.

Garner was transported to a nearby hospital where he later died from his injuries, while Fisher had no injuries.

**Noem****From Page 1.**

scribed by *The Guardian*.

Noem wrote that she had a 14-month-old wirehair pointer years ago named Cricket, which had come from another family that struggled with the dog's aggressive personality. The dog went "out of her mind with excitement" during a pheasant hunt with Noem, and later killed a neighbor's chickens and "whipped around to bite" Noem when she intervened.

So, Noem took the dog to a gravel pit and fatally shot it.

"Walking back up to the yard," Noem wrote, "I spotted our billy goat."

The "demon goat" often chased and knocked down Noem's children, and it had a "wretched smell." So Noem "dragged" the goat to the gravel pit and "tied him to a post." The goat jumped when she shot, "and I needed one more shell to finish the job," she wrote. But she didn't have one, so she hurried back to her pickup, grabbed another shell, went back to the gravel pit, and "put him down."

Noem wrote that her home was under construction at the time, and the construction crew witnessed her shooting spree "with looks of shock and amazement on their faces."

During her interview with Hannity, Noem retold the stories about the dog and goat, and defended her decision to shoot them.

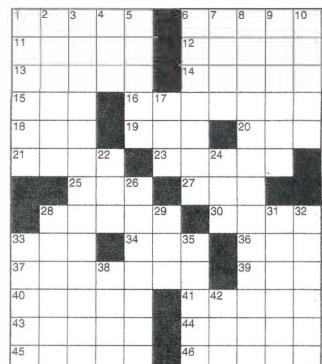
**CROSSWORD**

By THOMAS JOSEPH

**ACROSS** 43 Spotted horse group 44 School event 45 Wise guys 46 Periphery

**DOWN**

1 Phone feature 2 Kitchen come-ons 3 Some-thing easy 4 Finger count 5 Bygone point auto 6 O'Hara of "The Quiet Man" 7 Utah ski resorts 8 Something difficult 9 Menace 10 Yellow-gray 17 Pen point 22 Slangy agree-ment 24 Goal 26 Spots for slots 28 Quiz show fodder 29 "Chandelier" singer 31 Medium meeting 32 Yard surroundings 33 Wing parts 35 Slyly sarcastic 38 Overdue 42 Heel





**Yankton County Planning Commission**  
**Yankton County Board of Adjustment**

**Applicant**                                      **List – Conditional Use Permit**

---

**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**

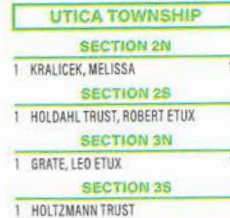
**Applicant is requesting a Conditional Use Permit for an accessory building in a Low Density Residential District (LD) that exceeds the maximum aggregate square footage of 4000 square feet. Applicant wishes to build an accessory structure that is 6000 square feet with 14' sidewalls per Article 6 Section 607, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, South Dakota**

PC:     Article 18 Section 1805  
BOA:   Article 19 Section 1905

Planning Commission date:  
5/14/2028

Board of Adjustment date:  
6/4/2024

Time:  
7:15  
P.M.  
Time:  
6:340  
P.M.



Location 



# FINDINGS OF FACT – CONDITIONAL USE PERMIT

List – CUP-242

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	607, 1805, 1905 Applicant wishes to build a 6000 Sq. foot building in a Low Density Residential District
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.	

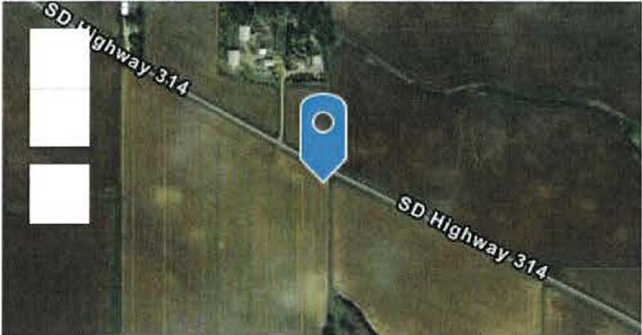
# CUP MANAGER

Submitted by: Anonymous user

Submitted time: Apr 17, 2024, 2:24:10 PM

Point

Lat: 42.88857 Lon: -97.446901



Maxar | Esri Community Maps Contributors, Nebraska Game & Parks Commission, South Dakota Game Fish and Parks, Esri, Tom... Powered by Esri

Longitude

-97.44690119911787

Latitude

42.888569565091345

Permit Number

CUP243

Parcel Number

09.010.300.100

Permit Status

Approved Active

Permit Fee

300

Total Due

300

Was fee paid?

**Yes**

Receipt Number

**1055**

Planning Commission Action Date

**May 14, 2024, 7:10:00 PM**

Application Accepted By

**Bill Conkling**

Checked By

**BILL GARY**

Existing Zoning

**LOW DENSITY RESIDENTIAL**

Affected Zoning Ordinance

**1805, 1905**

Is location in floodplain?

**No**

Applicant Name

**Ryan List**

Applicant Phone

**16056611669**

Applicant Address

**3208 SD HIGHWAY 314 Yankton SD**

Applicant Email Address

**listelectric@yahoo.com**



Owner Name

**Ryan List**

Owner Phone

**16056611669**

Owner Address

**3208 SD HIGHWAY 314 Yankton SD**

Owner Email Address

**listelectric@yahoo.com**

Property Address

**3208 SD HWY 314**

Reason for Request

**To run business out of proposed location**

Height of Building

**14' side walls**

Total Square Feet of Building

**6,000**

Legal Description

**E2 NW4 EXC LT A & EXC S80' N1046.4' W150' & E2 SW4 EXC PARCEL A & D & EXC**

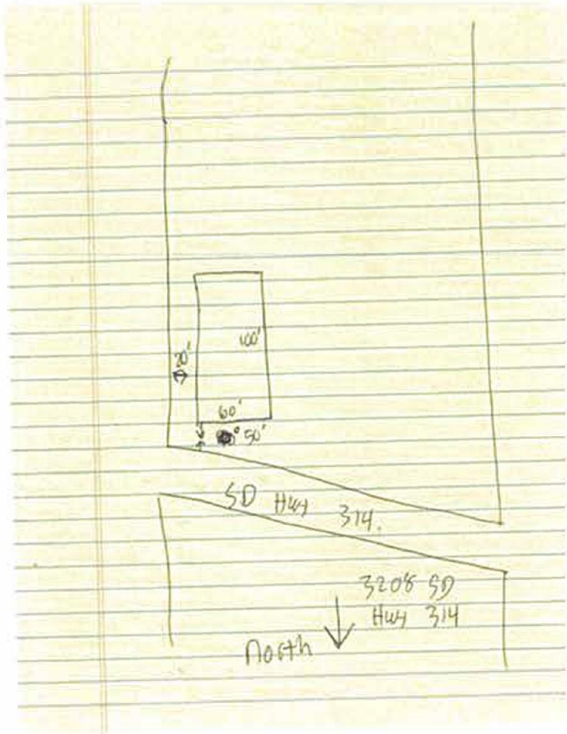
Date of Application Submission

**Apr 17, 2024, 12:00:00 PM**

Section Township Range

**10-93-56**

Attachments:



Ryan List

ApplicantSignature-.jpg

Ryan List

OwnerSignature-.jpg

PDF

list cup.pdf  
2MB



60'

100'

20'

20'

BR

BR

4x4

N ↓

East side

14'



100'

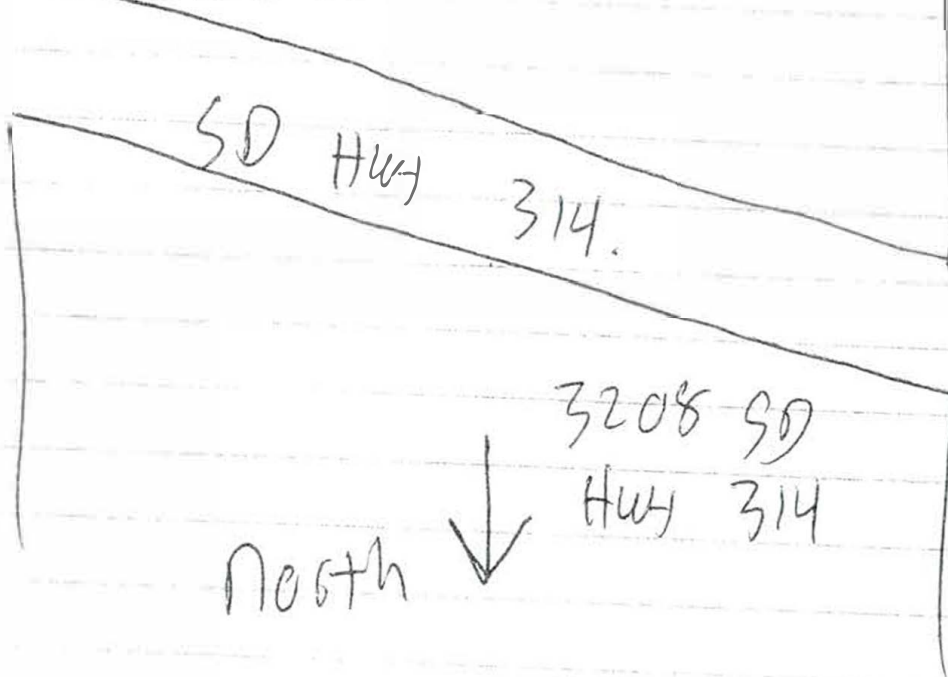
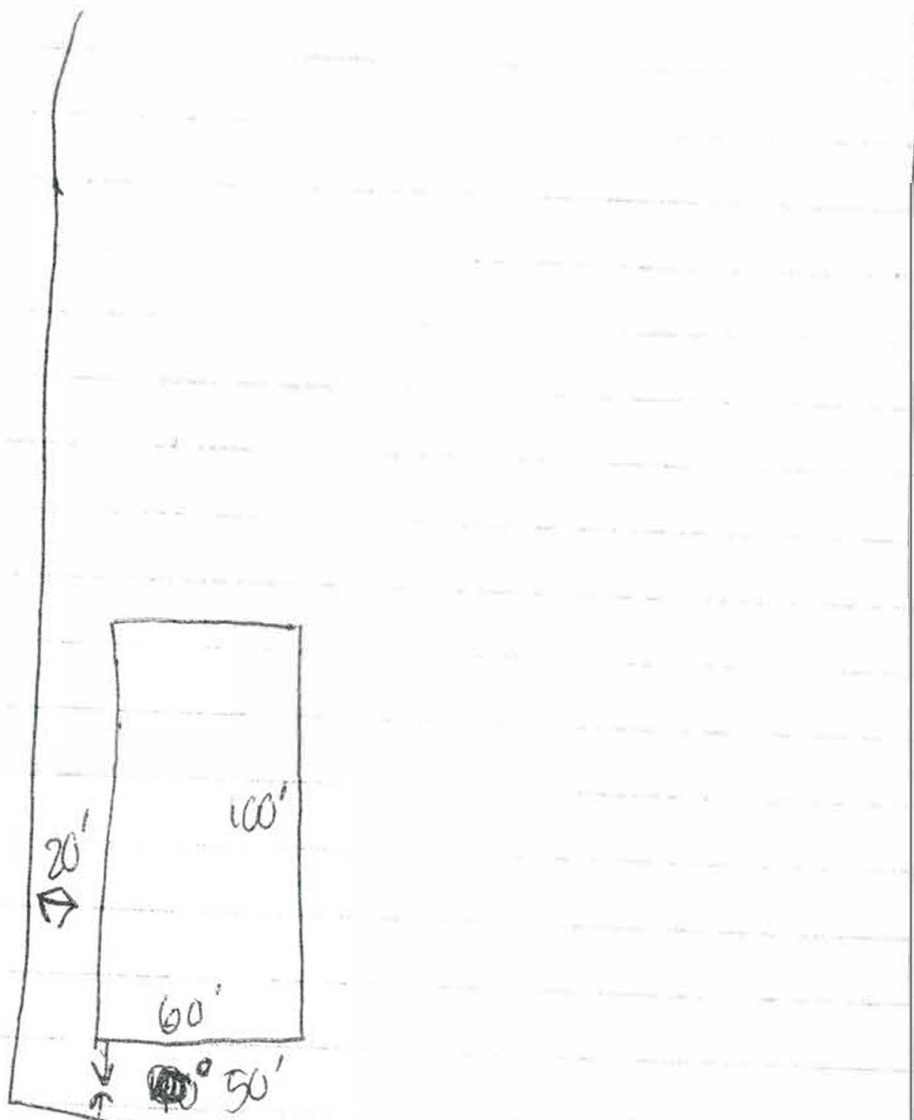
West side

14'

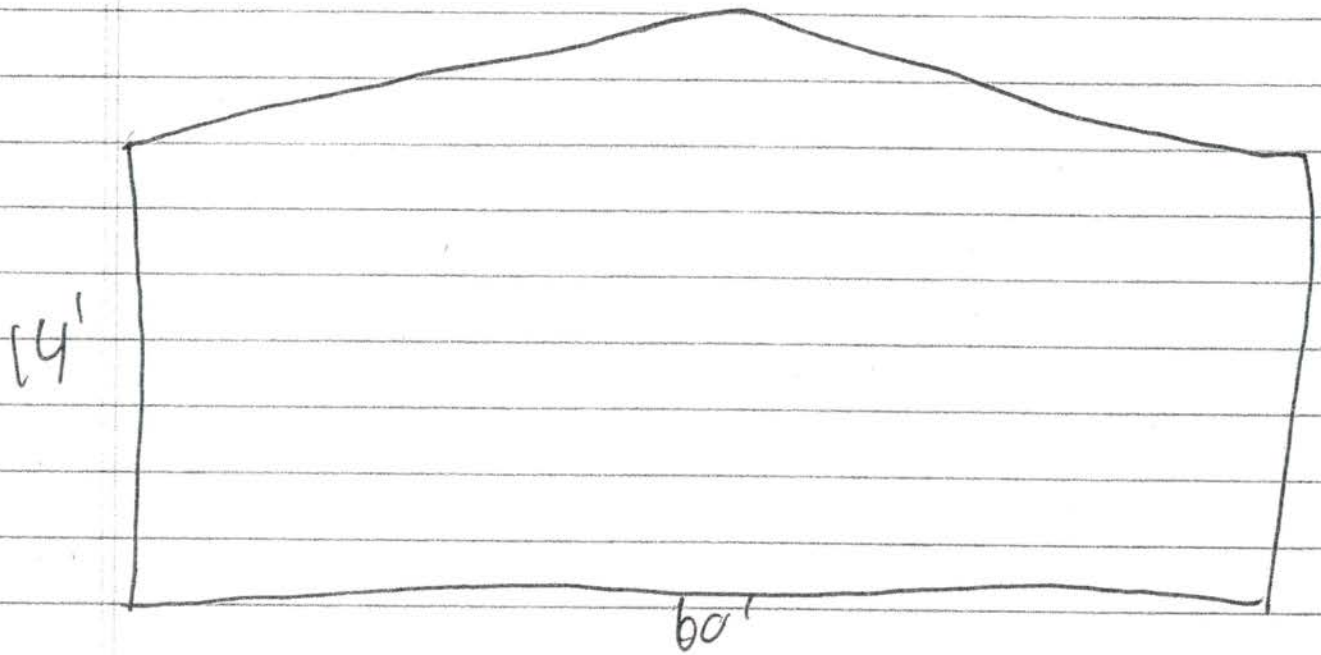


100'

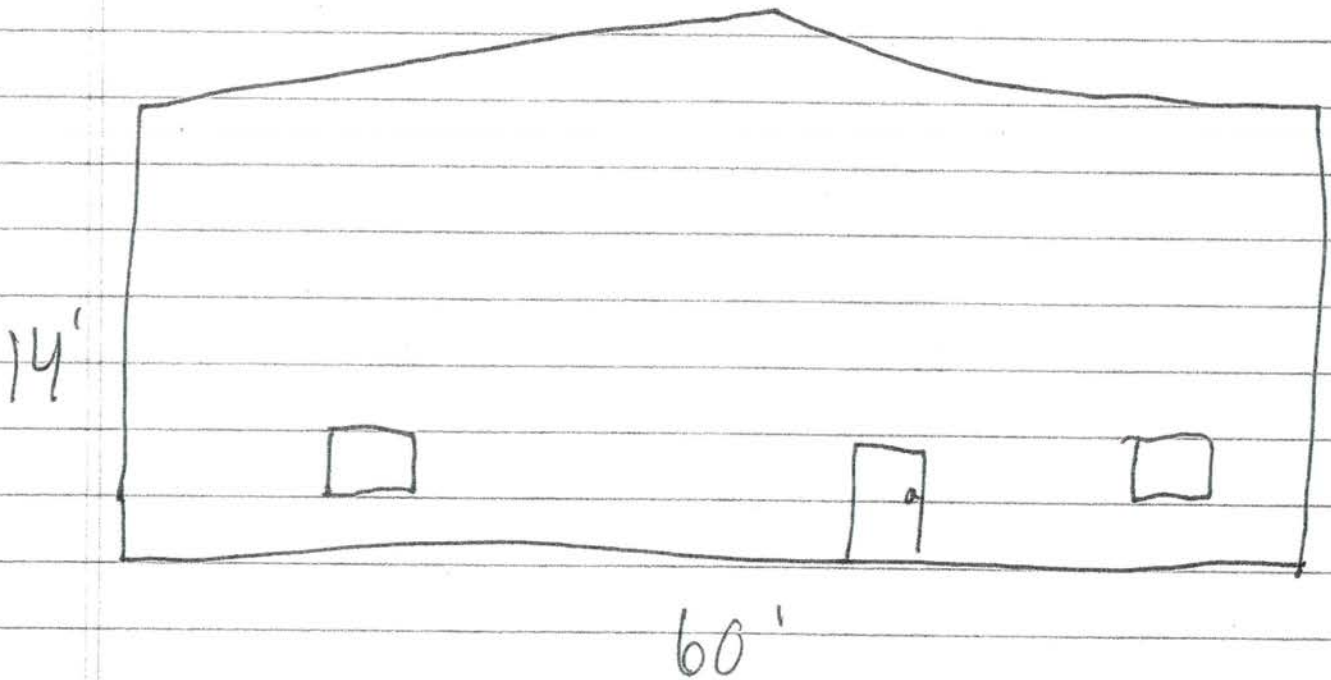




South



North



AFFIDAVIT OF MAILING

I, Ryan Lutz, hereby certify that on the 4 day of May, 20 24, 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 7 day of May, 2024.

Ryan Lutz  
(Name)  
Affiant

Subscribed and sworn to before me this 7<sup>th</sup> day of May, 20 24.

Cole Nachtigal  
Notary Public - South Dakota  
My commission expires: 8/4/29

(SEAL)



# NOTIFICATION

April 29, 2024

Applicant:  
Ryan List  
3208 SD HWY 314  
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 7:15 P.M. on the 14th day of May, 2024 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 for an accessory building in a Low Density Residential District (LD) that exceeds the maximum aggregate square footage of 4000 square feet. Applicant wishes to build an accessory structure that is 6000 square feet with 14' sidewalks per Article 6 section 607, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Yankton County, 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,  
Ryan List

Petitioner

ALIPRANDI, STEFANO (D)  
67 LAKE SHORE DR  
ROCKAWAY NJ 07866

AUCH, CHRISTIAN (C)  
PO BOX 231  
FORDYCE NE 68736

BARRETT, BEAU C (D)  
3005 WEST 11 ST  
YANKTON SD 57078

BELGUM, TODD A (D)  
1003 RIVERVIEW LN  
YANKTON SD 57078

BENEDICTINE CONVENT (D)  
1005 WEST 8 ST  
YANKTON SD 57078

BINDER, TIMOTHY (D)  
169 CLARK TRL  
YANKTON SD 57078

BLOM, COLE S (D)  
517 LOCUST ST  
YANKTON SD 57078

BOB LAW INC (D)  
PO BOX 7094  
YANKTON SD 57078

BRAUN, MARLIN R (D)  
3210 WEST 11 ST  
YANKTON SD 57078

BRAY, ELIZABETH (D)  
1000 RIVERVIEW LN  
YANKTON SD 57078

BRUE, DUANE A (D)  
3008 WEST 23 ST  
YANKTON SD 57078

BYE, BRIAN (D)  
2901 WEST 11 ST  
YANKTON SD 57078

CRISMAN, JACOB P (D)  
2906 WEST 23 ST  
YANKTON SD 57078

DOERING, HENRY L (D)  
902 BEEMER AVE  
YANKTON SD 57078

EKEREN REVOCABLE TRUST (D)  
2911 WEST 11 ST  
YANKTON SD 57078

FEAR, JAMES R (D)  
1007 APRIL LN  
YANKTON SD 57078

FRANK, DONNA C (D)  
29645 444TH AVE  
IRENE SD 57037

GUTHMILLER, GARY (D)  
2908 WEST 23 ST  
YANKTON SD 57078

HEINE, GARY J (D)  
RH & SH FARMS  
PO BOX 586  
YANKTON SD 57078

HOFER, DAVID REVOCABLE TRUST (D)  
1009 APRIL LN  
YANKTON SD 57078

INHOFFER, RICK (D)  
3306 WEST 8 ST  
YANKTON SD 57078

KAMBACK, DOROTHY (D)  
PO BOX 256  
YANKTON SD 57078

KIRCHNER, ORVILLE (LE) (D)  
3108 WEST 11 ST  
YANKTON SD 57078

KUCHTA, KENNETH L (D)  
3501 DEER BLVD  
YANKTON SD 57078

LAPP, DAVID (D)  
1004 MAY LN  
YANKTON SD 57078

LARSON, BARRETT P (D)  
2900 WEST 11 ST  
YANKTON SD 57078

LARSON, BARRETT P TRUST (D)  
2900 WEST 11 ST  
YANKTON SD 57078

LARSON, DIANE (D)  
2900 WEST 11 ST  
YANKTON SD 57078

LAW, BARBARA M IRREV TRUST (D)  
1501 WEST ST  
YANKTON SD 57078

LAW, ROBERT R (D)  
PO BOX 7094  
YANKTON SD 57078



LEET, LARRY REVOCABLE TRUST (D)  
1011 APRIL LN  
YANKTON SD 57078

LEWIS & CLARK RV PARK LLC (D)  
827 HEMI DR  
YANKTON SD 57078

LIST, MICHELLE (D)  
3208 SD HWY 314  
YANKTON SD 57078

LIST, MICHELLE L (D)  
3208 SD HWY 314  
YANKTON SD 57078

LOCKWOOD LEASING LLC (D)  
PO BOX 561  
VIBORG SD 57070

MACY FAMILY TRUST (D)  
115 BROADWAY SUITE 1  
YANKTON SD 57078

MAU, ANTHONY LIVING TRUST (D)  
3701 WEST 11 ST  
YANKTON SD 57078

MIELKE, KEITH L (D)  
1003 JUNE LN  
YANKTON SD 57078

MUELLER, MARY C (D)  
3204 WEST 8 ST  
YANKTON SD 57078

MUELLER, STEVEN (D)  
3204 WEST 8 ST  
YANKTON SD 57078

NEDVED, FRANK (D)  
1007 JUNE LN  
YANKTON SD 57078

NEUHARTH, RANDY LEE (D)  
3010 WEST 23 ST  
YANKTON SD 57078

ODENS, JAN J (D)  
1209 WEST 17 ST  
YANKTON SD 57078

ODENS, NICHOLAS J (D)  
3002 WEST 11 ST  
YANKTON SD 57078

PEARSON, GARLAND R (D)  
3108 WEST 23 ST  
YANKTON SD 57078

REZAC FAMILY REVOCABLE TRUST (D)  
30776 435 AVE  
YANKTON SD 57078

ROWATT INVESTMENTS LLC (D)  
19419 ADKINS FOREST DR  
SPRING TX 77379

RYKEN LEGACY LAND TRUST (D)  
%RUSSELL RYKEN  
19597 EAST 70 ST N  
OWASSO OK 74055

SD DEPT OF TRANSPORTATION (D)  
700 EAST BROADWAY AVE  
PIERRE SD 57501

SILVERNAIL, JASON D (D)  
2902 WEST 23 ST  
YANKTON SD 57078

SPRINGWATER LLC (D)  
263 KNIEST AVE  
YANKTON SD 57078

TERESHINSKI FAMILY TRUST (D)  
1005 JUNE LN  
YANKTON SD 57078

THOMAS, DAVID L (D)  
3109 WEST 11 ST  
YANKTON SD 57078

THON, RONALD REV TRUST (D)  
1010 MAY LN  
YANKTON SD 57078

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078

VOELZKE, JEANNETTE K (D)  
1002 RIVERVIEW LN  
YANKTON SD 57078

WYSUPH, WILLIAM B (D)  
3206 WEST 11 ST  
YANKTON SD 57078

YEAGER, RICHARD G (D)  
3703 WEST 11 ST  
YANKTON SD 57078

ZAVADIL, KEVIN M (D)  
PO BOX 1062  
YANKTON SD 57078

advertised are available on an equal opportunity basis. If you believe you have been discriminated against in connection with the sale, rental or financing of housing, call the South Dakota Fair Housing ombudsman at 877-832-0161.

### 1605 Apartment For Rent

**1 & 2 Bedroom Orchard Square.** 418 W. 15<sup>th</sup>, Yankton. Rent based on income and includes utilities. Non-smoking units. Equal Housing Opportunity. Skogen Company 605-665-1322 or 605-263-3941.

**1 & 2 Bedroom Townhouses.** Canyon Ridge, Yankton. Must qualify by family size and income. Non-smoking units. 605-664-8886 or Skogen Company 605-263-3941.

**1 BD Apt., Memory Lane.** Ground level for elderly or persons with disabilities. No Smoking, close to The Center. Rent based on income. Non-smoking units. Equal Housing Opportunity. 605-760-4711 or Skogen Company 605-263-3941.

**1 bedroom apartments.** MEADOW PARK, \$575.00 per month, plus electricity with the heat being electric. Water, sewer, and garbage included with rent. Security Deposit of one month's rent required. Initial six month lease, then month to month. Non-smoking units. 605-760-4711 or Skogen Company, 605-263-3941.

**1-Bdrm. \$550+.** Scotland, SD. Free utilities. Pets Allowed. Remodeled. 605-464-0672 or 605-464-9082.

**3-Bedroom Townhouse.** Must qualify by family size and income. Non-smoking unit. Rent based on income. EHO 605-661-8901 or Skogen Company 605-263-3941.

### 1705 Items \$100 or Less

**Classifieds 665-7811**

**Cruiser III wheelchair 5 medium perfect condition \$75.** Nova 8450 3 in 1 commode with back and side bars NEW \$25. Call 605-260-0585.

**Hand/meat grinder \$5.** Shower curtain with rods and rings \$5. New bathmat \$2. Black mens jacket size Large \$3. Black mens jacket size Medium. Call 605-664-0771.

**Nice wooden console/TV table 48" L x 20 1/4" D x 30" H.** \$75.00 cash. Call or text 605-661-7252.

### 1830 Rummage Sales

**1009 Pearl (garage off the alley) Friday, 5/3, 1pm-6pm Saturday, 5/4, 8am-11am** Multiple items with very few clothes.

**2926 Masters Ave. (behind Walmart turn on Sawgrass) One Day Blow Out Sale Saturday, 5/4, 9am-3pm Indoor Sale Come To Front Door** Furniture, wall hangings, antique dresser & chest of drawers. Elvis lamp. '57 Chevy radio, Ariens snowblower 24' deluxe, partial boards 2x7 & 2x8. Priced to sell. Cash only you haul.

### 1645 Open Houses



**OPEN HOUSE**  
Sunday, May 5th • 1:00-2:30pm  
Joe's 10 Best Reasons To Buy This Home

- #4 Large primary bedroom and bath with jacuzzi and walk in closet
- #5 Custom kitchen and bath cabinetry
- #6 Matching kitchen appliances

**3109 W. 11th • \$617,000**

**Joe LaBarge, 661-7264**  
1101 Broadway, Suite 104, Yankton  
www.yanktonhomefinder.com

*America's Best Realty*  
United by the American Dream

### NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the Primary Election to be held on June 4, 2024, will close on May 20, 2024 at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at [www.sdsvos.gov](http://www.sdsvos.gov) or call the county auditor at 605-260-4400 ext 0.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at [www.sdsvos.gov](http://www.sdsvos.gov).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Patty Hoytem  
County Auditor

Published twice at the total approximate cost of \$26.21 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3 & 10, 2024.

### NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, May 18, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, May 13, 2024 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota  
This 22nd day of April, 2024.

Lita Yandley  
FINANCE OFFICER

Published once at the total approximate cost of \$ and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published May 3, 2024.

### NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, July 19, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, May 13, 2024 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

### 1645 Open Houses

Third St., Yankton, South Dakota. Tom Brady is requesting to rezone three parcels that are Dual Zoned Low Density Rural Residential District (LD) and Rural Transitional District (RT) to Low Density Rural Residential District (LD) per Article 18 Section 1809 and Article 20 Section 2003. Said properties are legally described as the Lot A in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4), AND The South one-half (S1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), and the East Sixteen and one-half Feet (E16 1/2') of the Northeast Quarter (NE1/4) of the Northeast Quarter (NW1/4), AND The North Six Hundred Sixty Feet (N660') of the West Four Hundred Feet (W400') of the South Half (S1/2) of Government Lot Ten (10), All in Section 13, Township Ninety-three (93), Range Fifty-five (55), Yankton County, South Dakota. E-911 address for applicant is 265 Antler Drive, Yankton, South Dakota.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Commission, Yankton County, South Dakota, at 6:35 P.M. on the 7th day of May, 2024 and at 6:35 P.M. on the 21st day of May, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List is requesting to rezone a lot in a Low Density Rural Residential District (RL) to a Moderate Density Rural Residential District (R2) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Paige Addition, in the E1/2 of the SW1/4 of Section 10, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

Published twice at the total approximate cost of \$40.32 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published April 26 & May 3, 2024.

### 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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. CMC Advantages, LLC is requesting to rezone a parcel dual zoned Moderate Density Rural Residential District (R2) and Rural Transitional District (RT) to a Moderate Density Rural Residential District (R2). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 3039S 436th Ave., Yankton.

### 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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List is requesting a Conditional Use Permit to run his electronics business out of an accessory building to a Low Density Residential District (LD) per Article 6 Section 609, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), 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 7:15 P.M. on the 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List is requesting a Conditional Use Permit for an accessory building in a Low Density Residential District (LD) that exceeds the maximum aggregate square footage of 4000 square feet. Applicant wishes to build an accessory structure that is 6000 square feet with 14' side walls per Article 6 Section 607, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding

### NOTICE TO CREDITORS

Notice is given that on April 15th, 2024, Gary M. Wieseler, whose address is 89420 564th Avenue, St. Helena, NE 68774 was appointed as Personal Representative of the Estate of Connie F. Wieseler. Decedent. Creditors of Decedent must file their claims within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims may be filed with the Personal Representative or may be filed with the Clerk and a copy of the claim mailed to the Personal Representative. Dated this 16th day of April, 2024.

Robert W. Klimisch  
KLMISCH LAW, P.C.  
101 West 2nd Street  
Yankton, SD 57078  
(605) 665-9495

Jody Johnson  
Clerk of Courts  
PO Box 155  
Yankton, SD 57078

Gary M. Wieseler  
89420 564th Avenue  
St. Helena, NE 68774

Published three times at the total approximate cost of \$49.10 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

Published April 19, 26 & May 3, 2024.

## Tacos

From Page 1

"Once you're there, you'll not only be able to sign up for the passport, but you'll also be able to find all the information about the businesses or the participants, as well as voting," she added.

Wagner said the group learned a lot from the burger battle and had some great feedback.

"From the community members, we heard that it's exciting," she said. "They've been telling us it makes them excited to try new places that they maybe would not have considered exploring. Other feedback we received was to condense the time to limit the number of participants. So, that's why we have a smaller number of participants (for the Taco Takeover)."

May was a perfect month for a taco takeover with Cinco de Mayo and the beginning of summer season, according to Wagner.

"It's just a great way to kick off the summer and all the festivities Yankton has planned," she said.

Will there be more food challenges in the future?

"We're hoping to continue to dive into other types of cuisines," Wagner said. "Ideally, I would like to have this evolve into a year-round event with different foods. Maybe next we do pizza or we do wings. We've had requests to do a dessert challenge, and some people who would prefer some lighter fare, like salads."

Wagner also commended the event's main sponsor.

"I'd also like to thank Angela's Mexican Store for sponsoring the Taco Takeover," she said. "Without these great sponsors, we wouldn't be able to put these types of programs together."

The Taco Takeover will last until May 31.

For more information on the Taco Takeover or to sign up for the contest, visit <https://www.visitYankton.com/taste-of-yankton/>.

**Local News!**

**The P&D**

ly that struggled with the dog's aggressive personality. The dog went "out of her mind with excitement" during a pheasant hunt with Noem, and later killed a neighbor's chickens and "whipped around to bite" Noem when she intervened.

Noem took the dog to a gravel pit and fatally shot it. "Walking back up to the yard," Noem wrote, "I spotted our Billy goat."

The "demon goat" often chased and knocked down Noem's children, and it had a "wretched smell." So Noem "dragged" the goat to the gravel pit and "tied him to a post." The goat jumped when she shot, "and I needed one more shell to finish the job," she wrote. But she didn't have one, so she hurried back to her pickup, grabbed another shell, went back to the gravel pit, and "put him down."

Noem wrote that her home was under construction at the time, and the construction crew witnessed her shooting spree "with looks of shock and amazement on their faces."

During her interview with Hannity, Noem retold the stories about the dog and goat, and defended her decision to shoot them.

## CROSSWORD

By THOMAS JOSEPH

- |               |                   |
|---------------|-------------------|
| <b>ACROSS</b> | <b>33 Spotted</b> |
| 1 Social      | horse             |
| group         | 44 School         |
| 6 Shopping    | event             |
| centers       | 45 Wise           |
| 11 Ready for  | guys              |
| battle        | 46 Periphery      |
| 12 Hilo hello |                   |
| 13 Planet     |                   |
| cyclers       |                   |
| 14 Road       |                   |
| reversal      |                   |
| 15 Moody      |                   |
| music         |                   |
| 16 Funous     |                   |
| 18 Maze       |                   |
| runner        |                   |
| 19 Tell       |                   |
| tales         |                   |
| 20 Cow        |                   |
| chow          |                   |
| 21 Pallid     |                   |
| 23 Monster    |                   |
| 25 Brief time |                   |
| 27 Goose      |                   |
| egg           |                   |
| 28 Spanish    |                   |
| snacks        |                   |
| 30 Interlace  |                   |
| 33 Work       |                   |
| wk.'s end     |                   |
| 34 Bro's      |                   |
| sibling       |                   |
| 36 Scottish   |                   |
| river         |                   |
| 37 Playwright |                   |
| Helman        |                   |
| 39 Pop        |                   |
| 40 Bro-       |                   |
| related       |                   |
| 41 Cake       |                   |
| topper        |                   |

## DOWN

- |             |              |              |              |
|-------------|--------------|--------------|--------------|
| 1 Phone     | feature      | 8 Some-      | 28 Quiz show |
| thing       | difficult    | 29 "Chande-  | fodder       |
| 3 Some-     | 9 Menace     | lie" singe   |              |
| finger      | 10 Yellow-   | 31 Medium    |              |
| easy        | gray         | meeting      |              |
| 4 Finger    | 17 Pen       | 32 Yard sur- |              |
| count       | point        | rounders     |              |
| 5 Bygone    | 22 Slangy    | 33 Wing      |              |
| auto        | agree-       | parts        |              |
| 6 O'Hara of | ment         | 35 Siyly     |              |
| "The Quiet  | 24 Goal      | sarcastic    |              |
| Man"        | 26 Spots for | 38 Overdue   |              |
| 7 Utah ski  | slots        | 42 Heel      |              |
| resort      |              |              |              |



## AXYDLBAAXR IS LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's. X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

## CRYPTOQUOTE

BFGN FR NMT NVFXUST HE

NMT OFVSI HG AJXGTI UZ

QTFQST OJENHED NF UT

HBQFVNJEN. — N.G. TSHFN

Yesterday's Cryptoquote: YOU MUST ALWAYS

BEA-WAGGLE WITH LOVE. — D.H. LAWRENCE

Noem said state law allows the killing of dangerous dogs as Crick. She did not address the legality of shooting the goat. She described the backlash as a continuation of criticism directed at her during the COVID pandemic, when she advocated strict lockdowns. "It's an unfortunate situation but one that I hope people understand that they need to hear the truth and not what the media is been spinning," Noem said. "I mean, continuously, through it fake news, does not always tell the truth, and they spin the story. They did the same thing to me during COVID and they're doing again here. I hope people buy it book and read the truth."

South Dakota Searchlight is a States Newsroom, a nonprofit news network supported by grant and a coalition of donors as a 501(c)(3) public charity. South Dakota Searchlight maintains editorial independence. Contact Editor Seti Kupper for questions: info@southdakotasearchlight.com. Follow South Dakota Searchlight on Facebook and Twitter.

ALAS	CLOD
LUSH	PAIRU
ELIE	ENERG
CLARINET	
MANDOLIN	
GARAGE ON	
LLANO CLOG	
IMP WHINER	
BASSDRUM	
TROMBONE	
SITOUT EPII	
ORANGE RENT	
WAGES SCAT	

Yesterday's answer

- |             |              |              |              |
|-------------|--------------|--------------|--------------|
| 1 Phone     | feature      | 8 Some-      | 28 Quiz show |
| thing       | difficult    | 29 "Chande-  | fodder       |
| 3 Some-     | 9 Menace     | lie" singe   |              |
| finger      | 10 Yellow-   | 31 Medium    |              |
| easy        | gray         | meeting      |              |
| 4 Finger    | 17 Pen       | 32 Yard sur- |              |
| count       | point        | rounders     |              |
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| auto        | agree-       | parts        |              |
| 6 O'Hara of | ment         | 35 Siyly     |              |
| "The Quiet  | 24 Goal      | sarcastic    |              |
| Man"        | 26 Spots for | 38 Overdue   |              |
| 7 Utah ski  | slots        | 42 Heel      |              |
| resort      |              |              |              |



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BEA-WAGGLE WITH LOVE. — D.H. LAWRENCE

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**3-Bedroom Townhouse.** Must qualify by family size and income. Non-smoking unit. Rent based on income. EHO 605-661-8901 or Skogen Company 605-263-3941.

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**Nice wooden console/TV table** 48" L x 20 1/4" D x 30" H. \$75.00 cash. Call or text 605-661-7252.

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Friday, 5/3, 1pm-6pm  
Saturday, 5/4, 8am-11am  
Multiple items with very few clothes.

**2926 Masters Ave. (behind Walmart turn on Sawgrass)**  
One Day Blow Out Sale  
Saturday, 5/4, 9am-3pm  
Indoor Sale Come To Front Door

Furniture, wall hangings, antique dresser & chest of drawers, Elvis lamp, '57 Chevy radio, Ariens snowblower 24' deluxe, partial boards 2x7 & 2x8. Priced to sell. Cash only you haul.

## 1645 Open Houses

### OPEN HOUSE

Sunday, May 5th • 1:00-2:30pm

Joe's 10 Best Reasons To Buy This Home

- #4 Large primary bedroom and bath with jacuzzi and walk in closet
- #5 Custom kitchen and bath cabinetry
- #6 Matching kitchen appliances

3109 W. 11th • \$617,000

Joe LaBarge, 661-7264  
1101 Broadway, Suite 104, Yankton  
www.yanktonhomefinder.com

## NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the Primary Election to be held on June 4, 2024, will close on May 20, 2024 at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at [www.sdsos.gov](http://www.sdsos.gov) or call the county auditor at 605-260-4400 ext. 0.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at [www.sdsos.gov](http://www.sdsos.gov).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Patty Hojem  
County Auditor

Published twice at the total approximate cost of \$26.21 and can be viewed free of charge at [www.sd-publicnotice.com](http://www.sd-publicnotice.com)

Published May 3 & 10, 2024.

## NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, May 18, 2024, from The Center, 900 Whiting Drive,

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, May 13, 2024 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota  
This 22nd day of April, 2024.

Lisa Yandley  
FINANCE OFFICER

Published once at the total approximate cost of \$ and can be viewed free of charge at [www.sdpublicnotice.com](http://www.sdpublicnotice.com)

Published May 3, 2024.

## NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special On-sale Malt Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, July 19, 2024, from The Center, 900 Whiting Drive,

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, May 13, 2024 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons inter-

## 1645 Open Houses

Third St., Yankton, South Dakota. Toni Brady is requesting to rezone three parcels that are Dual Zoned Low Density Rural Residential District (LDC) and Rural Transitional District (RTD) to Low Density Rural Residential District (LDR) per Article 18 Section 1809 and Article 20 Section 2003. Said properties are legally described as the Lot A in the Northeast Quarter of the Northeast Quarter (NE1/4NW1/4), AND The South one-half (SW1/2) of the North-east Quarter (NE1/4), and the East Sixteen and one-half Feet (E16 1/2') of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), AND The North Six Hundred Sixty Feet (N660') of the West Four Hundred Feet (W400') of the South 1/2 (S1/2) of Government Lot Ten (10), All in Section 13, Township 13N, Range 93E (93), Range Fifty-five (55), Yankton County, South Dakota. E 911 address for applicant is 265 Antler Drive, Yankton, South Dakota.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Commission, Yankton County, South Dakota, at 6:35 P.M. on the 7th day of May, 2024 and at 6:35 P.M. on the 21st day of May, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List requesting to rezone a lot in a Low Density Rural Residential District (RD) to a Moderate Density Rural Residential District (RD2) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Paige Addition, in the E1/2 of the SW1/4 of Section 10, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

Published twice at the total approximate cost of \$40.32 and can be viewed free of charge at [www.sd-publicnotice.com](http://www.sd-publicnotice.com)

Published April 26 & May 3, 2024.

## 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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. CMC Adventures, LLC is requesting to rezone a parcel dual zoned Moderate Density Rural Residential District (RD2) and Rural Transitional District (RTD) to a Moderate Density Rural Residential District (RD2). Said property is legally described as Lot One (1) of Ranch One (1), Ranch Estates, in the West half (W1/2) of Section Four (4), T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 30938 436th Ave., Yankton.

## 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 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List is requesting a Conditional Use Permit to run his electrician's business out of an accessory building in a Low Density Residential District (LD) per Article 6 Section 609, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), 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 7:15 P.M. on the 14th day of May 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Ryan List is requesting a Conditional Use Permit for an accessory building in a Low Density Residential District (LD) that exceeds the maximum aggregate square footage of 4000 square feet. Applicant wishes to build an accessory structure that is 6000 square feet with 14' sidewalls per Article 6 Section 607, Article 18 Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the Northwest Quarter (E1/2NW1/4) Exclud-

## NOTICE TO CREDITORS

Notice is given that on April 15th, 2024, Gary M. Wieseler, whose address is 89420 564th Avenue, St. Helena, NE 68774 was appointed as Personal Representative of the Estate of Connie F. Wieseler, Deceased. Creditors of Decedent must file their claims within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims may be filed with the Personal Representative or may be filed with the Clerk and a copy of the claim mailed to the Personal Representative.

Dated this 16th day of April, 2024.

Robert W. Klimisch  
KLIIMUSCH LAW, P.C.  
101 West 2nd Street  
Yankton, SD 57078  
(605) 665-9495

Jody Johnson  
Clerk of Courts  
PO Box 155  
Yankton, SD 57078

Gary M. Wieseler  
89420 564th Avenue  
St. Helena, NE 68774

Published three times at the total approximate cost of \$49.10 and can be viewed free of charge at [www.sd-publicnotice.com](http://www.sd-publicnotice.com)

Published April 19, 26 & May 3, 2024.

## Tacos

From Page 1

"Once you're there, you'll not only be able to sign up for the passport, but you'll also be able to find all the information about the businesses or the participants, as well as voting," she added.

Wagner said the group learned a lot from the burger battle and had some great feedback. "From the community members, we heard that it's exciting," she said. "They've been telling us it makes them excited to try new places that they maybe would not have considered exploring. Other feedback we received was to condense the time to limit the number of participants. So, that's why we have a smaller number of participants (for the Taco Takeover)."

May was a perfect month for a taco takeover with Cinco de Mayo and the beginning of summer season, according to Wagner.

"It's just a great way to kick off the summer and all the festivities Yankton has planned," she said.

Will there be more food challenges in the future? "We're hoping to continue to dive into other types of cuisines," Wagner said. "Ideally, I would like to have this evolve into a year-round event with different foods. Maybe next we do pizza or wendy wings. We've had requests to do a dessert challenge, and some people who would prefer some lighter fare, like salads."

Wagner also commended the event's main sponsor.

"I'd also like to thank Angela's Mexican Store for sponsoring the Taco Takeover," she said. "Without these great sponsors, we wouldn't be able to put these types of programs together."

The Taco Takeover will last until May 31.

For more information on the Taco Takeover or to sign up for the contest, visit <https://www.visitYanktonSD.com/taste-of-yankton/>.

### Local News!

## The P&D

ly that struggled with the dog's aggressive personality. The dog went "out of her mind with excitement" during a pheasant hunt with Noem, and later killed a neighbor's chickens and "whipped around to bite" Noem when she intervened.

Noem took the dog to a gravel pit and fatally shot it. "Walking back up to the yard," Noem wrote, "I spotted our billy goat."

The "demon goat" often chased and knocked down Noem's children, and it had a "wretched smell." So Noem "dragged" the goat to the gravel pit and "tied him to a post." The goat jumped when she shot, "and I needed one more shell to finish the job," she wrote. But she didn't have one, so she hurried back to her pickup, grabbed another shell, went back to the gravel pit, and "put him down."

Noem wrote that her home was under construction at the time, and the construction crew witnessed her shooting spree "with looks of shock and amazement on their faces."

During her interview with Hannity, Noem retold the stories about the dog and goat, and defended her decision to shoot them.

## CROSSWORD

By THOMAS JOSEPH

- |               |             |
|---------------|-------------|
| ACROSS        | 43 Spotted  |
| 1 Social      | horse       |
| group         | 44 School   |
| 6 Shopping    | event       |
| centers       | 45 Wise     |
| 11 Ready for  | guys        |
| 12 Hilo hello | 46 Penphery |

- |               |              |
|---------------|--------------|
| DOWN          | 1 Phone      |
| feature       | 8 Some-      |
| 2 Kitchen     | thing        |
| come-ons      | difficult    |
| 3 Some-       | 9 Menace     |
| thing easy    | 10 Yellow-   |
| 4 Finger      | gray         |
| count         | 17 Pen       |
| 5 Bygone      | point        |
| tales         | 22 Slangy    |
| 20 Cow        | agree-       |
| chow          | ment         |
| 21 Pallid     | 24 Goal      |
| 23 Monster    | 26 Spots for |
| 25 Brief time | slots        |
| 27 Goose      | 42 Heel      |
| egg           |              |
| 28 Spanish    |              |
| snacks        |              |
| 30 Interface  |              |
| 33 Work       |              |
| wk.'s end     |              |
| 34 Bro's      |              |
| sibling       |              |
| 36 Scottish   |              |
| river         |              |
| 37 Playwright |              |
| Hellman       |              |
| 39 Pop        |              |
| 40 Bird-      |              |
| related       |              |
| 41 Cake       |              |
| topper        |              |



5-3

AYDLBAAXR  
IS LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

## CRYPTOQUOTE

BFGN FR NMT NVFXUST HE

NMT OFVSI HG AJXGTI UZ

QTFQST OJENHD NF UT

HBQFVNJEN. — N.G. TSHFN

Yesterday's Cryptoquote: YOU MUST ALWAYS BE A-WAGGLE WITH LOVE. — D.H. LAWRENCE

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Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 4/19/2024

Applicant

CMC Adventures, LLC - PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

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:

Proposed building size:

Proposed sidewall height:

Affects Section:

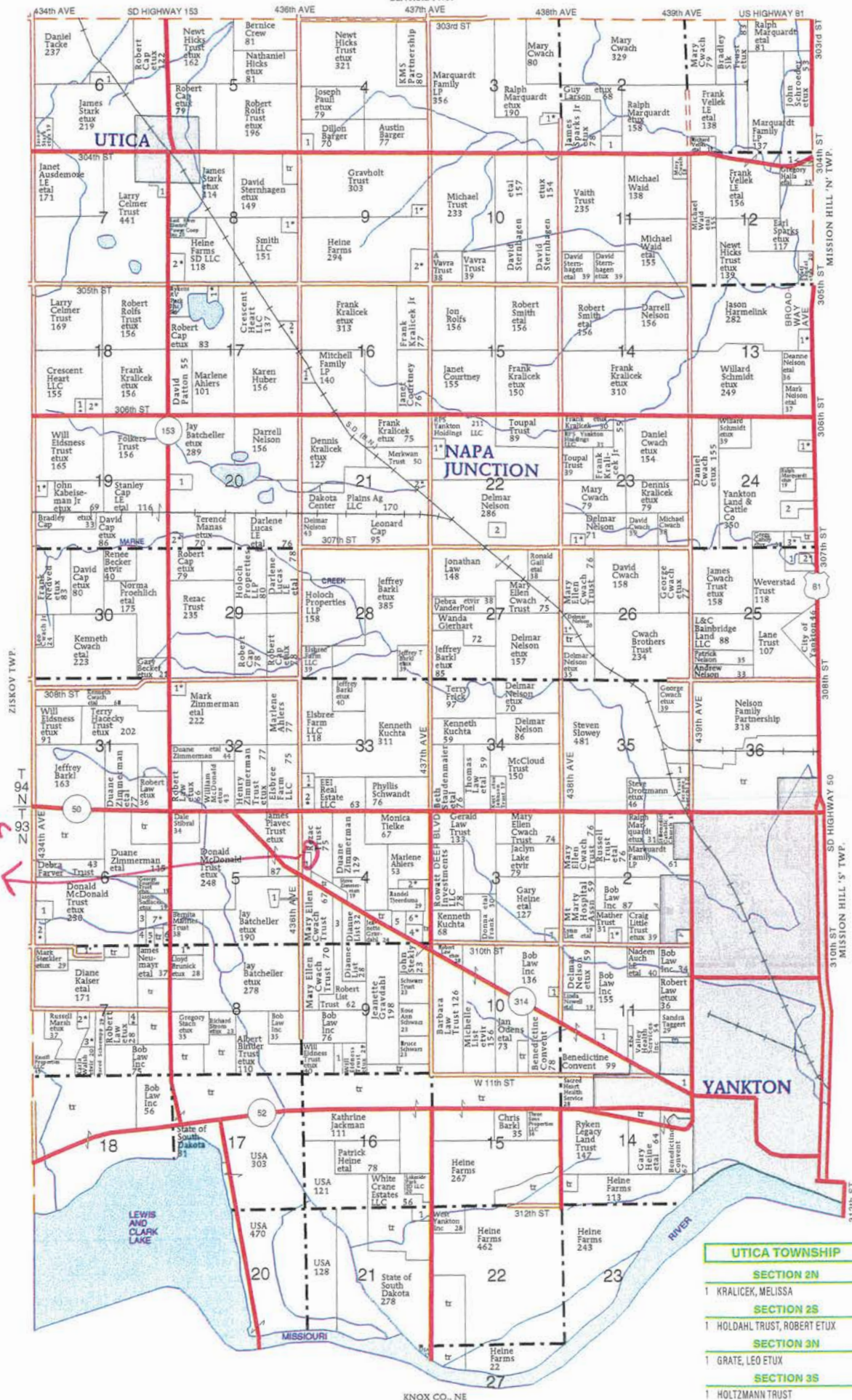
**NOTE:**

A replat of Lots 1, 2 and 3 of Ranch 1, Ranch Estates, in the W1/2 of Section 4, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota, Hereafter to be known as:

Lots 4 through 10 of Ranch 1, Ranch Estates, in the W1/2 of Section 4, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota.



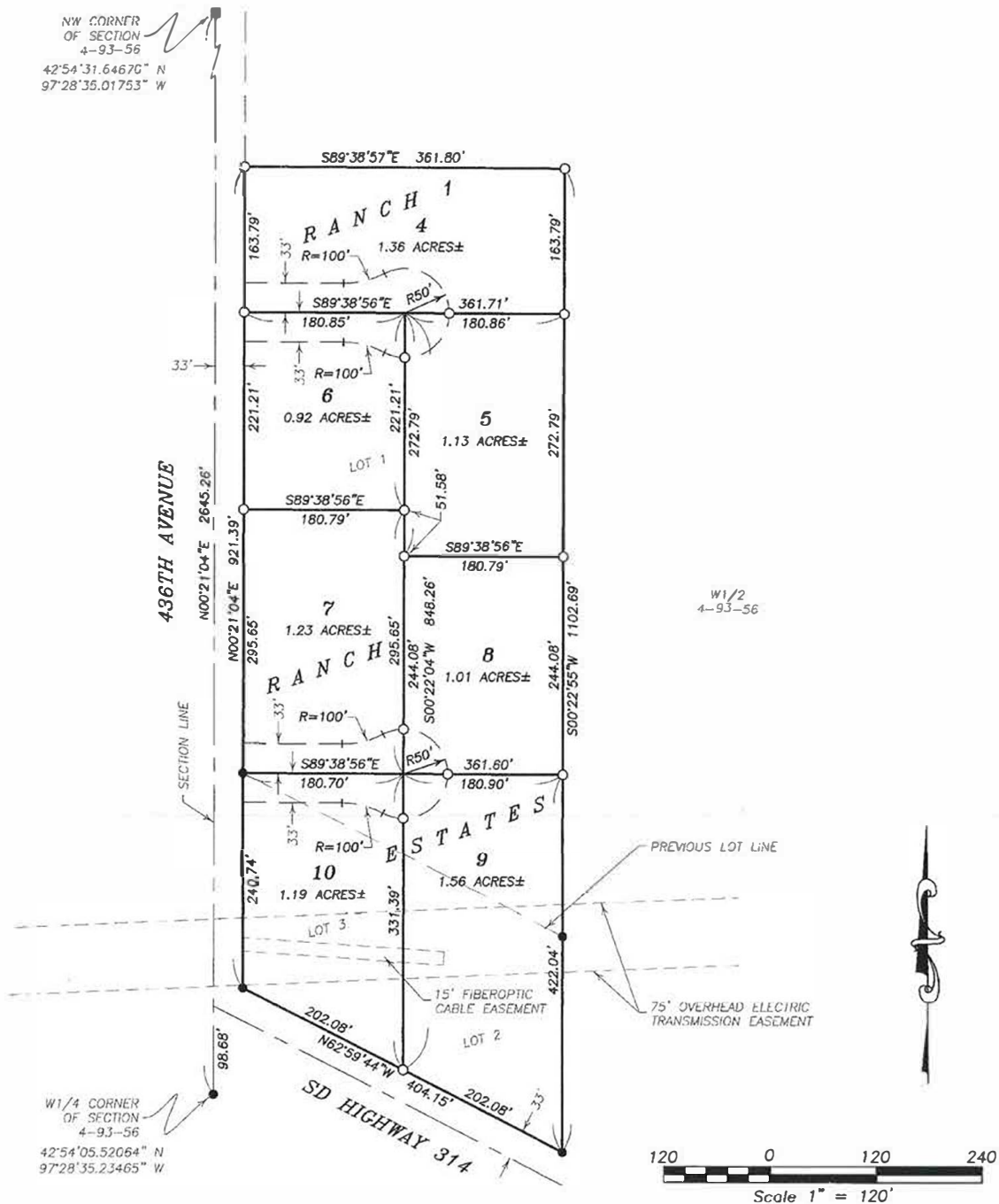
CENTRAL TWP.



KNOX CO., NE



A REPLAT OF LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS;  
 LOTS 4 THROUGH 10 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



*A REPLAT OF LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS;  
LOTS 4 THROUGH 10 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, 56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.*

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND REPLAT OF LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOTS 4 THROUGH 10 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 22ND DAY OF APRIL, 2024.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

I, MICHAEL BORNITZ, MEMBER OF CMC ADVENTURES, LLC, DO HEREBY CERTIFY THAT CMC ADVENTURES, LLC, IS THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND REPLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THIS PLAT HEREBY VACATES LOTS 1, 2 AND 3 OF RANCH 1, RANCH ESTATES, IN THE W1/2 OF SECTION 4, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, AS RECORDED IN BOOK S10 OF PLATS, PAGE 57. I ALSO HEREBY DEDICATE THE UTILITY EASEMENTS AS SHOWN ON THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MICHAEL BORNITZ, MEMBER  
CMC ADVENTURES, LLC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MICHAEL BORNITZ, WHO ACKNOWLEDGED HIMSELF TO BE A MEMBER OF CMC ADVENTURES, LLC, AND THAT HE AS MEMBER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN, COUNTY COMMISSIONERS \_\_\_\_\_

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY,

SOUTH DAKOTA, AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY AUDITOR \_\_\_\_\_

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO 436TH AVENUE IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

HIGHWAY OR STREET AUTHORITY \_\_\_\_\_

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF

MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, HAVE BEEN PAID IN FULL.

COUNTY TREASURER \_\_\_\_\_

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION \_\_\_\_\_

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED IN BOOK \_\_\_\_\_ OF  
PLATS ON PAGE \_\_\_\_\_.

REGISTER OF DEEDS \_\_\_\_\_

PLAT PERMIT

Longitude

**-97.47564275962604**

Latitude

**42.90321482544827**

Permit Number

**PLAT247**

Parcel Number

**09.004.400.301**

Permit Status

**Approved Active**

Permit Fee

**100**

Total Due

**100**

Was fee paid?

**Yes**

Receipt Number

**4036**

Application Accepted By

**Bill Conkling**

Site Plan Checked By

**Gary Vetter**

Is location in floodplain?

**No**

Existing Zoning

**MODERATE DENSITY RESIDENTIAL**

Size of the Current Parcel

**8**

Current Legal Description

**LTS 1, 2 & 3 RANCH 1 RANCH ESTATES**

Applicant Name

**CMC Adventures, LLC - Mike Bornitz**

Applicant Phone

**6053662180**

Applicant Address

**504 S. Horizon Circle, Sioux Falls, SD 57106**

Applicant Email Address

**mikeb@cutlerlawfirm.com**

Name of the Surveyor / Engineer

**Brandt Land Surveying**

Surveyor / Engineer Address

**1202 Willowdale Rd, Yankton, SD 57078**

Surveyor / Engineer Phone

**605-665-8455**

Surveyor / Engineer Email

**jackbrandt@vyn.midco.net**

Surveyor / Engineer Contact Person

**John Brandt**

Owner Name

**CMC Adventures, LLC - Mike Bornitz**

Owner Phone

**6053662180**

Owner Address

**504 S. Horizon Circle, Sioux Falls, SD 57106**

Owner Email Address

**mikeb@cutlerlawfirm.com**

Location of Property

**Lat: 42.903215 Lon: -97.475643**



Powered by Esri

Section Township Range

**4-93-56**

Tract or Lot Number

**7**

Number of Acres Being Platted

**8**

Addition Name

**Lots 4-10 of Ranch I, Ranch Estates**



How is the Property Currently Being Used

**MD**

How Will the Property Be Used

**MD**

Is this Property an Existing Farmstead

**Yes**

If a Farmstead, How Many Acres Surround it

**8**

Has the Plat Been Approved By the City of Yankton

**No**

Is Owner Signature Notarized

**Yes**

Do you have Signatures and Approval from the Road Authority

**Yes**

Do you have the County Treasurer's Signature

**Yes**

Insert Plat Here

**PDF**

CMC Adventures, LLC - Bornitz.pdf  
134.4KB

Applicant Signature

A handwritten signature in black ink, appearing to read "Mark Burt". The signature is fluid and cursive, with the first name "Mark" and last name "Burt" clearly distinguishable.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Mark Burt". This signature is very similar to the one above, with a cursive style and clear legibility.

OwnerSignature-.jpg

Date of Application Submission

**Apr 24, 2024**

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 12/20/2023

Applicant

Deer Boulevard Estates- PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

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.

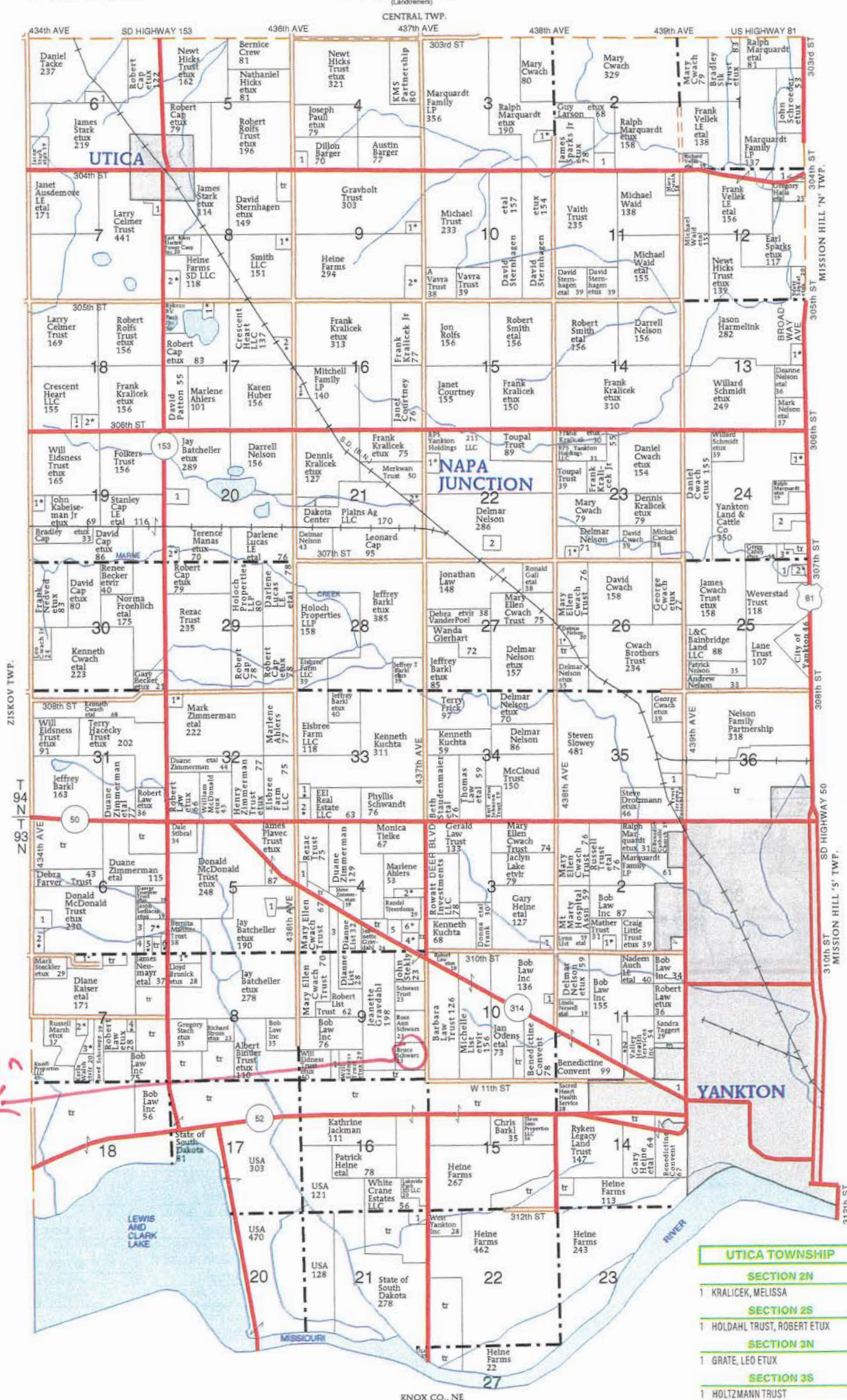
Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**



## SECTION 4N

1 NEDVED, MARK 7

## SECTION 4S

1 MARQUARDT, RALPH 8  
2 BRANDT TRUST, MERLE ETAL 11  
3 LIST TRUST, ROBERT 18  
4 SWEDLUND, JERALD ETUX 14  
5 HAMBERGER, BRIAN 8  
6 SMITH, NATHAN ETUX 8

## SECTION 5S

1 BATCHELLER, JAY 8

## SECTION 6N

1 TOWN OF UTICA 6

## SECTION 6S

1 GILMORE, TONIA 10  
2 VAN MAANEN, TODD ETUX 11  
3 MASKA, LEANN 5  
4 KOZAK, KARLEE 6  
5 LOECKER, MARK ETUX 5  
6 BLAHA, JON ETUX 5  
7 HILL, EDWIN ETUX 12

## SECTION 7N

1 BOLD PURSUITS LLC 10

## SECTION 7S

1 GUITRON, MARIA ETAL 13  
2 ROBB, RUSSELL ETUX 7  
3 LIVINGSTON, CARL ETUX 10  
4 PHILIPS, TIMOTHY ETUX 5

## SECTION 8N

1 CHRISTIANSON, DAVID ETUX 6

## SECTION 8S

1 HUGHES, SCOTT ETUX 13

## SECTION 9N

1 FANTA, TIMOTHY ETUX 9

## SECTION 9S

1 KILBURN, REX ETUX 7

## SECTION 9S

2 GILMORE TRUST, HOWARD ETUX 17

## SECTION 10S

1 ROKAHR, STEVEN 9

## SECTION 11S

1 BILLION, ERIKA 12  
2 HECKY TRUST, TERRANCE ETUX 11  
3 AFFORDABLE SELF STORAGE LLC 8

## SECTION 12N

1 MARQUARDT FAMILY LP 6

## SECTION 13N

1 COTTON, JEFFREY ETUX 8

## SECTION 14S

1 YANKTON MEDICAL CLINIC PC 12

## SECTION 16N

1 ANSTINE, RODNEY ETUX 7

## SECTION 17N

1 SCHENKEL, DARRELL ETUX 8

## SECTION 18N

2 TACKLE, WM ETUX 13

## SECTION 19

1 CAP LE, STANLEY ETAL 5

## SECTION 19

2 CAP, ROBERT ETUX 7

## SECTION 20N

1 SCHENKEL, DANIEL ETUX 7

## SECTION 20N

1 YANKTON CO SHARPshooters ASSN 12

## SECTION 21N

2 JOHNSON, MICHAEL ETUX 9

## SECTION 21N

1 YANKTON PROTEIN LLC 12

## SECTION 21S

5 KRALICEK, FRANK ETUX 5

## SECTION 21S

1 WHITE CRANE ESTATES LLC 8

## SECTION 22N

1 TAGGART, WILLIAM ETUX 9

## SECTION 23N

2 NELSON TRUST, FLOYD 12

## SECTION 23N

1 POSPISHIL, SCOTT ETAL 7

## SECTION 24

1 MARTS, LUCAS ETUX 7

## SECTION 24

2 MARQUARDT, DOUG 13

## SECTION 25

3 KELLER, DALLAS ETUX 10

## SECTION 25

1 SLOWEY TRUST 15

## SECTION 25

2 WOHL, TOBY ETAL 7

## SECTION 26

1 BARNES, DAVID ETUX 7

## SECTION 32

1 ZIMMERMAN TRUST, HENRY ETAL 12

## SECTION 33

1 DELOZIER, DARRIK ETAL 6

## SECTION 36

2 WADDELL, EDWARD ETUX 8

## SECTION 36

1 YAGGIES INC 10



**PLAT OF LOTS 1 THRU 20, DEER BOULEVARD ESTATES,  
IN THE SE1/4 OF SECTION 9, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.**



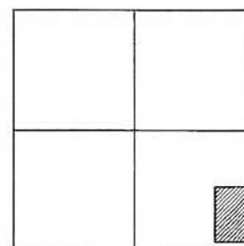
**LEGEND**

- SET 5/8" REBAR WITH L.S. CAP  
STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR WITH L.S. CAP  
STAMPED "J. BRANDT RLS 5349"
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP  
STAMPED "TOM WEEK PELS 2912"
- ⊙ FOUND 5/8" REBAR

**NOTE:**

BASIS OF BEARING  
BY GPS OBSERVATION

PREPARED BY:  
BRANDT LAND SURVEYING  
1202 WILLOWDALE ROAD  
YANKTON, SD 57078  
(605) 665-8455



JOB NO. 23265

PAGE 1 OF 2

LOCATION (N.T.S.)  
SECTION 9-93-56




PLAT OF LOTS 1 THRU 20, DEER BOULEVARD ESTATES,  
IN THE SE1/4 OF SECTION 9, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF THE SOUTH 1426.07' OF THE EAST 1/3 OF THE SE1/4 EXCEPT A PARCEL OF LAND ALONG THE SOUTH BOUNDARY DEEDED TO THE WESTERN PORTLAND CEMENT CO. BY DEED DATED JULY 19, 1889, AND RECORDED IN BOOK 41, PAGE 591, AND EXCEPT THE EAST 50' THEREOF, ALL IN SECTION 9, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, TO BE HEREAFTER KNOWN AS:

LOTS 1 THRU 20, DEER BOULEVARD ESTATES, IN THE SE1/4 OF SECTION 9, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 22ND DAY OF APRIL, 2024.

  
JOHN L. BRANDT REG. NO. 5349



OWNER'S CERTIFICATE

I, BRENT DROTZMANN, PRESIDENT OF BD CONSTRUCTION LLC, DO HEREBY CERTIFY THAT BD CONSTRUCTION LLC IS THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I ALSO HEREBY DEDICATE THE 50' ROAD, DRAINAGE AND UTILITY EASEMENTS AS SHOWN ON THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
BRENT DROTZMANN  
PRESIDENT, BD CONSTRUCTION LLC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BRENT DROTZMANN, WHO ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF BD CONSTRUCTION LLC, AND THAT HE AS PRESIDENT, BEING AUTHORIZED TO DO SO, EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY,

SOUTH DAKOTA, AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO DEER BOULEVARD IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

\_\_\_\_\_  
HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF

MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, HAVE BEEN PAID IN FULL.

\_\_\_\_\_  
COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED IN BOOK \_\_\_\_\_ OF

PLATS ON PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS

PLAT PERMIT

Longitude

-97.45786690091943

Latitude

42.881794862465675

Permit Number

PLAT248

Parcel Number

09.009.200.175

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

2950

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

**No**

Existing Zoning

**MODERATE DENSITY RESIDENTIAL**

Size of the Current Parcel

**23**

Current Legal Description

**S1426.07' E3 SE4 EXC A PARCEL OF LAND ALONG S BOUNDARY & EXC E50' THEREOF**

Applicant Name

**Brent Drotzmann**

Applicant Phone

**6052609369**

Applicant Address

**3203 Mulligan Dr, Yankton, SD 57078**

Applicant Email Address

**jackbrandt@vyn.midco.net**

Name of the Surveyor / Engineer

**Brandt Land Surveying**

Surveyor / Engineer Address

**1202 Willowdale Rd, Yankton**

Surveyor / Engineer Phone

**6056658455**

Surveyor / Engineer Email

**jackbrandt@vyn.midco.net**

Surveyor / Engineer Contact Person

**John Brandt**

Owner Name

**Brent Drotzmann**

Owner Phone

**6052609369**

Owner Address

**3203 Mulligan Dr, Yankton, SD 57078**

Owner Email Address

**jackbrandt@vyn.midco.net**

Location of Property

**Lat: 42.881795 Lon: -97.457867**



Powered by Esri

Section Township Range

**9-93-56**

Tract or Lot Number

**lots 1 thru 20, Deer Blvd Estates**

Number of Acres Being Platted

**20**

Addition Name

**Deer Boulevard Estates**

How is the Property Currently Being Used

**MD**

How Will the Property Be Used

**MD**

Is this Property an Existing Farmstead

**No**

If a Farmstead, How Many Acres Surround it

**0**

Has the Plat Been Approved By the City of Yankton

**No**

Is Owner Signature Notarized

**Yes**

Do you have Signatures and Approval from the Road Authority

**Yes**

Do you have the County Treasurer's Signature

**Yes**

Insert Plat Here

**PDF**

PLAT-.pdf  
140.6KB



Applicant Signature

A handwritten signature in black ink, appearing to be "P. M. R. A.", written within a rectangular box.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to be "P. M. R. A.", written within a rectangular box.

OwnerSignature-.jpg

Date of Application Submission

**Apr 26, 2024**

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 3/8/2024

Applicant

Lake Forest Estates- PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

☒ PUD – Planned Unit Development

Variance needed:

☐ **Section 513 (4) – Existing Farmstead/Home** ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

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:

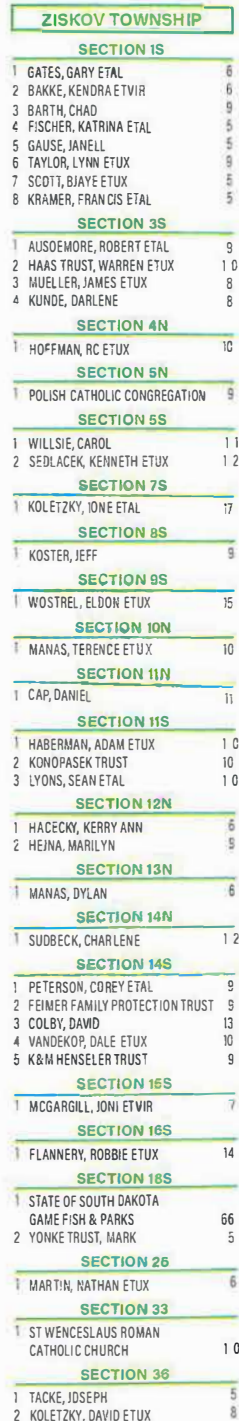
Proposed building size:

Proposed sidewall height:

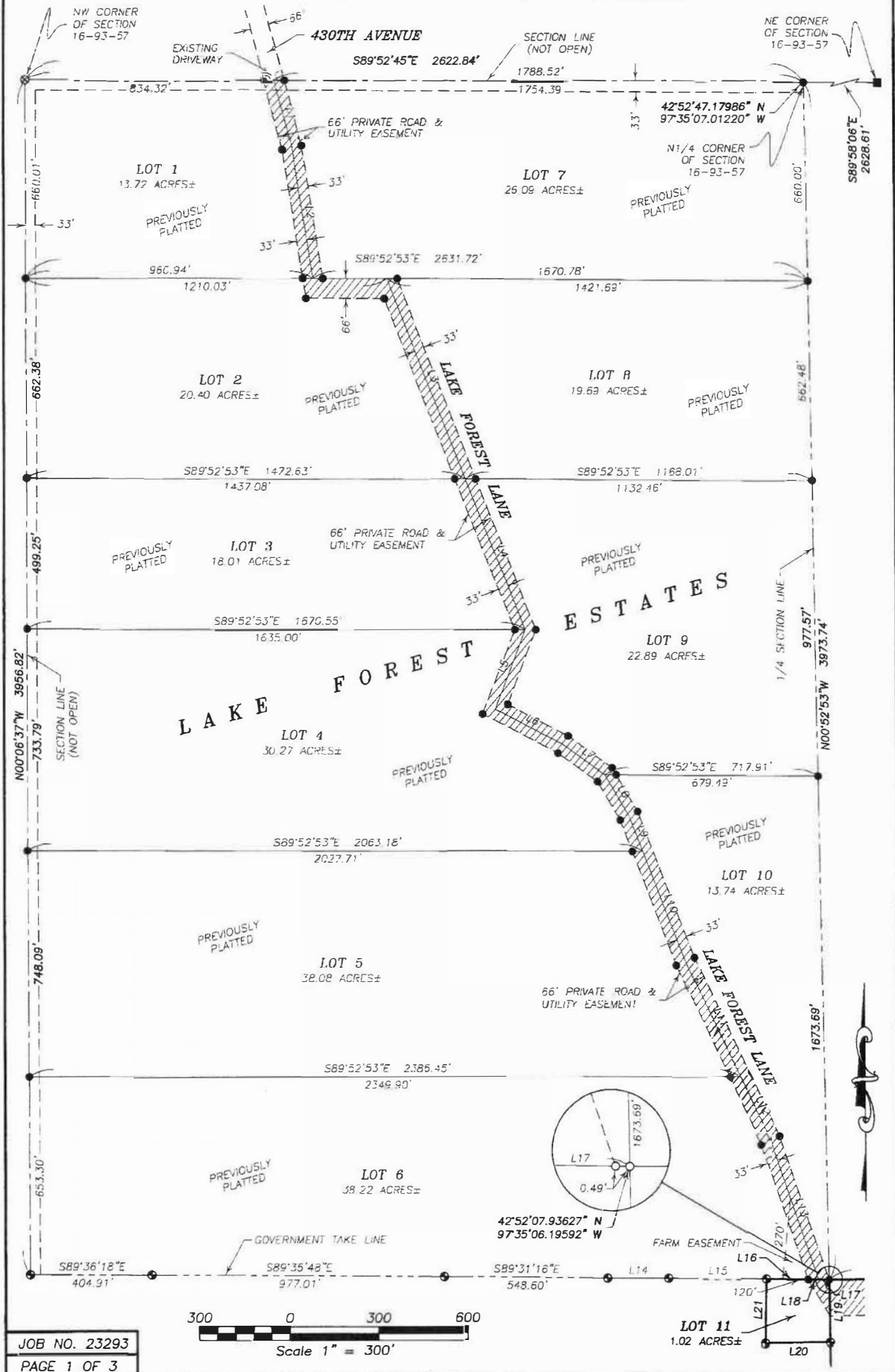
Affects Section:

**NOTE:**

Plat of Lots 12, 13, 14 and 15, Lake Forest Estates, in the W1/2 and in the S1/2 of the SE1/4, All in Section 16, T93N, R57W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

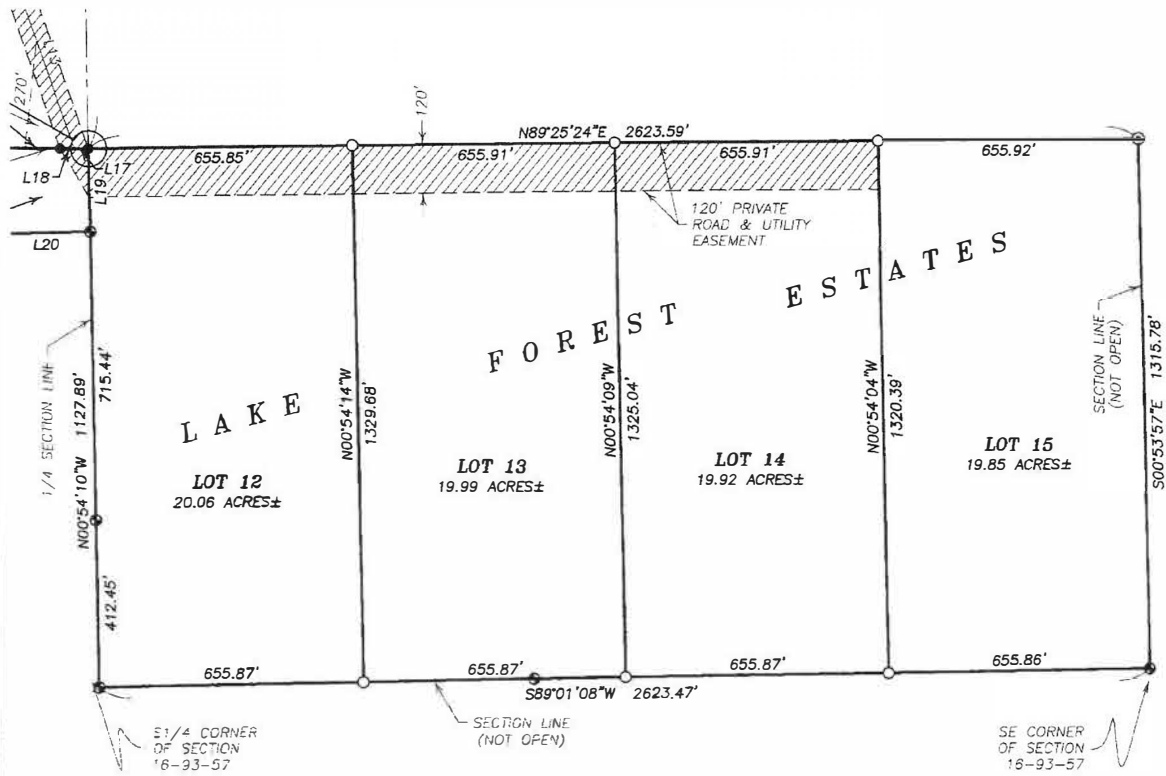


PLAT OF LOTS 11, 12, 13, 14 AND 15, LAKE FOREST ESTATES, IN THE  
W1/2 AND IN THE S1/2 OF THE SE1/4, ALL IN SECTION 16, T93N, R57W OF  
THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.





PLAT OF LOTS 11, 12, 13, 14 AND 15, LAKE FOREST ESTATES, IN THE  
W1/2 AND IN THE S1/2 OF THE SE1/4, ALL IN SECTION 16, T93N, R57W OF  
THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

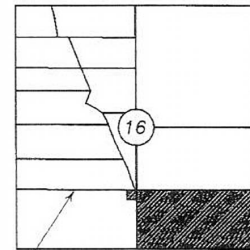


**LEGEND**

- SET 5/8" REBAR WITH L.S. CAP STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- ⊗ FOUND IRON PIPE WITH CAP STAMPED "KENNEDY L.S. 5350"
- FOUND 5/8" REBAR WITH CAP STAMPED "TOM WEEK PELS 2912"
- ⊙ CORP OF ENGINEERS T-POST & CAP
- ⊕ FOUND 3/4" REBAR

NOTE:  
BASIS OF BEARING  
BY GPS OBSERVATION

PREPARED BY:  
BRANDT LAND SURVEYING  
1202 WILLOWDALE ROAD  
YANKTON, SD 57078  
(605) 665-8455

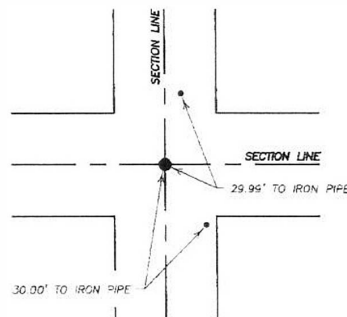


LOCATION (N.T.S.)

LINE	BEARING	DISTANCE
L1	S14°40'28"E	231.63'
L2	S09°01'00"E	441.62'
L3	S21°42'16"E	713.51'
L4	S21°42'16"E	537.78'
L5	S21°01'07"W	282.71'
L6	S62°58'05"E	254.96'
L7	S54°51'05"E	171.89'
L8	S30°40'53"E	159.03'
L9	S21°23'09"E	127.91'
L10	S21°23'09"E	390.90'
L11	S25°20'05"E	425.72'
L12	S25°20'05"E	228.87'
L13	S18°48'39"E	489.17'
L14	S89°45'22"E	207.84'
L15	S89°16'12"E	328.39'
L16	S89°16'12"E	174.20'
L17	S89°16'12"E	35.50'
L18	S89°16'12"E	35.01'
L19	N00°54'10"W	206.41'
L20	N89°10'26"E	216.71'
L21	N01°00'43"E	212.22'

**MONUMENT RECORD  
(NOT TO SCALE)**

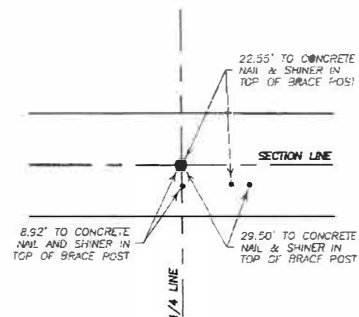
NW COR 16-93-57



COMMENTS: FD. IRON PIPE WITH CAP  
STAMPED "KENNEDY L.S. 5350"

**MONUMENT RECORD  
(NOT TO SCALE)**

N1/4 COR 16-93-57



COMMENTS: SET 5/8" REBAR WITH L.S. CAP  
STAMPED "J. BRANDT R.L.S. 5349",  
RE-ESTABLISHED AT FENCE INTERSECTION



PLAT OF LOTS 11, 12, 13, 14 AND 15, LAKE FOREST ESTATES, IN THE  
W1/2 AND IN THE S1/2 OF THE SE1/4, ALL IN SECTION 16, T93N, R57W OF  
THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF LOTS 11, 12, 13, 14 AND 15, LAKE FOREST ESTATES, IN THE W1/2 AND IN THE S1/2 OF THE SE1/4, ALL IN SECTION 16, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 14TH DAY OF MARCH, 2024.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

WE, KARL M. SCHENK AND NANCY P. SCHENK, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF PLATTING AND MARKING, AND TRANSFER. WE ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. WE ALSO HEREBY GRANT THE 120' PRIVATE ROAD AND UTILITY EASEMENT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

KARL M. SCHENK

NANCY P. SCHENK

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PER ORALLY APPEARED KARL M. SCHENK AND NANCY P. SCHENK, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN, COUNTY COMMISSIONERS \_\_\_\_\_

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY,

SOUTH DAKOTA, AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY AUDITOR \_\_\_\_\_

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO 430TH AVENUE IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

HIGHWAY OR STREET AUTHORITY \_\_\_\_\_

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF

MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, HAVE BEEN PAID IN FULL.

COUNTY TREASURER \_\_\_\_\_

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION \_\_\_\_\_

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M., AND RECORDED IN BOOK \_\_\_\_\_ OF  
PLATS ON PAGE \_\_\_\_\_.

REGISTER OF DEEDS \_\_\_\_\_

# PLAT PERMIT

Longitude

**-97.58343548614934**

Latitude

**42.86712820442316**

Permit Number

**PLAT241**

Parcel Number

**13.016.200.200**

Permit Status

**Approved Active**

Permit Fee

**100**

Total Due

**100**

Was fee paid?

**Yes**

Receipt Number

**18373**

Application Accepted By

**Bill Conkling**

Is location in floodplain?

**No**

Existing Zoning

**PLANNED UNIT DEVELOPMENT**

Size of the Current Parcel

**80**

Current Legal Description

**S2 SE4**

Applicant Name

**Karl Schenk**

Applicant Phone

**6056658455**

Applicant Address

**44352 308 ST, Mission Hill, SD 57046**

Applicant Email Address

**Jackbrandt@vyn.midco.net**

Name of the Surveyor / Engineer

**Brandt Land Surveying**

Surveyor / Engineer Address

**1202 Willowdale Rd, YANKTON, SD 57078**

Surveyor / Engineer Phone

**6056658455**

Surveyor / Engineer Email

**Jackbrandt@vyn.midco.net**

Surveyor / Engineer Contact Person

**john brandt**

Owner Name

**Karl Schenk**

Owner Phone

**6056658455**

Owner Address

**44352 308 ST, Mission Hill, SD 57046**

Owner Email Address

**Jackbrandt@vyn.midco.net**

Location of Property

**Lat: 42.867128 Lon: -97.583435**



Powered by Esri

Section Township Range

**16-93-57**

Tract or Lot Number

**Lots 12, 13, 14 and 15 Lake Forest Estates**

Number of Acres Being Platted

**4**

Addition Name

**Lake Forest Estates**

How is the Property Currently Being Used

**PUD**

How Will the Property Be Used

**PUD**

Is this Property an Existing Farmstead

**No**

If a Farmstead, How Many Acres Surround it

**0**

Has the Plat Been Approved By the City of Yankton

**No**

Is Owner Signature Notarized

**Yes**

Do you have Signatures and Approval from the Road Authority

**Yes**

Do you have the County Treasurer's Signature

**Yes**



Applicant Signature

A handwritten signature in black ink, appearing to read "Karl Scher". The letters are cursive and fluid.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Karl Scher". The letters are cursive and fluid, similar to the one above.

OwnerSignature-.jpg

Date of Application Submission

**Mar 11, 2024**

## ARTICLE 26

### WIND ENERGY CONVERSION SYSTEMS (WECS)

#### Section 2601 Definitions –~~TO BE REVIEWED BY PLANNING COMMISSION~~

For the purposed of this ordinance, certain terms and words are hereby defined.

Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregate project.

Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100kWh in total nameplate generating capacity.

Construction means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

High voltage transmission line means a conductor of electric energy and associated facilities.

Large electric power facilities mean high voltage transmission lines.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the South Dakota Department of Transportation, or other applications to monitor weather conditions.

Person shall mean an individual, partnership, joint venture, private, or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Route means the location of a high voltage transmission line between two end-points. The route may have a variable width of up to 1.25 miles.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Rotor Radius shall mean one-half ( $\frac{1}{2}$ ) the diameter of the moving rotor blade.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines.

WECS Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

WECS Tower shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV), and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Utility shall mean any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipally utility.

Small Wind Energy Conversion System shall mean a wind energy conversion system consisting of a Horizontal-Axis Wind Turbine (HAWT), a Vertical-Axis Wind Turbine (VAWT), which may include a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kWh and, which is primarily intended to reduce on-site consumption of utility power.

Large Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

### ~~Small Wind Energy Conversion Systems (WECS)~~

#### ~~Section 2602—Intent~~

~~It is the intent of this Section to promote the safe, effective, and efficient use of small wind energy conversion systems installed to reduce the on-site consumption of utility-supplied electricity.~~

#### ~~Section 2603—Requirements~~

~~Small wind energy conversion systems shall be considered as a Conditional Use Permit with an exemption provided in 1. i. in this ordinance.~~

#### ~~1.—Requirements as set forth below shall be met:~~

- ~~a. The maximum height of a rooftop-mounted WECS, including the turbine blades, is ten (10) feet in height above the roof line of the structure.~~
- ~~b. High-Density Rural Residential District (R3) shall allow rooftop-mounted WECS only.~~
- ~~c. Moderate-Density Rural Residential District (R2) shall allow rooftop-mounted WECS only.~~
- ~~d. Low-Density Rural Residential District (R1), meeting (or exceeding) district requirement of five (5) acre lots, shall have total WECS height limit of thirty (30) feet.~~
- ~~e. Rural Transitional District (RT) shall allow rooftop-mounted WECS only.~~
- ~~f. Planned Unit Development (PUD), meeting (or exceeding) requirement of five (5) acre lots, shall have total WECS height limit of thirty (30) feet.~~
- ~~g. Lakeside Commercial Districts (LC) shall allow rooftop-mounted WECS only.~~
- ~~h. Commercial District meeting (or exceeding) district requirements of one (1) acre shall have total WECS height limit of thirty (30) feet with exception provided in Section 2605.~~
- ~~i. The Agriculture District (AG) may qualify for an administrative building permit meeting (or exceeding) district requirement of twenty (20) acre lots and shall have total WECS height limit less than eighty (80) feet. All other WECS in Agriculture District are provided in Section 2605.~~

#### ~~2.—Setbacks~~

- ~~a. No part of the wind system structure may be sited closer to structures, property lines and/or right(s) of way than 1.1 times the height of the wind turbine measured from the ground surface to the tip of the blade when in a fully vertical position.~~

~~3.—Access~~

- ~~a. Tower climbing apparatus located no closer than eight (8) feet from the ground~~
- ~~b. A locking anti-climb device installed on the tower~~
- ~~c. Enclosure of the tower by a fence at least six (6) feet high with locking portals, when climbing apparatus is less than eight (8) feet from the ground.~~

~~4.—Noise~~

- ~~a. Small wind energy systems shall not exceed 55 dBA, measured at the closest point on the closest property line from the base of the system.~~
- ~~b. The noise level may be exceeded during short term events such as utility outages and/or severe windstorms.~~

~~5.—Approved Wind Turbines~~

- ~~a. Small wind turbines, horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT), must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.~~

~~6.—Compliance with Building and Zoning Codes~~

- ~~a. Applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower base, footings and required setbacks.~~
- ~~b. An engineering analysis of the tower showing compliance with all electrical codes of the State of South Dakota certified by a professional engineer licensed and certified in South Dakota shall also be submitted.~~
- ~~c. The manufacturer frequently supplies this analysis.~~

~~7.—Compliance with FAA Regulations~~

- ~~a. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.~~

~~8.—Compliance with National Electrical Code~~

- ~~a. Permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.~~
- ~~b. The manufacturer frequently supplies this analysis.~~

~~9.—Utility Notification~~

- ~~a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator,~~
- ~~b. Off-grid systems shall be exempt from this requirement.~~



#### ~~10. Warning information~~

- ~~a. Information related to the maximum power output, nominal voltage and maximum current and emergency shut-down procedures for the WECS shall be posted near the base of the tower in a visible location.~~

#### ~~11. Site Reclamation~~

- ~~a. When a small WECS has been condemned or has fallen into obvious disrepair, or has become a violation of some other local, state, or federal law and/or is no longer able to operate or upon earlier termination of operation of the small WECS, the permittee shall have the obligation, at the permittee's sole expense, to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment within 120 days upon notification from the County.~~
- ~~b. If deemed appropriate, the County may stipulate through the conditional use that the small WECS shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning classification in which wind energy systems are not allowed as either a permitted use or a conditional use.~~

#### ~~12. Federal and State Requirements~~

- ~~a. All WECS shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS.~~

### **Large or Commercial Wind Energy Conversion Systems (WECS)**

#### **Section 2604—Intent**

~~It is the intent of this Section to promote the safe, effective, and efficient use of commercial/utility grade wind energy systems within Yankton County.~~

#### **Section 2605—Requirements**

~~Large or Commercial wind energy conversion systems shall be permitted as a Conditional Use Permit in the Agricultural District (AG) and in the Commercial District (C) only. Certain requirements as set forth below shall be met:~~

##### ~~1.—Applicability~~

~~The requirements of these regulations shall apply to all WECS facilities, including private facilities, with a single tower height of greater than eighty (80) feet, rated capacity of more than 100 kWh and used primarily for off-site consumption of power.~~

##### ~~2.—Federal and State Requirements~~

~~All WECS shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS.~~

~~3. Mitigation Measures~~

- ~~a. Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the WECS.~~
- ~~b. Topsoil Protection. The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.~~
- ~~c. Compaction. The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.~~
- ~~d. Livestock Protection. The permittees shall take precautions to protect livestock during all phases of the project's life.~~
- ~~e. Fences. The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.~~
- ~~f. Roads: Public Roads. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the WECS project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the WECS. Where practical, all weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites. The permittees shall, prior to the use of approved haul roads, make satisfactory written agreements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the WECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and WECS components. The permittees shall provide the County Zoning Administrator with such written agreements.~~

~~Turbine Access Roads. Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with material that meets or exceeds South Dakota D.O.T. specifications for aggregate base course. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.~~

~~Private Roads.~~ The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

~~Control of Dust.~~ The permittees shall utilize all reasonable measures and practices of construction to control dust.

#### 4. ~~Soil Erosion and Sediment Control Plan~~

~~The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Zoning Administrator. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material, and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. A storm water runoff permit, if required, shall be obtained from the South Dakota D.E.N.R.~~

#### 5. ~~Setbacks~~

- ~~a. Wind turbines shall meet the following minimum spacing requirements:~~
  - ~~i. Distance from existing off-site residences, business and public buildings shall be one thousand three hundred and twenty feet (1,320) feet. Distance from on-site or lessor's residence shall be one thousand (1,000) feet.~~
  - ~~ii. Distance from right of way (ROW) of public roads shall be 500 feet or one point one (1.1) times the height of the wind turbines depending upon which is greater, measured from the ground surface to the tip of the blade when in a fully vertical position.~~
  - ~~iii. Distance from any property line shall be 500 feet or one point one (1.1) times the height of the wind turbines depending upon which is greater, measured from the ground surface to the tip of the blade when in a fully vertical position unless wind easement has been obtained from adjoining property owner.~~

#### 6. ~~Electromagnetic Interference~~

~~The permittees shall not operate the WECS so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the WECS or its operation, the permittees shall take the measures necessary to correct the problem.~~

~~7. Lighting~~

~~Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.~~

~~8. Access~~

- ~~a. Tower climbing apparatus shall be located no closer than twelve (12) feet from the ground unless locking anti climb device is installed on the tower.~~

~~9. Turbine Spacing~~

~~The turbines shall be spaced no closer than three (3) rotor diameters (RD) measurement of blades tip to tip. If required during final micro-siting of the turbines to account for topographic conditions, up to 10 percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer.~~

~~10. Footprint Minimization~~

~~The permittees shall design and construct the WECS to minimize the amount of land that is impacted by the WECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall to the greatest extent feasible be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.~~

~~11. Electrical Cables~~

~~The permittees shall place electrical lines, known as collectors and communication cables underground when located on private property. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.~~

~~12. Feeder Lines~~

~~The permittees shall place overhead electric lines, known as feeders, on public rights-of-way if a public right-of-way exists. Changes in routes may be made as long as feeders remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-ways. If no public right-of-way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner. The permittees shall submit the site plan and engineering drawings for the feeder lines before commencing construction.~~

~~13. Decommissioning/Restoration/Abandonment/Removal Bond~~

- ~~a. Decommissioning Plan~~

~~Within 120 days of completion of construction, the permittees shall submit to the County Zoning Administrator a decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out these restoration requirements when they go into effect. The permittees shall ensure that it carries out its obligation to provide for the resources necessary to fulfill these requirements. The County Zoning Administrator may at any time request the permittees to file a report with the County Zoning Administrator describing how the permittees are fulfilling this obligation.~~

~~b. Site Restoration~~

~~Upon expiration of this permit, or upon earlier termination of operation of the WECS, the permittees shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent possible, the permittees shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the County Zoning Administrator which shall show the locations of all such foundations. All such agreements between the permittees and the affected landowner shall be submitted to the County Zoning Administrator prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration.~~

~~c. Abandoned Turbines~~

~~The permittees shall advise the County Zoning Administrator of any turbines that are abandoned prior to termination of operation of the WECS. The County Zoning Administrator may require the permittees to decommission any abandoned turbine.~~

~~d. Performance Security~~

~~The Applicant and the owner of record of any proposed large or commercial Wind Energy Conversion System property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least two (2) percent of the cost of the aggregate project for a WECS and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance~~



~~and conditions of any Conditional Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Use Permit and/or until any necessary site restoration is completed to restore the site pursuant to 9(a) (above.)~~

~~14. Height from Ground Surface~~

~~The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be twenty five (25) feet.~~

~~15. Towers~~

- ~~a. Color and Finish. The finish of the exterior surface shall be non-reflective and non-gloss.~~
- ~~b. All towers shall be singular tubular design.~~

~~16. Noise~~

~~Noise level shall not exceed 60 dB, including constructive interference effects, measured at the closest point on the closest property line from the base of the system.~~

~~17. Permit Expiration~~

~~All permits shall become void if no substantial construction has been completed within three (3) years of issuance.~~

~~18. Required Information for Permit~~

- ~~a. Boundaries of the site proposed for WECS and associated facilities on United States Geological Survey Map or other map as appropriate.~~
- ~~b. Map of easements for WECS.~~
- ~~c. Map of occupied residential structures, businesses, and public buildings within a 2-mile radius.~~
- ~~d. Map of sites for WECS, access roads and utility lines.~~
- ~~e. Location of other WECS in general area.~~
- ~~f. Project schedule.~~
- ~~g. Mitigation measures.~~

~~19. Technical Issues and Expert Review~~

~~WECS and equipment facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Zoning Administrator, Planning Commission, Board of Adjustment, and/or the County Commission may require the applicant to pay reasonable costs for a third party technical study of a proposed facility. Selection of expert(s) to review will be at the sole discretion of the County.~~

### **Section 2601 Purpose**

**Purpose** - It is the purpose of this Article to outline the requirements Yankton County has for wind energy conversion systems (WECS).

### **Small Wind Energy Conversion Systems (SWECS)**

#### **Section 2603 Intent**

It is the intent of this Section to promote the safe, effective, and efficient use of small wind energy conversion systems (SWECS) installed to reduce the on-site consumption of utility supplied electricity.

#### **Section 2605 Performance Standards**

SWECS shall be considered as a Conditional Use Permit with an exemption provided in the Agricultural District, noted in A(i) below. The following provisions shall apply to all SWECS less than fifty (50) kilowatts alternating current (AC).

#### **Design Requirements.**

- A. Height and zoning restrictions as set forth below shall be met:
  - a. The maximum height of a rooftop mounted SWECS, including the turbine blades, is ten (10) feet in height above the roof line of the structure.
  - b. **High Density** Rural Residential District (R3) shall allow rooftop mounted SWECS only.
  - c. **Moderate Density** Rural Residential District (R2) shall allow rooftop mounted SWECS only.
  - d. **Low Density** Rural Residential District (R1), meeting (or exceeding) district requirement of five (5) acre lots, shall have total SWECS height limit of forty (40) feet.
  - e. **Rural Transitional** District (RT) shall allow rooftop mounted SWECS only.
  - f. **Planned Unit Development** (PUD), meeting (or exceeding) requirement of five (5) acre lots, shall have total SWECS height limit of forty (40) feet.
  - g. **Lakeside Commercial** Districts (LC) shall allow rooftop mounted SWECS only.
  - h. **Commercial** District meeting (or exceeding) district requirements of one (1) acre shall have total SWECS height limit of forty (40) feet with exception provided in Section 2605.
  - i. The **Agricultural** District (AG) qualifies for an administrative building permit. The total SWECS height limit is thirty-five (35) feet for lots up to five (5) acres. Lots greater than five (5) acres receive an additional six and one-half (6.5) feet for each additional acre over five (5) acres not to exceed a total SWECS height limit of one hundred thirty-five (135) feet.
- B. Setbacks

No part of the wind system structure may be sited closer to property lines and/or right(s)-of-way than 1.1 times the height of the wind turbine measured from the ground surface to the tip of the blade when in a fully vertical position.

C. Access

Enclosure of the tower by a fence at least six (6) feet high with locking portals, when climbing apparatus is less than eight (8) feet from the ground.

D. Noise

- a. Noise level shall not exceed forty-five (45) dBA, including constructive interference effects, measured at the closest point on the closest non-participating property line from the base of the system. The noise level shall not exceed 35 dBA at the nearest non-participating residence.
- b. The noise level may be exceeded during short-term events such as utility outages and/or severe windstorms.

E. Compliance with Building and Zoning Codes

Applications for small wind energy conversion systems shall be accompanied by standard manufacturers' drawings of the wind turbine structure, including the tower base, footings and required setbacks.

F. Compliance with Federal Aviation Administration (FAA) Regulations

Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

G. Compliance with National Electrical Code

All small wind energy systems shall comply with requirements per the current adopted edition of the National Electric Code (NEC).

H. Utility Notification

- a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- b. Off-grid systems shall be exempt from this requirement.

I. Warning Information

Information related to the maximum power output, nominal voltage and maximum current and emergency shut-down procedures for the SWECS shall be posted near the base of the tower in a visible location.

J. Site Reclamation

- a. When a small SWECS has been condemned or has fallen into obvious disrepair or has become a violation of some other local, state, or federal law and/or is no longer able to operate, the permittee shall have the obligation, at the permittee's sole expense, to dismantle and remove from the site all towers within 120 days upon notification from the County.
- b. If deemed appropriate, the County may stipulate through the conditional use that the small SWECS shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning classification in which wind energy systems are not allowed as either a permitted use or a conditional use.

## **Conditional Use Permit Application Requirements for SWECS.**

The following information shall be submitted for the consideration of a SWECS Conditional Use Permit:

- A. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- B. A legal description of the site(s) and proposed 911 address(es) for the location(s).
- C. Site diagram(s) depicting:
  - a. boundary of entire area included in permit, showing project acreage and property lines
  - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
  - c. schematic location of wind towers, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid
  - d. proposed property and ROW setbacks of all structures from the exterior boundaries
  - e. fencing, lighting and signage locations
  - f. location and purpose of any existing underground pipelines and utility easements
- D. Federal Aviation Administration requirements, if applicable
- E. Utility notification confirmation

Such other information deemed relevant and necessary by the Zoning Administrator.

## **Large Wind Energy Conversion Systems (LWECS)**

### **Section 2613 Intent**

It is the intent of this Section to promote the safe, effective, and efficient use of commercial/utility grade wind energy systems within Yankton County.

### **Section 2615 Performance Standards**

Large wind energy conversion systems (LWECS) with a rated capacity of 50 kW or more and used primarily for off-site consumption of power shall be permitted as a Conditional Use Permit in the Agricultural District (AG) and in the Commercial District (C) only. Certain requirements as set forth below shall be met.

#### **Design Requirements.**

- A. Federal and State Requirements
  - All LWECS shall meet or exceed standards and regulations of the Federal Aviation Administration, South Dakota State Statutes and any other agency of federal or state government with the authority to regulate LWECS.
- B. Mitigation Measures
  - a. **Site Clearance.** The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the LWECS.
  - b. **Soil erosion/sedimentation.** The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Zoning Administrator. The Soil Erosion and Sediment Control Plan shall address

the erosion control measures for each project phase and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material, and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. A storm water runoff permit, if required, shall be obtained from the South Dakota D.A.N.R. All construction roadwork and site development work must meet national pollutant discharge elimination system (NPDES) permit requirements.

- c. **Compaction.** The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.
- d. **Livestock Protection.** The permittees shall take precautions to protect livestock during all phases of the project's life.
- e. **Fences.** The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.
- f. **Drain Tile.** The permittees shall obtain maps of all known drain tile installations and, with the approval of the landowner, the permittees shall utilize construction methods that minimize the impacts to existing tile systems. The permittees are responsible for any damage.

#### C. Lighting

Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The preferred manner of lighting is by means of an Aircraft Detection Lighting System (ADLS). Subject to FAA approval, applicants will install an ADLS within one (1) year of approval by FAA for the specified project. In the event FAA does not approve an ADLS system, the applicant will comply with all lighting and markings otherwise required by FAA.

#### D. Access

Tower climbing apparatus shall be located no closer than twelve (12) feet from the ground unless locking anti-climb device is installed on the tower.

#### E. Tower Height Limit

Total tower height shall not exceed six hundred (600) feet.

#### F. Turbine Spacing

The turbines shall be spaced no closer than three (3)-rotor diameters (RD) measurement of blades tip to tip. If required during final micro siting of the turbines to account for topographic conditions, up to 10 percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer.

#### G. Footprint Minimization



The permittees shall design and construct the LWECS to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall to the greatest extent feasible be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

#### H. Electrical Cables

The permittees shall place electrical lines, known as collectors and communication cables underground when located on private property. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. The depth must be approved by the landowner and location recorded on the filed easement. This paragraph does not apply to feeder lines.

#### I. Feeder Lines

The permittees shall place overhead electric lines, known as feeders, on public rights-of-way if a public right-of-way exists. Changes in routes may be made as long as feeders remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-ways. If no public right-of-way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner. The depth must be approved by the landowner and location recorded on the filed easement. The permittees shall submit the site plan and engineering drawings for the feeder lines before commencing construction.

#### J. Height from Ground Surface

The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be thirty (30) feet.

#### K. Color and Finish

The finish of the exterior surface shall be non-reflective and non-gloss.

#### L. Noise

Noise level shall not exceed 45 dB, including constructive interference effects, measured at the closest point on the closest non-participating property line from the base of the system. The noise level shall not exceed 35 dB at the nearest non-participating residence.

### **Facility Setback Requirements.**

LWECS shall be located no closer than the following regulations prescribe. The applicant(s) of a LWECS may request the required setback to any category listed in the table below be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit and shall be filed as a permanent encumbrance against the legally described parcel(s) for which the waiver is granted.

<i><b>LWECS Facility Setback Chart</b></i>		<i><b>Feet</b></i>
Residence, active church, business, schools and game production areas	Participating	1.5 times total height
	Non-participating	2 miles
Municipalities		2 miles
Lakes, Rivers and streams		1 mile
Right-of-way line (ROW)		1.5 times total height
Property line	Participating	1.5 times total height
	Non-participating	2 miles
Pipelines and Utility infrastructure		1.5 times total height

### **Agreements and Studies.**

#### **A. Electromagnetic Interference**

The permittees shall not operate the LWECS so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the LWECS or its operation, the permittees shall take the measures necessary to correct the problem.

#### **B. Ultra-Low Frequency**

Take steps to mitigate ultra-low frequency.....xxxxx TBD xxxxx

#### **C. Flicker Analysis**

A Flicker Analysis shall include the duration and location of flicker potential for all schools, churches, businesses and dwellings within a two (2) mile radius of each turbine within a project. The applicant shall provide a site map identifying the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall account for topography but not for obstacles such as accessory structures and trees. Flicker at any receptor shall not exceed thirty (30) hours per year within the analysis area. A Shadow Flicker Control System shall be installed upon all turbines which will cause a shadow effect upon an occupied residential dwelling. Exception: The Board of Adjustment may allow for a greater amount of flicker than identified above if the participating or non-participating landowners agree to said amount of flicker. If approved, such agreement shall be permanently attached to the approved conditional use permit and shall be filed as a permanent encumbrance against the legally described parcel(s) for which the waiver is granted.

#### **D. Endangered Species, Wetlands and Migration Analysis**

Applicant must submit an inventory of any existing endangered wildlife, flora and fauna species and biologically sensitive areas and meet all South Dakota Department of Agricultural and Natural Resources (SD DANR) and South Dakota Game, Fish and Parks (SD GF&P) requirements. Applicant must examine

landscape levels of key wildlife habitats, migration corridors, staging/concentration areas and breeding/brood-rearing areas to help develop general siting strategies. Applicant must situate turbines so they do not interfere with wildlife movement corridors and staging areas.

E. Road Maintenance Agreements

- a. *Public Roads.* Prior to commencement of construction and for any future LWECS repairs, the permittees shall identify all state, county or township “haul roads” that will be used for the LWECS project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the LWECS. Where practical, all-weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites. The turn radius for vehicles must be a consideration. The permittees shall, prior to the use of approved haul roads, make satisfactory written agreements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the LWECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and LWECS components. These written agreements shall include all subcontractors. The permittees shall provide the County Zoning Administrator with such written agreements.
- b. *Turbine Access Roads.* Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with material that meets or exceeds South Dakota D.O.T. specifications for aggregate base course. When access roads are constructed across streams and drainage-ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. The permittee(s) shall conduct hydrology studies and obtain all applicable permits including a Yankton County Drainage Board if required.
- c. *Private Roads.* The permittees shall obtain a written agreement for use of private roads following the guidelines for Public Roads above. The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
- d. *Control of Dust.* The permittees shall utilize all reasonable measures and practices of construction to control dust including the use of dust palliatives.

F. Power Purchase Agreement

If the applicant has an executed power purchase agreement at the time of application, the applicant shall provide with the application either such agreement, or at the applicant’s discretion, an affidavit of non-confidential information regarding such agreement.

G. Technical Issues and Expert Review

LWECS and equipment facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Zoning

Administrator, Planning Commission, Board of Adjustment, and/or the County Commission may require the applicant to pay reasonable costs for a third party technical study of a proposed facility. Selection of expert(s) to review will be at the sole discretion of the County.

## **Decommissioning**

- A. *Plan:* All applicants for a conditional use permit shall provide, with their site plan submission, a decommissioning plan.
  - a. The plan shall specify the procedure by which the applicant or its successor will remove all structures (including equipment, fencing, roads and foundations) and restore the area to its pre-construction condition. Any agreement for removal to a lesser depth shall be filed as a permanent encumbrance against the legally described parcel(s) for which the waiver is granted.
  - b. Disposal of structure and/or foundations shall meet the provisions and regulations of the South Dakota Department of Agriculture and Natural Resources (SD DANR) or the United States Environmental Protection Agency.
  - c. The plan will set forth a timeline for completing decommissioning once it is commenced.
- B. *Cost Estimate:*
  - a. The decommissioning plan shall include a decommissioning cost estimate prepared by a licensed professional engineer. The cost estimate will include a proposed timeline, not to exceed two (2) years, for completing the decommissioning process.
  - b. The cost estimate shall provide the estimated cost of and schedule for decommissioning in accordance with the decommissioning plan and any other applicable conditions set by the County.
  - c. The cost estimate and schedule above will be reviewed and analyzed by a third-party engineer of the County's choosing. The applicant or its successor shall compensate the County for any third-party review and analysis by an engineer of the initial cost estimate.
  - d. The applicant or its successor shall update the decommissioning cost and schedule every five (5) years following approval of the conditional use permit and compensate the County for any review and analysis of each cost estimate and schedule revision by a licensed professional engineer.
- C. *Financial Resources:*
  - a. Fifty percent (50%) of the estimated decommissioning cost will be placed into an escrow account held by the County at the beginning of the LWECS construction phase. The balance of the decommissioning cost estimate will be guaranteed with a surety bond so as to cover one hundred percent (100%) of the estimated decommission costs.
  - b. Each year after the beginning of the LWECS construction phase, the applicant or its successor will contribute an additional five percent (5%) of the most current cost estimate to the escrow account, allowing for the reduction of the surety bond by the same percentage not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional

use permit.

- c. Should the five-year (5) updated cost estimate increase, the applicant or its successor will increase the required escrow and surety bond combination as outlined above to meet the percentages for the given year. Amounts may be reduced, at the discretion of the County, if an updated cost estimate shows a decrease from the previous cost estimate.
  - d. The County will credit interest to the escrow account.
- D. *Notice to County:* The applicant or its successor shall provide six (6) months' written notice to the Zoning Administrator that it intends to commence the decommissioning process.
- E. *Termination of Use:*
  - a. Decommissioning of turbines must occur in the event the LWECS is not in use for six (6) consecutive months. At this time the applicant or its successor and/or land owner will have six (6) months to complete decommissioning in full accordance with the decommissioning plan.
  - b. If the applicant or its successor and/or land owner fail to decommission the LWECS within six (6) months following commencement of decommissioning, the County has the right, but not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional use permit. If the applicant or its successor, or the County incurs expenses in excess of the funds available for decommissioning, the County has the right to file a deficiency judgement against the land on which the LWECS stands. This deficiency judgment will be treated as a tax lien against the land and the landowner at the time decommissioning is complete. This tax lien will become due and payable in the year the deficiency is incurred by the County.
  - c. The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or its successor or the landowner for decommissioning costs against any real estate owned by applicant or its successor, or the landowner in which they have an interest and to take all steps allowed by law to enforce said lien. NOTE: The land owner is ultimately responsible and could have a Lien placed on their property should the applicant or its successor fail to fully remunerate the costs of decommissioning.
- F. *Liability insurance:* The applicant or its successor shall obtain and hold a general liability policy covering bodily injury and property damage and name Yankton County as an additional insured with limits of at least five million dollars (\$5,000,000.00) per occurrence and ten million dollars (\$10,000,000.00) in the aggregate with a deductible of no more than fifty thousand dollars (\$50,000.00). The applicant or its successor must provide proof of insurance to the Zoning Administration prior to construction.
- G. *Indemnity:* Applicant or its successor shall hold the County and its officers and employees harmless from claims made by applicant or its successor and third parties for damages sustained or costs incurred resulting from said LWECS project. The Applicant or its successor shall indemnify the County and its officers and employees for all costs, damages or expenses that the County may pay or incur in consequence of such claims, including attorney fees. Third parties shall have no recourse against the County under this agreement.



### **Conditional Use Permit Application Requirements.**

The following information shall be submitted for the consideration of a LWECS Conditional Use Permit:

- F. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- G. A legal description of the site(s) and proposed 911 address(es) for the location(s).
- H. Site diagram(s) depicting:
  - a. boundary of entire area included in permit, showing project acreage and property lines of all participating and non-participating land owners
  - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
  - c. points of access from public road ways
  - d. topography with contours at intervals of two (2) feet showing surface water drainage patterns
  - e. schematic location of wind towers, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid
  - f. internal access and maintenance roads and other accessory structures associated with the LWECS
  - g. proposed property and ROW setbacks of all structures from the exterior boundaries
  - h. fencing, lighting and signage locations
  - i. location and purpose of any existing underground pipelines, utility easements and farmland tile drainage systems
- I. Soil erosion and sediment control plan during construction
- J. Federal Aviation Administration requirements, if applicable
- K. Flicker Study Analysis
- L. Inventory of endangered species and wetlands
- M. A signed Roadway Maintenance and Haul Agreement with State, County, and/or Township authority approval
- N. Power Purchase Agreement
- O. Any third party technical studies a requested by the County.
- P. Decommissioning plan
- Q. Liability insurance policy
- R. Indemnification of County and its officers and employees

Such other information deemed relevant and necessary by the Zoning Administrator.

### **Permit Expiration**

All permits shall become void if no substantial construction has been completed within three (3) years of issuance.

**Section 2917 Conditional Use Permit for an LWECS Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.**

The Board of Adjustment shall not grant a Conditional Use Permit for an LWECS if the applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the applicant to any other person or entity within five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an LWECS was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

***THIS PAGE RESERVED FOR FUTURE USE***

## ARTICLE 26

### WIND ENERGY CONVERSION SYSTEMS (WECS)

#### Section 2601 Definitions –TO BE REVIEWED BY PLANNING COMMISSION

For the purposed of this ordinance, certain terms and words are hereby defined.

Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregate project.

Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100kWh in total nameplate generating capacity.

Construction means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

High voltage transmission line means a conductor of electric energy and associated facilities.

Large electric power facilities mean high voltage transmission lines.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the South Dakota Department of Transportation, or other applications to monitor weather conditions.

Person shall mean an individual, partnership, joint venture, private, or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Route means the location of a high voltage transmission line between two end-points. The route may have a variable width of up to 1.25 miles.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Rotor Radius shall mean one-half ( $\frac{1}{2}$ ) the diameter of the moving rotor blade.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines.

WECS Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

WECS Tower shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV), and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Utility shall mean any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipally utility.

Small Wind Energy Conversion System shall mean a wind energy conversion system consisting of a Horizontal-Axis Wind Turbine (HAWT), a Vertical-Axis Wind Turbine (VAWT), which may include a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kWh and, which is primarily intended to reduce on-site consumption of utility power.

Large Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.



Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

### **Small Wind Energy Conversion Systems (WECS)**

#### **Section 2602—Intent**

It is the intent of this Section to promote the safe, effective, and efficient use of small wind energy conversion systems installed to reduce the on-site consumption of utility-supplied electricity.

#### **Section 2603—Requirements**

Small wind energy conversion systems shall be considered as a Conditional Use Permit with an exemption provided in 1. i. in this ordinance.

##### **1.—Requirements as set forth below shall be met:**

- a. The maximum height of a rooftop-mounted WECS, including the turbine blades, is ten (10) feet in height above the roof line of the structure.
- b. High-Density Rural Residential District (R3) shall allow rooftop-mounted WECS only.
- c. Moderate-Density Rural Residential District (R2) shall allow rooftop-mounted WECS only.
- d. Low-Density Rural Residential District (R1), meeting (or exceeding) district requirement of five (5) acre lots, shall have total WECS height limit of thirty (30) feet.
- e. Rural Transitional District (RT) shall allow rooftop-mounted WECS only.
- f. Planned Unit Development (PUD), meeting (or exceeding) requirement of five (5) acre lots, shall have total WECS height limit of thirty (30) feet.
- g. Lakeside Commercial Districts (LC) shall allow rooftop-mounted WECS only.
- h. Commercial District meeting (or exceeding) district requirements of one (1) acre shall have total WECS height limit of thirty (30) feet with exception provided in Section 2605.
- i. The Agriculture District (AG) may qualify for an administrative building permit meeting (or exceeding) district requirement of twenty (20) acre lots and shall have total WECS height limit less than eighty (80) feet. All other WECS in Agriculture District are provided in Section 2605.

##### **2.—Setbacks**

- a. No part of the wind system structure may be sited closer to structures, property lines and/or right(s)-of-way than 1.1 times the height of the wind turbine measured from the ground surface to the tip of the blade when in a fully vertical position.

~~3.—Access~~

- ~~a. Tower climbing apparatus located no closer than eight (8) feet from the ground~~
- ~~b. A locking anti-climb device installed on the tower~~
- ~~c. Enclosure of the tower by a fence at least six (6) feet high with locking portals, when climbing apparatus is less than eight (8) feet from the ground.~~

~~4.—Noise~~

- ~~a. Small wind energy systems shall not exceed 55 dBA, measured at the closest point on the closest property line from the base of the system.~~
- ~~b. The noise level may be exceeded during short term events such as utility outages and/or severe windstorms.~~

~~5.—Approved Wind Turbines~~

- ~~a. Small wind turbines, horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT), must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.~~

~~6.—Compliance with Building and Zoning Codes~~

- ~~a. Applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower base, footings and required setbacks.~~
- ~~b. An engineering analysis of the tower showing compliance with all electrical codes of the State of South Dakota certified by a professional engineer licensed and certified in South Dakota shall also be submitted.~~
- ~~c. The manufacturer frequently supplies this analysis.~~

~~7.—Compliance with FAA Regulations~~

- ~~a. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.~~

~~8.—Compliance with National Electrical Code~~

- ~~a. Permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.~~
- ~~b. The manufacturer frequently supplies this analysis.~~

~~9.—Utility Notification~~

- ~~a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator,~~
- ~~b. Off-grid systems shall be exempt from this requirement.~~

~~10. Warning information~~

- ~~a. Information related to the maximum power output, nominal voltage and maximum current and emergency shut down procedures for the WECS shall be posted near the base of the tower in a visible location.~~

~~11. Site Reclamation~~

- ~~a. When a small WECS has been condemned or has fallen into obvious disrepair, or has become a violation of some other local, state, or federal law and/or is no longer able to operate or upon earlier termination of operation of the small WECS, the permittee shall have the obligation, at the permittee's sole expense, to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment within 120 days upon notification from the County.~~
- ~~b. If deemed appropriate, the County may stipulate through the conditional use that the small WECS shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning classification in which wind energy systems are not allowed as either a permitted use or a conditional use.~~

~~12. Federal and State Requirements~~

- ~~a. All WECS shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS.~~

**Large or Commercial Wind Energy Conversion Systems (WECS)**

**Section 2604 — Intent**

~~It is the intent of this Section to promote the safe, effective, and efficient use of commercial/utility grade wind energy systems within Yankton County.~~

**Section 2605 — Requirements**

~~Large or Commercial wind energy conversion systems shall be permitted as a Conditional Use Permit in the Agricultural District (AG) and in the Commercial District (C) only. Certain requirements as set forth below shall be met:~~

~~1. Applicability~~

~~The requirements of these regulations shall apply to all WECS facilities, including private facilities, with a single tower height of greater than eighty (80) feet, rated capacity of more than 100 kWh and used primarily for off-site consumption of power.~~

~~2. Federal and State Requirements~~

~~All WECS shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS.~~

~~3. Mitigation Measures~~

- ~~a. Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the WECS.~~
- ~~b. Topsoil Protection. The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.~~
- ~~c. Compaction. The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.~~
- ~~d. Livestock Protection. The permittees shall take precautions to protect livestock during all phases of the project's life.~~
- ~~e. Fences. The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.~~
- ~~f. Roads: Public Roads. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the WECS project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the WECS. Where practical, all weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites. The permittees shall, prior to the use of approved haul roads, make satisfactory written agreements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the WECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and WECS components. The permittees shall provide the County Zoning Administrator with such written agreements.~~

~~Turbine Access Roads. Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with material that meets or exceeds South Dakota D.O.T. specifications for aggregate base course. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.~~

~~Private Roads.~~ The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

~~Control of Dust.~~ The permittees shall utilize all reasonable measures and practices of construction to control dust.

#### 4. ~~Soil Erosion and Sediment Control Plan~~

~~The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Zoning Administrator. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material, and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. A storm water runoff permit, if required, shall be obtained from the South Dakota D.E.N.R.~~

#### 5. ~~Setbacks~~

- ~~a. Wind turbines shall meet the following minimum spacing requirements:~~
  - ~~i. Distance from existing off-site residences, business and public buildings shall be one thousand three hundred and twenty feet (1,320) feet. Distance from on-site or lessor's residence shall be one thousand (1,000) feet.~~
  - ~~ii. Distance from right of way (ROW) of public roads shall be 500 feet or one point one (1.1) times the height of the wind turbines depending upon which is greater, measured from the ground surface to the tip of the blade when in a fully vertical position.~~
  - ~~iii. Distance from any property line shall be 500 feet or one point one (1.1) times the height of the wind turbines depending upon which is greater, measured from the ground surface to the tip of the blade when in a fully vertical position unless wind easement has been obtained from adjoining property owner.~~

#### 6. ~~Electromagnetic Interference~~

~~The permittees shall not operate the WECS so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the WECS or its operation, the permittees shall take the measures necessary to correct the problem.~~

~~7. Lighting~~

~~Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.~~

~~8. Access~~

- ~~a. Tower climbing apparatus shall be located no closer than twelve (12) feet from the ground unless locking anti climb device is installed on the tower.~~

~~9. Turbine Spacing~~

~~The turbines shall be spaced no closer than three (3) rotor diameters (RD) measurement of blades tip to tip. If required during final micro-siting of the turbines to account for topographic conditions, up to 10 percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer.~~

~~10. Footprint Minimization~~

~~The permittees shall design and construct the WECS to minimize the amount of land that is impacted by the WECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall to the greatest extent feasible be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.~~

~~11. Electrical Cables~~

~~The permittees shall place electrical lines, known as collectors and communication cables underground when located on private property. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.~~

~~12. Feeder Lines~~

~~The permittees shall place overhead electric lines, known as feeders, on public rights of way if a public right of way exists. Changes in routes may be made as long as feeders remain on public rights of way and approval has been obtained from the governmental unit responsible for the affected right of ways. If no public right of way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner. The permittees shall submit the site plan and engineering drawings for the feeder lines before commencing construction.~~

~~13. Decommissioning/Restoration/Abandonment/Removal Bond~~

- ~~a. Decommissioning Plan~~



~~Within 120 days of completion of construction, the permittees shall submit to the County Zoning Administrator a decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out these restoration requirements when they go into effect. The permittees shall ensure that it carries out its obligation to provide for the resources necessary to fulfill these requirements. The County Zoning Administrator may at any time request the permittees to file a report with the County Zoning Administrator describing how the permittees are fulfilling this obligation.~~

~~b. Site Restoration~~

~~Upon expiration of this permit, or upon earlier termination of operation of the WECS, the permittees shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent possible, the permittees shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the County Zoning Administrator which shall show the locations of all such foundations. All such agreements between the permittees and the affected landowner shall be submitted to the County Zoning Administrator prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration.~~

~~c. Abandoned Turbines~~

~~The permittees shall advise the County Zoning Administrator of any turbines that are abandoned prior to termination of operation of the WECS. The County Zoning Administrator may require the permittees to decommission any abandoned turbine.~~

~~d. Performance Security~~

~~The Applicant and the owner of record of any proposed large or commercial Wind Energy Conversion System property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least two (2) percent of the cost of the aggregate project for a WECS and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance~~

~~and conditions of any Conditional Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Use Permit and/or until any necessary site restoration is completed to restore the site pursuant to 9(a) (above.)~~

~~14. Height from Ground Surface~~

~~The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be twenty five (25) feet.~~

~~15. Towers~~

- ~~a. Color and Finish. The finish of the exterior surface shall be non-reflective and non-gloss.~~
- ~~b. All towers shall be singular tubular design.~~

~~16. Noise~~

~~Noise level shall not exceed 60 dB, including constructive interference effects, measured at the closest point on the closest property line from the base of the system.~~

~~17. Permit Expiration~~

~~All permits shall become void if no substantial construction has been completed within three (3) years of issuance.~~

~~18. Required Information for Permit~~

- ~~a. Boundaries of the site proposed for WECS and associated facilities on United States Geological Survey Map or other map as appropriate.~~
- ~~b. Map of easements for WECS.~~
- ~~c. Map of occupied residential structures, businesses, and public buildings within a 2-mile radius.~~
- ~~d. Map of sites for WECS, access roads and utility lines.~~
- ~~e. Location of other WECS in general area.~~
- ~~f. Project schedule.~~
- ~~g. Mitigation measures.~~

~~19. Technical Issues and Expert Review~~

~~WECS and equipment facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Zoning Administrator, Planning Commission, Board of Adjustment, and/or the County Commission may require the applicant to pay reasonable costs for a third party technical study of a proposed facility. Selection of expert(s) to review will be at the sole discretion of the County.~~

### **Section 2601 Purpose**

**Purpose** - It is the purpose of this Article to outline the requirements Yankton County has for wind energy conversion systems (WECS).

### **Small Wind Energy Conversion Systems (SWECS)**

#### **Section 2603 Intent**

It is the intent of this Section to promote the safe, effective, and efficient use of small wind energy conversion systems (SWECS) installed to reduce the on-site consumption of utility supplied electricity.

#### **Section 2605 Performance Standards**

SWECS shall be considered as a Conditional Use Permit with an exemption provided in the Agricultural District, noted in A(i) below. The following provisions shall apply to all SWECS less than fifty (50) kilowatts alternating current (AC).

#### **Design Requirements.**

- A. Height and zoning restrictions as set forth below shall be met:
  - a. The maximum height of a rooftop mounted SWECS, including the turbine blades, is ten (10) feet in height above the roof line of the structure.
  - b. **High Density** Rural Residential District (R3) shall allow rooftop mounted SWECS only.
  - c. **Moderate Density** Rural Residential District (R2) shall allow rooftop mounted SWECS only.
  - d. **Low Density** Rural Residential District (R1), meeting (or exceeding) district requirement of five (5) acre lots, shall have total SWECS height limit of forty (40) feet.
  - e. **Rural Transitional** District (RT) shall allow rooftop mounted SWECS only.
  - f. **Planned Unit Development** (PUD), meeting (or exceeding) requirement of five (5) acre lots, shall have total SWECS height limit of forty (40) feet.
  - g. **Lakeside Commercial** Districts (LC) shall allow rooftop mounted SWECS only.
  - h. **Commercial** District meeting (or exceeding) district requirements of one (1) acre shall have total SWECS height limit of forty (40) feet with exception provided in Section 2605.
  - i. The **Agricultural** District (AG) qualifies for an administrative building permit. The total SWECS height limit is thirty-five (35) feet for lots up to five (5) acres. Lots greater than five (5) acres receive an additional six and one-half (6.5) feet for each additional acre over five (5) acres not to exceed a total SWECS height limit of one hundred thirty-five (135) feet.
- B. Setbacks

No part of the wind system structure may be sited closer to property lines and/or right(s)-of-way than 1.1 times the height of the wind turbine measured from the ground surface to the tip of the blade when in a fully vertical position.

C. Access

Enclosure of the tower by a fence at least six (6) feet high with locking portals, when climbing apparatus is less than eight (8) feet from the ground.

D. Noise

- a. Noise level shall not exceed forty-five (45) dBA, including constructive interference effects, measured at the closest point on the closest non-participating property line from the base of the system. The noise level shall not exceed 35 dBA at the nearest non-participating residence.
- b. The noise level may be exceeded during short-term events such as utility outages and/or severe windstorms.

E. Compliance with Building and Zoning Codes

Applications for small wind energy conversion systems shall be accompanied by standard manufacturers' drawings of the wind turbine structure, including the tower base, footings and required setbacks.

F. Compliance with Federal Aviation Administration (FAA) Regulations

Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

G. Compliance with National Electrical Code

All small wind energy systems shall comply with requirements per the current adopted edition of the National Electric Code (NEC).

H. Utility Notification

- a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- b. Off-grid systems shall be exempt from this requirement.

I. Warning Information

Information related to the maximum power output, nominal voltage and maximum current and emergency shut-down procedures for the SWECS shall be posted near the base of the tower in a visible location.

J. Site Reclamation

- a. When a small SWECS has been condemned or has fallen into obvious disrepair or has become a violation of some other local, state, or federal law and/or is no longer able to operate, the permittee shall have the obligation, at the permittee's sole expense, to dismantle and remove from the site all towers within 120 days upon notification from the County.
- b. If deemed appropriate, the County may stipulate through the conditional use that the small SWECS shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning classification in which wind energy systems are not allowed as either a permitted use or a conditional use.

## **Conditional Use Permit Application Requirements for SWECS.**

The following information shall be submitted for the consideration of a SWECS Conditional Use Permit:

- A. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- B. A legal description of the site(s) and proposed 911 address(es) for the location(s).
- C. Site diagram(s) depicting:
  - a. boundary of entire area included in permit, showing project acreage and property lines
  - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
  - c. schematic location of wind towers, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid
  - d. proposed property and ROW setbacks of all structures from the exterior boundaries
  - e. fencing, lighting and signage locations
  - f. location and purpose of any existing underground pipelines and utility easements
- D. Federal Aviation Administration requirements, if applicable
- E. Utility notification confirmation

Such other information deemed relevant and necessary by the Zoning Administrator.

## **Large Wind Energy Conversion Systems (LWECS)**

### **Section 2613 Intent**

It is the intent of this Section to promote the safe, effective, and efficient use of commercial/utility grade wind energy systems within Yankton County.

### **Section 2615 Performance Standards**

Large wind energy conversion systems (LWECS) with a rated capacity of 50 kW or more and used primarily for off-site consumption of power shall be permitted as a Conditional Use Permit in the Agricultural District (AG) and in the Commercial District (C) only. Certain requirements as set forth below shall be met.

#### **Design Requirements.**

- A. Federal and State Requirements
  - All LWECS shall meet or exceed standards and regulations of the Federal Aviation Administration, South Dakota State Statutes and any other agency of federal or state government with the authority to regulate LWECS.
- B. Mitigation Measures
  - a. **Site Clearance.** The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the LWECS.
  - b. **Soil erosion/sedimentation.** The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Zoning Administrator. The Soil Erosion and Sediment Control Plan shall address

the erosion control measures for each project phase and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material, and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. A storm water runoff permit, if required, shall be obtained from the South Dakota D.A.N.R. All construction roadwork and site development work must meet national pollutant discharge elimination system (NPDES) permit requirements.

- c. **Compaction.** The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.
- d. **Livestock Protection.** The permittees shall take precautions to protect livestock during all phases of the project's life.
- e. **Fences.** The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.
- f. **Drain Tile.** The permittees shall obtain maps of all known drain tile installations and, with the approval of the landowner, the permittees shall utilize construction methods that minimize the impacts to existing tile systems. The permittees are responsible for any damage.

#### C. Lighting

Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The preferred manner of lighting is by means of an Aircraft Detection Lighting System (ADLS). Subject to FAA approval, applicants will install an ADLS within one (1) year of approval by FAA for the specified project. In the event FAA does not approve an ADLS system, the applicant will comply with all lighting and markings otherwise required by FAA.

#### D. Access

Tower climbing apparatus shall be located no closer than twelve (12) feet from the ground unless locking anti-climb device is installed on the tower.

#### E. Tower Height Limit

Total tower height shall not exceed six hundred (600) feet.

#### F. Turbine Spacing

The turbines shall be spaced no closer than three (3)-rotor diameters (RD) measurement of blades tip to tip. If required during final micro siting of the turbines to account for topographic conditions, up to 10 percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer.

#### G. Footprint Minimization



The permittees shall design and construct the LWECS to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall to the greatest extent feasible be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

**H. Electrical Cables**

The permittees shall place electrical lines, known as collectors and communication cables underground when located on private property. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. The depth must be approved by the landowner and location recorded on the filed easement. This paragraph does not apply to feeder lines.

**I. Feeder Lines**

The permittees shall place overhead electric lines, known as feeders, on public rights-of-way if a public right-of-way exists. Changes in routes may be made as long as feeders remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-ways. If no public right-of-way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner. The depth must be approved by the landowner and location recorded on the filed easement. The permittees shall submit the site plan and engineering drawings for the feeder lines before commencing construction.

**J. Height from Ground Surface**

The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be thirty (30) feet.

**K. Color and Finish**

The finish of the exterior surface shall be non-reflective and non-gloss.

**L. Noise**

Noise level shall not exceed 45 dB, including constructive interference effects, measured at the closest point on the closest non-participating property line from the base of the system. The noise level shall not exceed 35 dB at the nearest non-participating residence.

**Facility Setback Requirements.**

LWECS shall be located no closer than the following regulations prescribe. The applicant(s) of a LWECS may request the required setback to any category listed in the table below be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit and shall be filed as a permanent encumbrance against the legally described parcel(s) for which the waiver is granted.

<i><b>LWECS Facility Setback Chart</b></i>		<i><b>Feet</b></i>
Residence, active church, business, schools and game production areas	Participating	1.5 times total height
	Non-participating	2 miles
Municipalities		2 miles
Lakes, Rivers and streams		1 mile
Right-of-way line (ROW)		1.5 times total height
Property line	Participating	1.5 times total height
	Non-participating	2 miles
Pipelines and Utility infrastructure		1.5 times total height

### **Agreements and Studies.**

#### **A. Electromagnetic Interference**

The permittees shall not operate the LWECS so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the LWECS or its operation, the permittees shall take the measures necessary to correct the problem.

#### **B. Ultra-Low Frequency**

Take steps to mitigate ultra-low frequency.....xxxxx TBD xxxxx

#### **C. Flicker Analysis**

A Flicker Analysis shall include the duration and location of flicker potential for all schools, churches, businesses and dwellings within a two (2) mile radius of each turbine within a project. The applicant shall provide a site map identifying the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall account for topography but not for obstacles such as accessory structures and trees. Flicker at any receptor shall not exceed thirty (30) hours per year within the analysis area. A Shadow Flicker Control System shall be installed upon all turbines which will cause a shadow effect upon an occupied residential dwelling. Exception: The Board of Adjustment may allow for a greater amount of flicker than identified above if the participating or non-participating landowners agree to said amount of flicker. If approved, such agreement shall be permanently attached to the approved conditional use permit and shall be filed as a permanent encumbrance against the legally described parcel(s) for which the waiver is granted.

#### **D. Endangered Species, Wetlands and Migration Analysis**

Applicant must submit an inventory of any existing endangered wildlife, flora and fauna species and biologically sensitive areas and meet all South Dakota Department of Agricultural and Natural Resources (SD DANR) and South Dakota Game, Fish and Parks (SD GF&P) requirements. Applicant must examine

landscape levels of key wildlife habitats, migration corridors, staging/concentration areas and breeding/brood-rearing areas to help develop general siting strategies. Applicant must situate turbines so they do not interfere with wildlife movement corridors and staging areas.

E. Road Maintenance Agreements

- a. *Public Roads.* Prior to commencement of construction and for any future LWECS repairs, the permittees shall identify all state, county or township “haul roads” that will be used for the LWECS project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the LWECS. Where practical, all-weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites. The turn radius for vehicles must be a consideration. The permittees shall, prior to the use of approved haul roads, make satisfactory written agreements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the LWECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and LWECS components. These written agreements shall include all subcontractors. The permittees shall provide the County Zoning Administrator with such written agreements.
- b. *Turbine Access Roads.* Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with material that meets or exceeds South Dakota D.O.T. specifications for aggregate base course. When access roads are constructed across streams and drainage-ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. The permittee(s) shall conduct hydrology studies and obtain all applicable permits including a Yankton County Drainage Board if required.
- c. *Private Roads.* The permittees shall obtain a written agreement for use of private roads following the guidelines for Public Roads above. The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
- d. *Control of Dust.* The permittees shall utilize all reasonable measures and practices of construction to control dust including the use of dust palliatives.

F. Power Purchase Agreement

If the applicant has an executed power purchase agreement at the time of application, the applicant shall provide with the application either such agreement, or at the applicant’s discretion, an affidavit of non-confidential information regarding such agreement.

G. Technical Issues and Expert Review

LWECS and equipment facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Zoning

Administrator, Planning Commission, Board of Adjustment, and/or the County Commission may require the applicant to pay reasonable costs for a third party technical study of a proposed facility. Selection of expert(s) to review will be at the sole discretion of the County.

## **Decommissioning**

- A. *Plan:* All applicants for a conditional use permit shall provide, with their site plan submission, a decommissioning plan.
  - a. The plan shall specify the procedure by which the applicant or its successor will remove all structures (including equipment, fencing, roads and foundations) and restore the area to its pre-construction condition. Any agreement for removal to a lesser depth shall be filed as a permanent encumbrance against the legally described parcel(s) for which the waiver is granted.
  - b. Disposal of structure and/or foundations shall meet the provisions and regulations of the South Dakota Department of Agriculture and Natural Resources (SD DANR) or the United States Environmental Protection Agency.
  - c. The plan will set forth a timeline for completing decommissioning once it is commenced.
- B. *Cost Estimate:*
  - a. The decommissioning plan shall include a decommissioning cost estimate prepared by a licensed professional engineer. The cost estimate will include a proposed timeline, not to exceed two (2) years, for completing the decommissioning process.
  - b. The cost estimate shall provide the estimated cost of and schedule for decommissioning in accordance with the decommissioning plan and any other applicable conditions set by the County.
  - c. The cost estimate and schedule above will be reviewed and analyzed by a third-party engineer of the County's choosing. The applicant or its successor shall compensate the County for any third-party review and analysis by an engineer of the initial cost estimate.
  - d. The applicant or its successor shall update the decommissioning cost and schedule every five (5) years following approval of the conditional use permit and compensate the County for any review and analysis of each cost estimate and schedule revision by a licensed professional engineer.
- C. *Financial Resources:*
  - a. Fifty percent (50%) of the estimated decommissioning cost will be placed into an escrow account held by the County at the beginning of the LWECS construction phase. The balance of the decommissioning cost estimate will be guaranteed with a surety bond so as to cover one hundred percent (100%) of the estimated decommission costs.
  - b. Each year after the beginning of the LWECS construction phase, the applicant or its successor will contribute an additional five percent (5%) of the most current cost estimate to the escrow account, allowing for the reduction of the surety bond by the same percentage not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional

use permit.

- c. Should the five-year (5) updated cost estimate increase, the applicant or its successor will increase the required escrow and surety bond combination as outlined above to meet the percentages for the given year. Amounts may be reduced, at the discretion of the County, if an updated cost estimate shows a decrease from the previous cost estimate.
  - d. The County will credit interest to the escrow account.
- D. *Notice to County:* The applicant or its successor shall provide six (6) months' written notice to the Zoning Administrator that it intends to commence the decommissioning process.
- E. *Termination of Use:*
  - a. Decommissioning of turbines must occur in the event the LWECS is not in use for six (6) consecutive months. At this time the applicant or its successor and/or land owner will have six (6) months to complete decommissioning in full accordance with the decommissioning plan.
  - b. If the applicant or its successor and/or land owner fail to decommission the LWECS within six (6) months following commencement of decommissioning, the County has the right, but not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional use permit. If the applicant or its successor, or the County incurs expenses in excess of the funds available for decommissioning, the County has the right to file a deficiency judgement against the land on which the LWECS stands. This deficiency judgment will be treated as a tax lien against the land and the landowner at the time decommissioning is complete. This tax lien will become due and payable in the year the deficiency is incurred by the County.
  - c. The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or its successor or the landowner for decommissioning costs against any real estate owned by applicant or its successor, or the landowner in which they have an interest and to take all steps allowed by law to enforce said lien. NOTE: The land owner is ultimately responsible and could have a Lien placed on their property should the applicant or its successor fail to fully remunerate the costs of decommissioning.
- F. *Liability insurance:* The applicant or its successor shall obtain and hold a general liability policy covering bodily injury and property damage and name Yankton County as an additional insured with limits of at least five million dollars (\$5,000,000.00) per occurrence and ten million dollars (\$10,000,000.00) in the aggregate with a deductible of no more than fifty thousand dollars (\$50,000.00). The applicant or its successor must provide proof of insurance to the Zoning Administration prior to construction.
- G. *Indemnity:* Applicant or its successor shall hold the County and its officers and employees harmless from claims made by applicant or its successor and third parties for damages sustained or costs incurred resulting from said LWECS project. The Applicant or its successor shall indemnify the County and its officers and employees for all costs, damages or expenses that the County may pay or incur in consequence of such claims, including attorney fees. Third parties shall have no recourse against the County under this agreement.

### **Conditional Use Permit Application Requirements.**

The following information shall be submitted for the consideration of a LWECS Conditional Use Permit:

- F. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- G. A legal description of the site(s) and proposed 911 address(es) for the location(s).
- H. Site diagram(s) depicting:
  - a. boundary of entire area included in permit, showing project acreage and property lines of all participating and non-participating land owners
  - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
  - c. points of access from public road ways
  - d. topography with contours at intervals of two (2) feet showing surface water drainage patterns
  - e. schematic location of wind towers, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid
  - f. internal access and maintenance roads and other accessory structures associated with the LWECS
  - g. proposed property and ROW setbacks of all structures from the exterior boundaries
  - h. fencing, lighting and signage locations
  - i. location and purpose of any existing underground pipelines, utility easements and farmland tile drainage systems
- I. Soil erosion and sediment control plan during construction
- J. Federal Aviation Administration requirements, if applicable
- K. Flicker Study Analysis
- L. Inventory of endangered species and wetlands
- M. A signed Roadway Maintenance and Haul Agreement with State, County, and/or Township authority approval
- N. Power Purchase Agreement
- O. Any third party technical studies a requested by the County.
- P. Decommissioning plan
- Q. Liability insurance policy
- R. Indemnification of County and its officers and employees

Such other information deemed relevant and necessary by the Zoning Administrator.

### **Permit Expiration**

All permits shall become void if no substantial construction has been completed within three (3) years of issuance.

**Section 2917 Conditional Use Permit for an LWECS Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.**



The Board of Adjustment shall not grant a Conditional Use Permit for an LWECS if the applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the applicant to any other person or entity within five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an LWECS was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

***THIS PAGE RESERVED FOR FUTURE USE***

Hello my name is Ann Jared. I am a resident of Yankton County and own land in Turner County.

I have attended a couple of the Wind Task Force meetings in Yankton and the meeting they held at Spring Valley Church. The meeting at Spring Valley Church was eye opening in that 2 people who are running for political office wouldn't call on the representatives from Nextera Wind Energy to respond to comments made by some of the speakers.

The question was asked was there a map of the project. Lauren Hansen responded that she had a map of the project and the names of those who signed up. She said she wouldn't share it with everyone at the meeting. Then she said she would show it to the person asking the question later. The fact she would only show it to certain people left some in the audience feeling uneasy and nervous. Since some people who are for the project have been the targets of misinformation on social media and rumors going around the neighborhood.

I left the meeting upset. I decided after a sleepless night to do a little home work that I will share with you.

Articles and information I found that you can refer to. The oldest article if from 2010 and the most recent is 2023.

Links <https://www.farmprogress.com/management/wind-turbines-beneficial-for-crop-production>

[http://www.abilene-rc.com/news/wind-industry-faces-questions-about-turbines-killing-birds/article\\_0163a328-8cb2-11ee-a572-4721afb9db.html?utm\\_medium=social&utm\\_source=email&utm\\_campaign=user-share](http://www.abilene-rc.com/news/wind-industry-faces-questions-about-turbines-killing-birds/article_0163a328-8cb2-11ee-a572-4721afb9db.html?utm_medium=social&utm_source=email&utm_campaign=user-share)

Wind turbines standing in agricultural fields are a plus for the crops growing around them. Researchers at Iowa State University studied the breezy effects on plants. Read More:

[https://www.agriculture.com/podcast/successful-farming-radio-podcast/crops-and-wind-turbines?utm\\_source=emailshare&utm\\_medium=social&utm\\_campaign=mobilesharebutton2](https://www.agriculture.com/podcast/successful-farming-radio-podcast/crops-and-wind-turbines?utm_source=emailshare&utm_medium=social&utm_campaign=mobilesharebutton2)

<https://www.cals.iastate.edu/news/2018/iowa-state-university-research-finds-wind-farms-positively-impact-crops>

There was a couple there talking about the impact on livestock from wind farms. They site an article that was actually out of Portugal a number of years ago. The information they shared was from someone's master's thesis. Which in the article stated the thesis was never peer reviewed. So that in turn made me question the validity of the information.

In my quest for accurate information, I reached out to Danielle McFarland at the Yankton County Extension Office. She gave me the names of a couple of people to reach out to.

Addie Womack she is the Extension Livestock Production and Stewardship Specialist 1. She responded to my email and told me I could share it with you. She said I could refer others to her with questions and she will do what she can to find more information and answers. Page 3 of this letter is my correspondence with her.

The next name Danielle gave me is Assistant Professor Xufei Yang at SDSU. His academic background combines environmental engineering and agricultural engineering. I emailed the information that was presented at the task force meeting about deformities in livestock. He said he had never seen or come across any instances of this in his studies and research over the years. He said he would forward articles to me with info regarding the effects of wind turbines on livestock. I have yet to hear back from him. I'm sure that's due to the end of the school year and graduation. I didn't keep his contact information. If you want to reach out to him. His contact information should be available on the SDSU staff website or Danielle McFarland would have it on file.

I did not catch the woman's name in the Spring Valley meeting but she made the comment that wind energy project is being pushed at them. The possibility of a wind farm has been studied on Turkey Ridge for a number of years. The first study was started around the year 2000. That was with Clipper Wind Power. My father had an anemometer that collected the wind data for 10 years on our property. That agreement was terminated in 2011. Next, we entered into a lease with Orion Wind Energy, I think that was around 2017. In 2023 NextEra Energy/Swan Lake Wind Project acquired those leases. So, the possibilities of wind turbines in the area have been studied and a possibility for years.

Thank you for your time and efforts that go in to being on the Planning and Zoning Board. I do realize it's a thankless job and a lot of hard work.

Ann Jared

----- Original message -----

From: "Womack, Addie" <Addie.Womack@sdstate.edu>

Date: 4/26/24 11:54 AM (GMT-06:00)

To:

Subject: Wind Turbines and Livestock Foot Problems

Good Afternoon,

I had talked with you about the possible correlation between hoof defects in livestock and wind turbines. While there are some blog type posts about this topic, I was unable to find any related research. I did not find research supporting the claim that wind turbines cause any type of hoof defect in cattle.

While completing my degree, I worked in Western Oklahoma, where there is a good amount of wind turbines. We did not experience any hoof problems, and no one talked about this topic. So, from personal experience, this has not been a problem. I have attached a photo of us moving the cows with the wind turbines in the background.

Addie Womack, email, Addie.Womack@sdstste.ed

Extension Livestock Production and Stewardship Specialist 1

P: (605) 995-7378

SDState.edu