

June 11, 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.

Koble – Conditional Use Permit

Applicant is requesting a Conditional Use Permit to build an accessory structure in a High Density Residential District that exceeds the maximum aggregate square footage of 1600 square feet. Applicant wishes to build an accessory structure that is 2304 Square feet per Article 8 Section 1807, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as CMP 1st Addition in the NW1/4 of the SE1/4 of Section 27, T95N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 221 Beaver Beach Rd, Utica. (Central)

7:10 P.M. (Moved to July by request of applicant)

7:15 P.M.

Fire and Ice – Conditional Use Permit

Applicant is requesting a Conditional Use Permit in a Lakeside Commercial District per Article 11 Section 1109. Applicant wishes to erect a large gathering tent to host bands and have a beer garden. Said property is legally described as Lot 25, Lewis and Clark Business Center, Section 16, T93N, R56 west of the 5th P.M., Yankton County, South Dakota. E911 address is 3804 West 8th St., Yankton.

7:20 P.M.

Munkvold Land and Cattle - Variance

Applicant is requesting a Variance in an Agriculture District (AG) per Article 5 Section 515, Article 18 Section 1807, and Article 19 Section 1907. Applicant is requesting a Variance of 25 feet from the front 9(North) property line to build an Agriculture accessory structure. Said property is legally described as the North half of the Northeast quarter (N1/2NE1/4) and the North half of the Northwest Quarter (N1/2 NW1/4) Excluding the East Two Hundred Eighty feet of the West Three hundred Eighty Feet of the North One Hundred Eighty feet of the West Sixty Acres (N2 NE4 & N2 NW4 EXC E280' W380' N180' W60A), Section Eight (8), T96N, R56 West of the 5th P.M., Yankton County, South Dakota. E911 address is 43503 292 St, Menno.

7:25 P.M.

Plats

Koenigshof - Replat of Lot 2 and 3, Block 3 Zediker's Subdivision in the NE1/4 of the NW1/4 and in the SE1/4 of the NW1/4, Section 8, T93N, R57W of the 5th P.M., Yankton County, South Dakota, Hereafter to be known as: Plat of Tract 1 of Koenigshof Addition, an addition in the NE1/4 of the NW1/4 and in the SE1/4 of the NW1/4 of Section 8, Township 93 North, Range 57 West of the 5th Principal Meridian, Yankton County, South Dakota (**Ziskov South**)

7:30 P.M.

NextEra Presentation

7:35 P.M.

Discussion - Definitions and Article 26 (Wind Energy Conversion Systems)

7:40 P.M.

Public Comment

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 5/14/2024 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling/Vetter

ROLL ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ NELSON ☒ WELSH ☒ CLARK

CALL:

APPROVAL OF MINUTES: MOTION BY: Loest SECOND BY: Welsh

PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ NELSON ☒ WELSH ☒ CLARK

APPROVAL OF AGENDA: MOTION BY: Nelson SECOND BY: Hummel

PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ NELSON ☒ WELSH ☒ CLARK

Amended Agenda – Remove Schenk plat and correct name of NextEra presentation

AGENDA ITEM: CMC Adventures, LLC – Rezone 09.004.400.301

ADDRESS/LEGAL: 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 5th P.M., Yankton County, South Dakota. E911 address is 30938 436th Ave, Yankton. (Utica South)

COMMENTS: Mike Bornitz - Applicant

MOTION: **Approve as presented**
Passed 7-0

APPROVAL: MOTION BY: Loest SECOND BY: Nelson

PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: List – Conditional Use Permit 09.010.300.100

ADDRESS/LEGAL: 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

COMMENTS: Ryan List - Applicant

MOTION: **Approve List Conditional Use Permit to run his electrical business at that location.**
Passed 7-0

APPROVAL: MOTION BY: Hummel SECOND BY: Kettering

PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: List – Conditional Use Permit 09.010.300.100
ADDRESS/LEGAL: 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
COMMENTS: Ryan List - Applicant

MOTION: **Approve based on Findings of Facts**
 Passed 7-0

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

AGENDA ITEM: CMC Adventures, LLC plat 09.004.400.301
ADDRESS/LEGAL: 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.
COMMENTS: None

MOTION: **Approve as presented**
 Passed 7-0

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

AGENDA ITEM: Drotzmann- Plat 09.009.200.175
ADDRESS/LEGAL: 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.
COMMENTS: None

MOTION: **Approve a presented
Passed 7-0**

APPROVAL: MOTION BY: Loest SECOND BY: Hummel
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 5th P.M., Yankton County, South Dakota (**Ziskov South**)

COMMENTS:

MOTION: **Removed from agenda**

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

AGENDA ITEM: **NextGen Presentation**

ADDRESS/LEGAL:

COMMENTS: Gokhan Andi – NextEra, Chris Ollson – NextEra, Jill Seed – NextEra
Public comment – Roger Hofer, Robert Burns, Matt Conway, Ralph Marquardt, Sandra Baker, Jackie Mayo, Lori Sletten, Alan ward, Terri Clark, Rodney Sletten, Steve Brockmueller

MOTION: **No action taken**

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

AGENDA ITEM: **Article 26 Discussion – Wind Energy Conversion Systems**

ADDRESS/LEGAL:

COMMENTS: None

MOTION: **No action taken**

APPROVAL: MOTION BY: _____ SECOND BY: _____

☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

ADDRESS/LEGAL:

COMMENTS: Terri Clark, Kristi Conway, Roger Hofer

MOTION: Adjourn
Passed 7-0

APPROVAL: MOTION BY: Loest SECOND BY: Kettering

PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ NELSON ☒ WELSH ☒ CLARK

ADDRESS/LEGAL:

COMMENTS:

MOTION:

APPROVAL: _____ MOTION BY: _____ SECOND BY: _____

PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

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

Koble – 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 to build an accessory structure in a High Density Residential District that exceeds the maximum aggregate square footage of 1600 square feet. Applicant wishes to build an accessory structure that is 2304 Square feet per Article 8 Section 1807, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as CMP 1st Addition in the NW1/4 of the SE1/4 of Section 27, T95N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 221 Beaver Beach Rd, Utica.

PC: Article 18 Section 1805

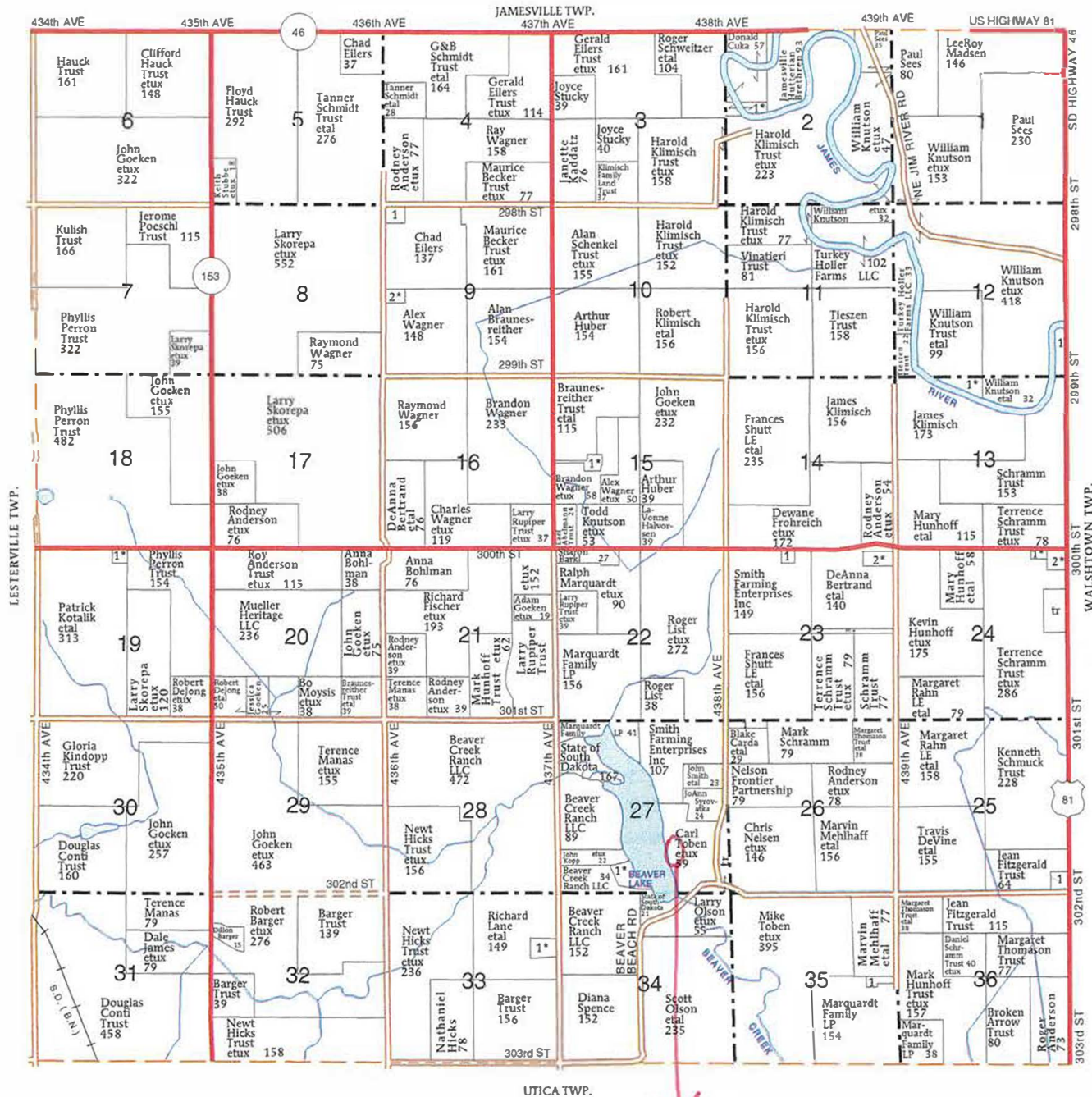
BOA: Article 19 Section 1905

Planning Commission date:
6/11/2024

Board of Adjustment date:
6/18/2024

Time:
7:05
P.M.
Time:
6:30
P.M.

(Landowners)



CENTRAL TOWNSHIP

SECTION 2

1 SCHWEITZER, ROGER ETAL 9

SECTION 9

1 BECKER-JERRED, DAWN 11

2 WAGNER, RAYMOND ETAL 8

SECTION 12

1 STATE OF SOUTH DAKOTA 6

SECTION 13

1 KNUTSON TRUST, WILLIAM ETUX 15

SECTION 15

1 KLIMISCH, DANIEL ETUX 10

SECTION 18

1 KOTALIK, STEVEN ETUX 5

SECTION 23

1 THALKEN, SAMUEL 6

2 HUNHOFF, TROY ETUX 11

3 SCHRAMM TRUST 5

SECTION 24

1 GINSBACH, CHARLES ETUX 5

2 HEIRIGS, MARK ETUX 10

SECTION 25

1 KERR, JAMES 8

SECTION 26

1 LAVELLE, JASON 10

SECTION 27

1 LIST, ROGER ETUX 18

SECTION 33

1 KORTAN, DOUGLAS ETUX 9

SECTION 35

1 JORGENSEN, TYLER 6

FINDINGS OF FACT – CONDITIONAL USE PERMIT

Koble – CUP-244

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting a Conditional Use Permit for an accessory structure that is larger than the 1600 square foot maximum per Article 8 Section 807, Article 18 Section 1805 and Article 19 Section 1905
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.	
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CUP MANAGER

Submitted by: Anonymous user

Submitted time: May 6, 2024, 1:54:26 PM

Point

Lat: 43.01436 Lon: -97.444808



Maxar | Esri Community Maps Contributors, South Dakota Game Fish and Parks, Esri, TomTom, Garmin, SafeGraph, GeoTech... Powered by Esri

Longitude

-97.44480816720252

Latitude

43.014359866606924

Permit Number

CUP244

Parcel Number

11.037.400.301

Permit Status

Approved Active

Permit Fee

300

Total Due

300

Was fee paid?

Yes

Receipt Number

00617144

Planning Commission Action Date

Jun 11, 2024, 7:05:00 PM

Planning Commission Action Time

7:05 PM

Application Accepted By

Bill Conkling

Checked By

BILL GARY

Existing Zoning

HIGH DENSITY RESIDENTIAL

Affected Zoning Ordinance

Article 8 section 1805, 18-1805, 19-1905

Is location in floodplain?

No

Applicant Name

Gary and Carrie Koble

Applicant Phone

605-202-0005 or 605-659-0243

Applicant Address

2611 Pettersen Road

Applicant Email Address

carrie_koble@yahoo.com

Owner Name

Gary and Carrie Koble

Owner Phone

605-202-0005 or 605-659-0243

Owner Address

Vermillion

Owner Email Address

carrie_koble@yahoo.com

Property Address

217 BEAVER BEACH RD

Reason for Request

We are building a garage that will be 36x64. Since we are on a lake we need extra space in it for boats, jet skis, etc. A 32x50 building gives us the allowed 1600 square ft but no extra space & we don't want neighbors to have to look at things outside.

Height of Building

12 feet

Total Square Feet of Building

2,304

Legal Description

1961 NEW MOON SN:1101860 10X41 & LTS 1 & 2 BLK 3 BEAVER BEACH PARK

Date of Application Submission

May 6, 2024, 12:00:00 PM

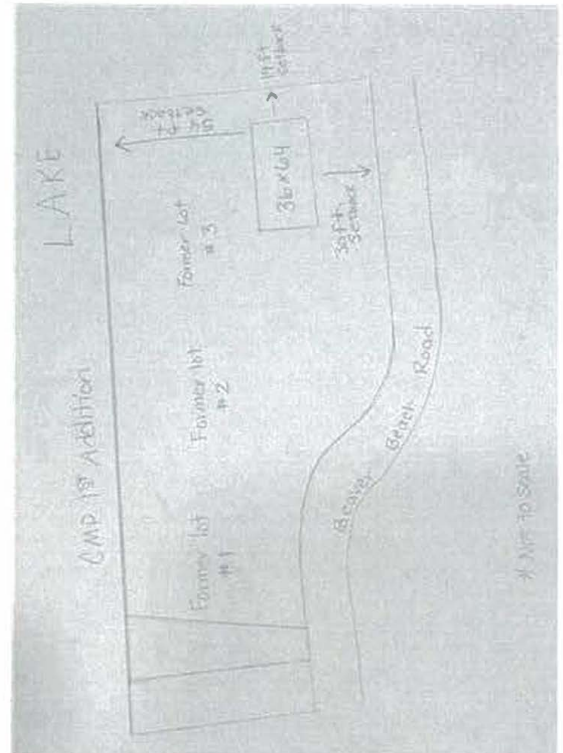
Section Township Range

27-95-56

Attachments:



SKETCH-.jpg



Carrie Kohle

ApplicantSignature-.jpg

Henry J. K...

signature-20240506135420893.jpg

AFFIDAVIT OF MAILING

I, Carrie Koble, hereby certify that on the 24 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.

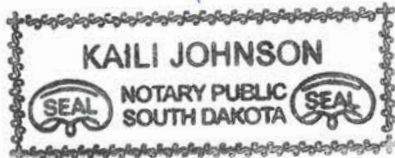
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

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

Dated the 24 day of May, 2024.

Carrie Koble
(Name)
Affiant

Subscribed and sworn to before me this 24th day of May, 2024.



Kaili Johnson
Notary Public - South Dakota
My commission expires: 8/23/2029

(SEAL)

NOTIFICATION

May 24, 2024

Applicant:
Carrie Koble
2611 Petersen Rd
Vermillion, SD 57069

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 7:05 P.M. on the 11th day of June, 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 to build an accessory structure in a High Density Residential District that exceeds the maximum aggregate square footage of 1600 square feet. Applicant wishes to build an accessory structure that is 2304 square feet per Article 8 Section 1807, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as CMP 1st Addition in the NW1/4 of the SE1/4 of Section 27, T95N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 221 Beaver Beach Rd, Utica.

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,
Carrie Koble

Petitioner

BEAVER CREEK RANCH LLC (D)
30193 437 AVE
UTICA SD 57067

BOYLES FAMILY PROTECTION TRUST (I
1000 PINE ST
YANKTON SD 57078

BREWER, CORLISS R (D)
2401 COUNTY RD 35
CRAIG CO 81625

GATCH, MICHELE L (D)
2519 MCFAUL ST
SIOUX CITY IA 51104

GERAETS, MISTIE (D)
304 WEST 8 ST
DELL RAPIDS SD 57022

GROVER, W W (D)
%BOYLES, ALVINA
1000 PINE ST
YANKTON SD 57078

GUENTHER, JASON (D)
700 EAST 32 ST
SIOUX FALLS SD 57105

HUNHOFF, HALEY M (D)
825 N SAVANNAH DR
SIOUX FALLS SD 57108

KOBLE, GARY L (D)
2611 PETERSEN RD
VERMILLION SD 57069

KONKEN, EUGENE REV TRUST (D)
1807 WOODLAND LOOP
YANKTON SD 57078

KOPP, JOHN M (D)
30178 437 AVE
UTICA SD 57067

LARRY'S RENTALS LLP (D)
2401 BROADWAY AVE #3
YANKTON SD 57078

LIST, ROGER REVOCABLE TRUST (D)
218 BEAVER SHORE TRL
UTICA SD 57067

LORANG, EUGENE (D)
1311 S 1 ST
NORFOLK NE 68701

MILLER, TIMOTHY F (D)
217 WILDWOOD DR
MISSION HILL SD 57046

NELSON, EDITH (D)
426 EAST 1 ST
CANTON SD 57013

NELSON, EDITH I (D)
426 EAST 1 ST
CANTON SD 57013

OLSON, LARRY L (D)
1410 BRIDGEVIEW CIR
YANKTON SD 57078

SAMUELSON, HALEY (M)
47307 ROGNESS PL
RENNER SD 57055

SCHILMOELLER, CHAD A (D)
8600 S QUIET OAK CIR
SIOUX FALLS SD 57108

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

SMITH FARMING ENTERPRISES INC (D)
2507 VALLEY RD
YANKTON SD 57078

SMITH, JORDAN M (D)
315 BEAVER BEACH RD
UTICA SD 57067

STEVENS, MICHAEL D (D)
214 MARINA DELL AVE
YANKTON SD 57078

SYROVATKA, JOANN KATHLEEN (D)
30143 438 AVE
UTICA SD 57067

TOBEN, CARL (D)
687 BEAVER BEACH RD
UTICA SD 57067

2010 Legal and Public Notices

felony sentence.

Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Any such person so sentenced may register to vote following completion of the person's sentence. Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when voting, tries to vote knowing he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Published twice at the total approximate cost of \$32.83 and can be viewed free of charge at www.sdpublishnotices.com

Published May 24 & 31, 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 27, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, June 10, 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 28th day of May, 2024.

Lisa Yandley
FINANCE OFFICER

Published once at the total approximate cost of \$13.76 and can be viewed free of charge at www.sdpublishnotices.com

Published May 31, 2024.

NOTICE OF PRIMARY ELECTION

A Primary Election will be held on Tuesday, June 4th, 2024 in all the voting centers in Yankton County.

The election polls will be open from seven o'clock (7:00) AM to seven o'clock (7:00) PM central time on the day of the election.

The polling centers of this county are as follows:
YANKTON CITY HALL 416 WALNUT STREET, YANKTON

Yankton Fire Station #2 201 W 23rd St., YANKTON

GAYVILLE COMMUNITY CENTER ~ 404 WASHINGTON STREET, GAYVILLE

MAYFIELD STORE ~ 44398 SD HWY 46, IRENE

LESTERVILLE FIRE HALL ~ 212 MAIN ST., LESTERVILLE

LEWIS & CLARK RECREATION AREA ~ 43349 SD HWY 52, YANKTON

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at 605-260-4400 ext 0 before the election for information on polling place accessibility for people with disabilities.

Patty Hoyer
Yankton County Auditor

Published twice at the total approximate cost of \$27.08 and can be viewed free of charge at www.sdpublishnotices.com

Published May 24 & 31, 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 6th day of June, 2024 and at 6:30 P.M. on the 18th day of June 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota, CMC Adventures, LLC is request-

2010 Legal and Public Notices

west Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand and forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Section 10, T93N, R56 West of the 5th P.M., Yankton County, South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:40 P.M. on the 6th day of June, 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 North-west Quarter (E1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (S80') of the North One thousand and forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Section 10, T93N, R56 West of the 5th P.M., Yankton County, South Dakota

Published twice at the total approximate cost of \$53.85 and can be viewed free of charge at www.sdpublishnotices.com

Published May 24 & 31, 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 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Carrie Koble is requesting a Conditional Use Permit to build an accessory structure in a High Density Residential District that exceeds the maximum aggregate square footage of 1600 square feet. Applicant wishes to build an accessory structure that is 2304 square feet per Article 8 Section 1807, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as CMP 1st Addition in the NW1/4 of the SE1/4 of Section 27, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 221 Beaver Beach Rd. Uica.

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 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Fire and Ice is requesting a Conditional Use Permit in a Lakeside Commercial District per Article II Section 1109. Applicant wishes to erect a large gathering tent to host bands and have a beer garden. Said property is legally described as Lot 25, Lewis and Clark Business Center, Section 16, T93N, R56 West of the 5th P.M., Yankton County, South Dakota. E911 address is 3804 West 8th St., 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 7:20 P.M. on the 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Munkvold Land and Cattle is requesting a Variance in an Agriculture District (AG) per Article 5 Section 515, Article 18 Section 1807, and Article 19 Section 1907. Applicant is requesting a Variance of 25 feet from the front (9th) property line to build an Agriculture accessory structure. Said property is legally described as the North half of the Northeast quarter (N1/2NE1/4) and the North half of the Northwest quarter (N1/2NW1/4) Excluding the East Two Hundred Eighty feet of the West Three hundred Eighty Feet of the North One Hundred Eighty feet of the West Sixty Acres (N2 NE4 & N2 NW4 EXC E280' W380' N180' W60A), Section Eight (8), Township 9 North, Range 56 West, County of Yankton, South Dakota.

2010 Legal and Public Notices

Den Herder, Hovden, & Barrett
c/o Beau Barrett
Beau Barrett
329 Broadway Avenue
Yankton, South Dakota 57078
Phone: (605) 665-0494
Fax: (605) 260-2223
beau@dbbattorneys.com
Attorney for Matthew Archer

Published once at the total approximate cost of \$13.28 and can be viewed free of charge at www.sdpublishnotices.com

Published May 31, 2024.

2024 Henry Heider Coyote Sports Hall of Fame Class Announced

VERMILION — A pair of All-American track and field athletes, an All-American offensive lineman and the Coyotes' all-time digs leader have joined the newest members of the Henry Heider Coyote Sports Hall of Fame.

The group includes US's first Division I national champion Bethany (Buell) Frisick '13, two-time All-American offensive lineman Tom Conpton '11, five-time All-American distance runner Ramsey (Kavan) Fitzsimmons '10, two-time NCC Defensive Player of the Year Amber (Kobus) Robinson '10, and former cross country coach Rob Kinnunen who will be honored posthumously. In addition, longtime public address announcer Greg Marigan will be inducted as a special contributor and special recognition will be given to the 2008 women's track and field team coached by Lucky Huber.

This class will be formally inducted in an on-campus ceremony held Sept. 27

Baseball

FROM PAGE 8

DV batters in 5 2/3 innings pitched. With the Trojans down 4-3 in the top of the seventh, Sommer hit a 2-RBI single to give Parkston-Ethan-Tripp the lead.

"Carter Sommer was the star of that game," Harris said. "He started the game on the mound and threw excellent for us. He has all year. He's been our go-to guy."

Harris also credited Luke Bormann, who struck out three Panthers batters to earn the save.

Bormann leads Parkston with a .474 batting average with 21 runs and 15 RBI, while Sommer has a .304 average with 16 runs and 12 RBI. Sommer is 3-2 with a 2.93 ERA, while Taite Klumb is 4-1 with a 1.99 ERA.

"Taite Klumb hits in the middle of the order," Harris said. "He probably throws the second most behind Carter. He's a guy we always trust to get the ball to. Will Jodozi and Taite Klumb's hitting has been good all year for us. (With) Brayden Jervik at shortstop, that's the middle of the order. Those guys always pack a punch there."

The Trojans are excited for a chance to go against Bon Homme-Avon, who defeated them 83 May 1.

"Their pitchers throw a lot of strikes," Harris said. "They don't seem to make many mistakes. We're going to have to bring our best game."

In what Harris believes to be a wide-open tournament where any team can make a run, he wants his team to take it game-by-game.

"Once we get through that first one, we'll regroup and assess where we need to be," he said. "In an ideal situation, the pitching goes great and you don't have to bring anyone else in. That never seems to be quite the case, so we always have to be ready for some kind of wrinkle in there."

The Trojans made an appearance at the state tournament.

SOFTBALL

S.D. STATE TOURNEY
May 30 June 1 at Aberdeen
NOTE: A rolling schedule will be used, but games will not start more than 30 minutes ahead of schedule.

CLASS A
First Round, May 30 at Knobel Field
S.F. Lincoln 14, Watervliet 0
S.F. Jefferson 5, Brandon Valley 4
S.F. Yankton 8, R.C. Stevens 7
Consolation, May 31 at Knobel Field
No. 8 Watervliet (14-0) vs. No. 5 Brandon Valley (13-5) 3 p.m.
No. 7 Grinnell (11-0) vs. No. 6 R.C. Stevens (13-8) 1:20 p.m.
Semifinals, May 31 at Knobel Field
No. 1 S.F. Lincoln (20-0) vs. No. 4 S.F. Jefferson (17-5) 3 p.m.
No. 2 Yankton (19-2) vs. No. 3 S.F. Watervliet (16-3) winner, 5:30 p.m.
Final Round, June 1 at Knobel Field
SEVENTH: Consolation losers, 10 a.m.
Eighth: Hudson 7, Florence-Henry 5
THIRD: Semifinal losers, 3 p.m.
CHAMPIONSHIP: Semifinal winners, 5:30 p.m.

CLASS B
First Round, May 30 at Players Complex
Castanwood 13, Elk Point-Jefferson 3
Scott-Menno 12, Gayville-Vol 8
Aberdeen-Hudson 7, Florence-Henry 5
Chester 10, Deuel 0
Consolation, May 31 at Players Complex
No. 8 Elk Point-Jefferson (9-10) vs. No. 5 Tri-Volley (13-8) 10 a.m.
No. 7 Dakota Valley (10-11) vs. No. 6 Bereaford (15-10) 12:30 p.m.
Semifinals, May 31 at Players Complex
No. 1 West Central (21-0) vs. No. 4 Madison (16-4) 3 p.m.
No. 2 Del Rapids (13-2) vs. No. 3 Tea Area (14-4) 5:30 p.m.
Final Round, June 1 at Players Complex
SEVENTH: Consolation losers, 10 a.m.
EIGHTH: Consolation winners, 12:30 p.m.
THIRD: Semifinal losers, 3 p.m.
CHAMPIONSHIP: Semifinal winners, 5:30 p.m.

CLASS C
First Round, May 30 at Players Complex
Castanwood 13, Elkton-Lake Benton 3
Scott-Menno 12, Gayville-Vol 8
Aberdeen-Hudson 7, Florence-Henry 5
Chester 10, Deuel 0
Consolation, May 31 at Players Complex
No. 8 Elkton-Lake Benton (7-11) vs. No. 4 Gayville (14-8) 10 a.m.

SPORTS DIGEST

ahead of the home Coyote football game against Southern Illinois on Sept. 28.

Summer Racing Season Heats Up For Coyote Triathletes

VERMILION — South Dakota triathlete Franka Neck and Chelsea Webber are set to compete in the European Cup and the Americas Cup, respectively, June 7-8.

Neck, a native of Düsseldorf, Germany, will race in the Europe Triathlon Cup in Rzeszow, Poland, on June 7. The course is set up in and around Zwirownia lake in Rzeszow with a 750-meter swim, a 20-kilometer bike ride and a 5,000-meter run. Neck finished 5th at the USA Triathlon Collegiate National Championships in 1:05:47.7. She also qualified that all for to represent Team USA at the Junior Pan American Games. She was fifth individually and earned the bronze with Team USA at the 2021 Junior Pan American Games.

Webber, a native of Colorado Springs, Colorado, will race in the Americas Triathlon Cup in Utopia, Mexico, on June 8, joining her in the field is Coyote alumna Maddie Leavin, a Vermillion native.

SCOREBOARD

CLASS A
First Round, May 30 at Players Complex
West Central 15, Elk Point-Jefferson 0
Madison 7, Tri-Volley 2
Del Rapids 10, Dakota Valley 0
Tea Area 15, Bereaford 0
Consolation, May 31 at Players Complex
No. 8 Elk Point-Jefferson (9-10) vs. No. 5 Tri-Volley (13-8) 10 a.m.
No. 7 Dakota Valley (10-11) vs. No. 6 Bereaford (15-10) 12:30 p.m.
Semifinals, May 31 at Players Complex
No. 1 West Central (21-0) vs. No. 4 Madison (16-4) 3 p.m.
No. 2 Del Rapids (13-2) vs. No. 3 Tea Area (14-4) 5:30 p.m.
Final Round, June 1 at Players Complex
SEVENTH: Consolation losers, 10 a.m.
EIGHTH: Consolation winners, 12:30 p.m.
THIRD: Semifinal losers, 3 p.m.
CHAMPIONSHIP: Semifinal winners, 5:30 p.m.

CLASS B
First Round, May 30 at Players Complex
Castanwood 13, Elkton-Lake Benton 3
Scott-Menno 12, Gayville-Vol 8
Aberdeen-Hudson 7, Florence-Henry 5
Chester 10, Deuel 0
Consolation, May 31 at Players Complex
No. 8 Elkton-Lake Benton (7-11) vs. No. 4 Gayville (14-8) 10 a.m.

SCOREBOARD

CLASS A
First Round, May 30 at Players Complex
West Central 15, Elk Point-Jefferson 0
Madison 7, Tri-Volley 2
Del Rapids 10, Dakota Valley 0
Tea Area 15, Bereaford 0
Consolation, May 31 at Players Complex
No. 8 Elk Point-Jefferson (9-10) vs. No. 5 Tri-Volley (13-8) 10 a.m.
No. 7 Dakota Valley (10-11) vs. No. 6 Bereaford (15-10) 12:30 p.m.
Semifinals, May 31 at Players Complex
No. 1 West Central (21-0) vs. No. 4 Madison (16-4) 3 p.m.
No. 2 Del Rapids (13-2) vs. No. 3 Tea Area (14-4) 5:30 p.m.
Final Round, June 1 at Players Complex
SEVENTH: Consolation losers, 10 a.m.
EIGHTH: Consolation winners, 12:30 p.m.
THIRD: Semifinal losers, 3 p.m.
CHAMPIONSHIP: Semifinal winners, 5:30 p.m.

CLASS B
First Round, May 30 at Players Complex
Castanwood 13, Elkton-Lake Benton 3
Scott-Menno 12, Gayville-Vol 8
Aberdeen-Hudson 7, Florence-Henry 5
Chester 10, Deuel 0
Consolation, May 31 at Players Complex
No. 8 Elkton-Lake Benton (7-11) vs. No. 4 Gayville (14-8) 10 a.m.

CALENDAR

Friday, May 31
BASEBALL, LEAGUE KYLE Mueller Team — Yankton vs. Norfolk (9:30 a.m.); Renner vs. Crofton (10:00); Hartington vs. Renner (2:30 p.m.); Yankton Juniors vs. Crofton (5 p.m.); Other Games — Ord Junior at Crofton (5:30 p.m.); Battle Creek at Ponca (7 p.m.); Ord at Crofton (8:00 p.m.).
BASEBALL, CLUB HS Class 9 State Team, at Sioux Falls — Bon Homme vs. Parkston (11 a.m.); PGDCWL vs. Howard (5 p.m.).
BASEBALL, YOUTH Yankton Black Sox at Brandon Valley CHS (5 p.m.); Scott-Menno 14a at Crofton 14a (5 p.m.).
SOFTBALL, GIRLS' S.D. State Team, at Aberdeen (Bereaford, Dakota Valley, Elk Point-Jefferson, Aberdeen-Hudson, Gayville-Vol., Scott-Menno, Area Class B Games on 5 Star Streaming).
Saturday, June 1
BASEBALL, LEAGUE KYLE Mueller Team — Yankton Juniors vs. Norfolk (9:30 a.m.); Yankton Juniors vs. Hartington (noon); Norfolk vs. Renner (2:30 p.m.); Yankton vs. Hartington (5 p.m.); Yankton vs. Crofton (7:30 p.m.); Other Games — Ord vs. Ponca at Watkefield (4 p.m.).
BASEBALL, CLUB HS Class 9 State Team, at Sioux Falls (Bon Homme, Parkston, PGDCWL).
SOFTBALL, GIRLS' S.D. State Team, at Aberdeen (Bereaford, Dakota Valley, Elk Point-Jefferson, Aberdeen-Hudson, Gayville-Vol., Scott-Menno, Area Class B Games on 5 Star Streaming).
Sunday, June 2
BASEBALL, AMATEUR Alexandra at Platte (5 p.m.); Crofton at Menno (8 p.m.); Crofton-Energy at Parkston (7 p.m.); Fremont at Yankton (7 p.m.); Lesterville at Irene (10 a.m.); 5 Star Streaming).
BASEBALL, LEAGUE Ponca vs. Mattoon at Watkefield (1 p.m.).
BASEBALL, YOUTH Watkefield Team, (Yankton Lakons, Yankton Reds).

Lakers Sweep Mitchell Black In 14-U Baseball Action

The Yankton Lakers 14-U baseball team swept Mitchell 14-U Black with 11-1 and 8-5 victories Thursday at Bob Tereshinski Stadium at Riverside Field.

Yankton scored eight runs in the second inning on their way to an 11-1 five-inning victory in the first game.

Jackson Kudera and Willi Sager registered three RBI apiece for Yankton.

Maxwell Weisenburger struck out seven Mitchell batters in four innings pitched. In game two, Yankton got out to a quick 6-0 lead after two innings in the four-inning contest. Kudera added three more RBI, while Chase Cooley and Evan Gurney registered two RBI apiece.

Cooley recorded 10 strikeouts while allowing only one hit in four innings pitched.

Lesterville Fights Past Wynot In SCL Action

WYNOT, Neb. — Andy Dollerschell recorded three RBI as the Lesterville Broncos defeated the Wynot Expos 7-1 in South Central League baseball action Thursday.

Ethan Wishon added two RBI and two hits for Lesterville. Michael Drotzmann, Derek Quame and Trent Herrboldt added two hits apiece.

Hunter Martin pitched seven innings for Lesterville, allowing one run (none earned) on three hits with one strikeout.

Wynot's Dain Whitmore gave up four runs on eight hits in 6 1/3 innings pitched, striking out three batters. Whitmore had a shutout through six innings before Lesterville scored five runs in the seventh.

Tabor 11, Menno 2

MENNO — The Tabor Bluebirds used a six-run sixth inning to defeat the Menno Mad Frogs 11-2 in South Central League baseball action Thursday.

Riley Rothschild went 4-for-5 in the victory, tallying two RBI and two runs. Chase Kortan added three hits.

Kortan earned the win, striking out four Menno batters in six innings pitched. He allowed no runs on two hits.

Dylan Lehr recorded two hits for Menno, while Macon Oplinger registered two RBI. Doug Hall took the loss, striking out two Tabor batters in five innings pitched.

Winner-Colome 14, Parkston Mudcats 3

PARKSTON — The Winner-Colome Pheasants registered 12 hits as they defeated the Parkston Mudcats 14-3 in South Dakota amateur baseball action Thursday.

Winner-Colome scored six runs in the third and five runs in the fourth to build a 13-3 lead in the seven-inning victory.

Jeff Harris recorded a hit for Parkston. Dylan Mogck took the loss, striking out two batters in five innings pitched.

JJ Farmer recorded 11 strikeouts in seven innings pitched for Winner-Colome. He gave up only one hit.

Reed Harter recorded four RBI and three hits for Winner-Colome.

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Fire and Ice – 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 1109 ☒ Section 1805 ☒ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit in a Lakeside Commercial District per Article 11 Section 1109. Applicant wishes to erect a large gathering tent to host bands and have a beer garden. Said property is legally described as Lot 25, Lewis and Clark Business Center, Section 16, T93N, R56 west of the 5th P.M., Yankton County, South Dakota. E911 address is 3804 West 8th St., Yankton.

PC: Article 18 Section 1805

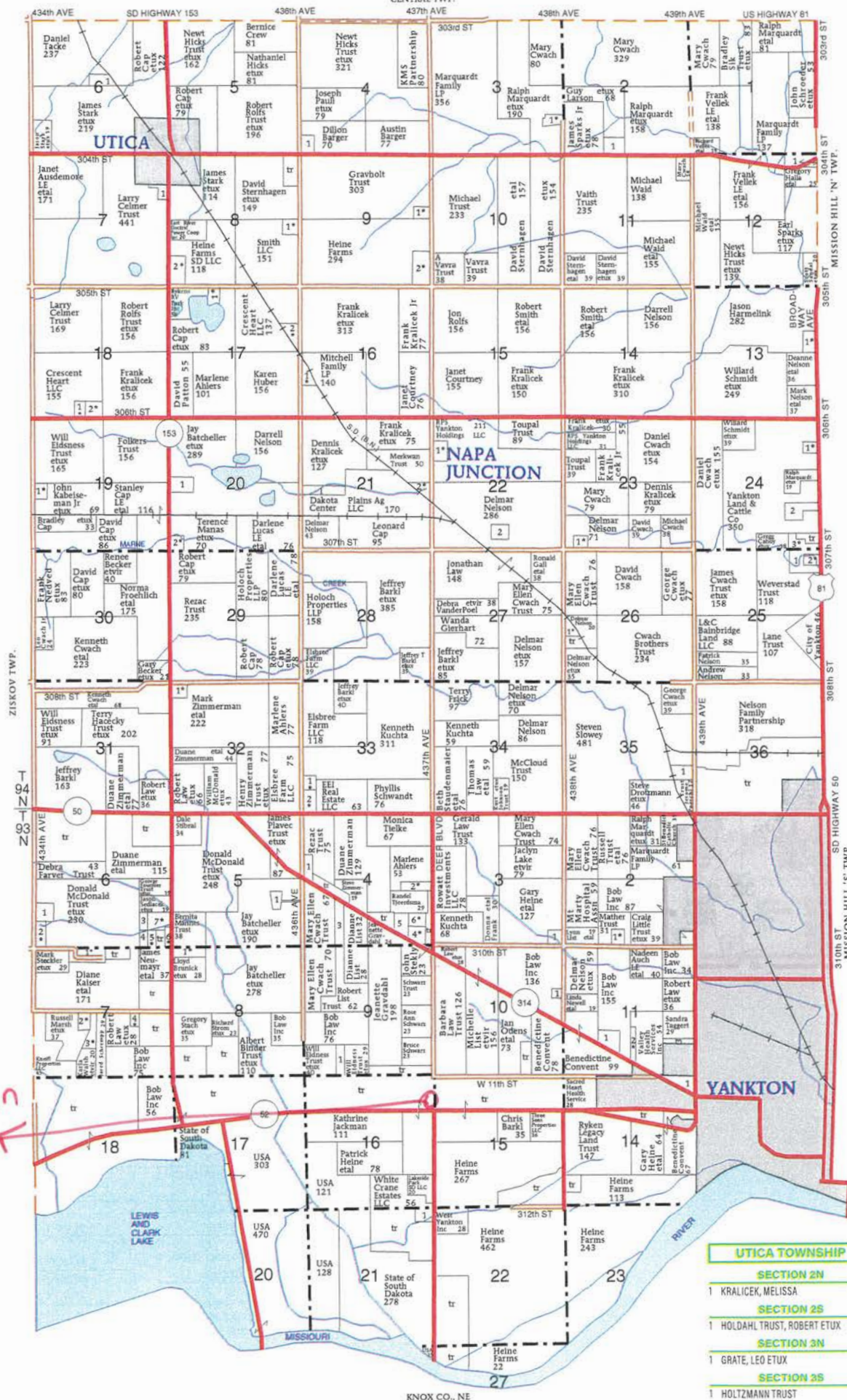
BOA: Article 19 Section 1905

Planning Commission date:
6/11/2024

Board of Adjustment date:
7/2/2024

Time:
7:15
P.M.
Time:
6:40 P.M.

CENTRAL TWP.



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 5
 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
 2 HUGHES, SCOTT ETUX 13

SECTION 8S

1 FANTA, TIMOTHY ETUX 9

SECTION 9N

1 KILBURN, REX ETUX 7
 2 GILMORE TRUST, HOWARD ETUX 17

SECTION 9S

1 ROKAHR, STEVEN 9

SECTION 10S

1 HEINA, JAMIE 5

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
 2 TACKE, WM ETUX 13

SECTION 18N

1 CAP LE, STANLEY ETAL 5
 2 CAP, ROBERT ETUX 7

SECTION 19

1 SCHENKEL, DANIEL ETUX 7

SECTION 20N

1 YANKTON CO SHARPSHOOTERS ASSN 12
 2 JOHNSON, MICHAEL ETUX 9

SECTION 21N

1 YANKTON PROTEIN LLC 12

SECTION 21S

1 KRALICEK, FRANK ETUX 5

SECTION 21S

1 WHITE CRANE ESTATES LLC 8

SECTION 22N

1 TAGGART, WILLIAM ETUX 9
 2 NELSON TRUST, FLOYD 12

SECTION 23N

1 POSPISIL, SCOTT ETAL 7

SECTION 24

1 MARTS, LUCAS ETUX 7
 2 MARQUARDT, DOUG 13
 3 KELLER, DALLAS ETUX 10

SECTION 25

1 SLOWEY TRUST 15
 2 WOELH, 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
 2 WADDELL, EDWARD ETUX 8

SECTION 35

1 YAGGIES INC 10

UTICA TOWNSHIP

SECTION 2N

1 KRALICEK, MELISSA 11

SECTION 2S

1 HOLDAHL TRUST, ROBERT ETUX 5

SECTION 3N

1 GRATE, LEO ETUX 11

SECTION 3S

1 HOLTSMANN TRUST 7

KNOX CO., NE

FINDINGS OF FACT – CONDITIONAL USE PERMIT

Fire and Ice – CUP-246

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	
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: May 20, 2024, 9:19:42 PM

Point

Lat: 42.877097 Lon: -97.457368



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

Longitude

-97.45736798153136

Latitude

42.877097005432965

Permit Number

CUP246

Parcel Number

09.016.100.183

Permit Status

Approved Active

Permit Fee

300

Total Due

300

Was fee paid?

Yes

Receipt Number

1561

Planning Commission Action Date

Jun 11, 2024, 7:15:00 PM

Planning Commission Action Time

7:15 PM

Board Adjustment Action Date

Jul 2, 2024, 6:40:00 PM

Board_Adjustment Action Time

6:40 PM

Application Accepted By

Bill Conkling

Checked By

BILL GARY

Existing Zoning

LAKE SIDE COMMERCIAL

Affected Zoning Ordinance

Article 11 1Section 109

Is location in floodplain?

No

Applicant Name

Fire and Ice Grocery Store

Applicant Phone

605-689-5555

Applicant Address

3804 W 8th St Yankton, SD 57078

Applicant Email Address

fireandiceyankton@gmail.com

Owner Name

James De Boer

Owner Phone

605-660-2510

Owner Address

3804 W 8th St Yankton, SD 57078

Owner Email Address

jimwd5@yahoo.com

Property Address

3804 W 8th St Yankton, SD 57078

Reason for Request

Erect a large gathering tent, host bands and have a beer garden

Height of Building

12'

Total Square Feet of Building

300

Legal Description

Gathering tent.

Date of Application Submission

May 20, 2024, 12:00:00 PM

Section Township Range

16-93-56

Attachments:

James De Boer

ApplicantSignature-.jpg

James De Boer

OwnerSignature-.jpg



fire and ice.jpg

PDF

SKETCH-.PDF
6KB

AFFIDAVIT OF MAILING

I, James DeBoer, hereby certify that on the 29 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.

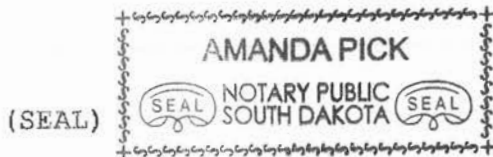
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 29th day of May, 20 24.

James H. DeBoer
(Name)
Affiant

Subscribed and sworn to before me this 29 day of May, 20 24.

Amanda Pick
Notary Public - South Dakota
My commission expires: 8-4-2029



NOTIFICATION

April 24, 2024

Applicant:
James De Boer
3804 West 8th St.
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 11th day of June, 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 in a Lakeside Commercial District per Article 11 Section 1109. Applicant wishes to erect a large gathering tent to host bands and have a beer garden. Said property is legally described as Lot 25, Lewis and Clark Business Center, Section 16, T93N, R56 west of the 5th P.M., Yankton County, South Dakota. E911 address is 3804 West 8th St., 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,
James De Boer
Petitioner

5A BOAT & RV STORAGE LLC (D)
180 OAK HILLS DR
YANKTON SD 57078

AFFORDABLE SELF-STORAGE 2 LLC (D)
1505 WEST CITY LIMITS RD
YANKTON SD 57078

ASPS LLC (D)
3609 WEST 8 ST
YANKTON SD 57078

BD CONSTRUCTION LLC (D)
1305 WEST 27 ST
YANKTON SD 57078

BENDER, FREDERICK REV TRUST (D)
4402 HILLSIDE DR
YANKTON SD 57078

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

DAHLIN DRYWALL INC (D)
3703 WEST 7 ST
YANKTON SD 57078

DEERFIELD TRUCK & EQUIPMENT CO (D)
PO BOX 805
LAUREL NE 68745

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

FEJFAR, JEFF (D)
407 DEER BLVD
YANKTON SD 57078

FEJFAR, MARY REVOCABLE TRUST (D)
43145 SD HWY 52
YANKTON SD 57078

GOSHEN NATION LLC (D)
605 EAST 4 ST STE 2
YANKTON SD 57078

JACKMAN, KATHERINE (D)
PO BOX 373
YANKTON SD 57078

JEREN PROPERTIES LLC (D)
47001 MONA ST STE 5
TEA SD 57064

KALTSULAS, THOMAS C (D)
188 MARINA DELL AVE
YANKTON SD 57078

KULBEL, THERESA M REV TRUST (D)
4111 WEST 11 ST
YANKTON SD 57078

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

LEADER, LARRY F (D)
43459 KAISER RD
YANKTON SD 57078

LEFEBVERE, ROBERT G (D)
601 MAPLE ST
YANKTON SD 57078

LEMONADE STAND LLC (THE) (D)
2800 BROADWAY AVE
YANKTON SD 57078

LEWIS & CLARK MEAT LODGE LLC (D)
48129 266 ST
BRANDON SD 57005

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

LEWIS & CLARK STORAGE LLC (D)
403 JAMES PL
YANKTON SD 57078

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

LOECKER PROPERTIES LLC (C)
3702 LEADER LN
YANKTON SD 57078

LUKEN CONSTRUCTION LLC (D)
605 DOUGLAS AVE
YANKTON SD 57078

MABEE, TAMARA F (D)
3803 WEST 11 ST
YANKTON SD 57078

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

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

MCALLISTER TD LLC (D)
208 VIOLET DR
YANKTON SD 57078

MCHENRY, CRYSTAL (D)
600 DEER BLVD
YANKTON SD 57078

MINES, SCOTT (D)
275 MARINA DELL AVE
YANKTON SD 57078

MUELLENBERG, JASON (D)
703 DEER BLVD
YANKTON SD 57078

NEU, JOHN (C)
3706 KRISTI LN
YANKTON SD 57078

PHIL SPADY CHRYSLER-JEEP-DODGE (RE PROPERTIES LLC (D)
316 CAPITOL ST
YANKTON SD 57078
802 EASTRIDGE ST
NORFOLK NE 68701

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

SAT ENTERPRISES LLC (D)
3703 WEST 8 ST
YANKTON SD 57078

SCHAEFFER, HAROLD D (D)
701 DEER BLVD
YANKTON SD 57078

SCHREMPP ENTERPRISES LLC (D)
88307 562 AVE
HARTINGTON NE 68739

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

SIMONSEN, THOMAS L (D)
% MC STORAGE
3702 LEADER LN
YANKTON SD 57078

SIMONSEN, THOMAS L (D)
3702 LEADER LN
YANKTON SD 57078

TJ LAND INC (D)
% MCALLISTER TD, LLC
4002 WEST 8 ST
YANKTON SD 57078

TJEERDSMA, JEREMY (D)
406 S DEER BLVD
YANKTON SD 57078

TL REAL ESTATE LLC (D)
3220 WEST 57 ST STE 212
SIOUX FALLS SD 57108

WALSH CONSTRUCTION (C)
1107 EAST 19 ST
YANKTON SD 57078

WIESELER, DALE (D)
4005 WEST 11 ST
YANKTON SD 57078

WRIGHT, RICHARD A (D)
31111 434 AVE
YANKTON SD 57078

YANKTON RV BOAT & STORAGE LLC (D YANKTON'S EXEC STORAGE LLC (D)
1900 EAST 2 ST
HARTFORD SD 57033
1900 EAST 2 ST
HARTFORD SD 57033

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

2010 Legal and Public Notices

felony sentence.

Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Any such person so sentenced may register to vote following completion of the person's sentence. Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when voting, tries to vote knowing he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Published twice at the total approximate cost of \$32.83 and can be viewed free of charge at www.sdsos.gov.

Published May 24 & 31, 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 Multi Beverage Retailers License and a Special On-sale Wine Retailers License for 1 day, July 27, 2024, from The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, June 10, 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 28th day of May, 2024.

Lisa Yardley
FINANCE OFFICER

Published once at the total approximate cost of \$13.76 and can be viewed free of charge at www.sdsos.gov.

Published May 31, 2024.

NOTICE OF PRIMARY ELECTION

A Primary Election will be held on Tuesday, June 4th, 2024 in all the voting centers in Yankton County.

The election polls will be open from seven o'clock (7:00) AM to seven o'clock (7:00) PM central time on the day of the election.

The polling centers of this county are as follows:

YANKTON CITY HALL, 416 WALNUT STREET, YANKTON

Yankton Fire Station #2 201 W 23rd St., YANKTON

GAYVILLE COMMUNITY CENTER ~ 404 WASHINGTON STREET, GAYVILLE

MAYFIELD STORE - 44398 SD HWY 66, IRENE
LESTERVILLE FIRE HALL - 212 MAIN ST., LESTERVILLE
LEWIS & CLARK RECREATION AREA - 44349 SD HWY 52, YANKTON

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at 605-260-4400 ext 0 before the election for information on polling place accessibility for people with disabilities.

Patty Hojem
Yankton County Auditor

Published twice at the total approximate cost of \$27.08 and can be viewed free of charge at www.sdsos.gov.

Published May 24 & 31, 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 6th day of June, 2024 and at 6:30 P.M. on the 18th day of June 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota CMC Adventures, LLC is request-

2010 Legal and Public Notices

west Quarter (E1/2NW1/4) Excluding Lot A and Excluding the North Eighty Feet (580') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Section 10, T93N, R56 West of the 5th P.M., Yankton County, South Dakota

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:40 P.M. on the 6th day of June, 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) Excluding Lot A and Excluding the South Eighty Feet (580') of the North One thousand forty-six feet (N1046') of the West One hundred Fifty Feet (W150'), Section 10, T93N, R56 West of the 5th P.M., Yankton County, South Dakota

Published twice at the total approximate cost of \$53.85 and can be viewed free of charge at www.sdsos.gov.

Published May 24 & 31, 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 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Carrie Koble is requesting a Conditional Use Permit to build an accessory structure in a High Density Residential District that exceeds the maximum aggregate square footage of 1600 square feet. Applicant wishes to build an accessory structure that is 2304 Square feet per Article 8 Section 1807, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as CHMP 1st addition in the NW1/4 of the SE1/4 of Section 27, T95N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 221 Beaver Beach Rd, Uica.

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 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Fire and Ice is requesting a Conditional Use Permit in a Lakeside Commercial District per Article 11 Section 1109. Applicant wishes to erect a large gathering tent to host bands and have a beer garden. Said property is legally described as Lot 25, Lewis and Clark Business Center, Section 16, T93N, R56 West of the 5th P.M., Yankton County, South Dakota. E911 address is 3804 West 8th St., 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 7:20 P.M. on the 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Munkvold Land and Cattle is requesting a Variance in an Agriculture District (A.G.) per Article 5 Section 515, Article 18 Section 1807, and Article 19 Section 1907. Applicant is requesting a Variance of 25 feet from the front (90'Nth) property line to build an Agriculture accessory structure. Said property is legally described as the North half of the Northeast quarter (N1/2NE1/4) and the North half of the Northwest Quarter (N1/2 NW1/4) Excluding the East Two Hundred Eighty Feet of the West Three Hundred Eighty Feet of the North One Hundred Eighty Feet of the West Sixty Acres (N2 NE4 & N2 NW4 EXC E280 W380 N180' W60A), Section Eight (8),

2010 Legal and Public Notices

Den Herder, Huvden, & Barrett

1st Beau Barrett
Beau Barrett
329 Broadway Avenue
Yankton, South Dakota 57078
Phone: (605) 665-0494
Fax: (605) 260-2222
beau@dhbattorneys.com
Attorney for Matthew Archer

Published once at the total approximate cost of \$13.28 and can be viewed free of charge at www.sdsos.gov.

Published May 31, 2024.

2024 Henry Heider Coyote Sports Hall of Fame Class

Announced
VERMILLION — A pair of All-American track and field athletes, an All-American offensive lineman and the Coyotes' all-time daps leader highlight the newest members of the Henry Heider Coyote Sports Hall of Fame.

The group includes USD's first Division I national champion Bethany (Buell) Firsick '13, two-time All-American offensive lineman Tom Compton '11, five-time All-American distance runner Ramsey (Kavan) Fitzsimmons '10, two-time NCC Defensive Player of the Year Andrew (Kobus) Robinson '10, and former cross country coach Rob Kinneman who will be honored posthumously. In addition, longtime public address announcer Greg Merrigan will be inducted as a special contributor and special recognition will be given to the 2008 women's track and field team coached by Lucy Huber.

This class will be formally inducted in an on-campus ceremony held Sept. 27

Baseball

FROM PAGE 8

DV batters in 5 2/3 innings pitched. With the Trojans down 4-3 in the top of the seventh, Sommer hit a 2-RBI single to give Parkston-Ethan-Tripp the lead.

"Carter Sommer was the star of that game," Harris said. "He started the game on the mound and threw excellent for us. He has all year. He's been our go-to guy."

Harris also credited Luke Bormann, who struck out three Panthers batters to earn the save.

Bormann leads Parkston with a .474 batting average with 21 runs and 15 RBI, while Sommer has a .304 average with 16 runs and 12 RBI. Sommer is 3-2 with a 2.93 ERA, while Taite Klumb is 4-1 with a 1.99 ERA.

"Taite Klumb hits in the middle of the order," Harris said. "He probably throws the second most behind Carter. He's a guy we always trust to get the ball to. Will Jodozi and Taite Klumb's hitting has been good all year for us. (With) Brayden Jerik at shortstop, that's the middle of the order. Those guys always pack a punch there."

The Trojans are excited for a chance to go against Bon Homme-Avon, who defeated them 8-3 May 1.

"Their pitchers throw a lot of strikes," Harris said. "They don't seem to make many mistakes. We're going to have to bring our best game."

In what Harris believes to be a wide-open tournament where any team can make a run, he wants his team to take it game-by-game.

"Once we get through that first one, we'll regroup and assess where we need to be," he said. "In an ideal situation, the pitching goes great and you don't have to bring anyone else in. That never seems to be quite the case, so we always have to be ready for some kind of wrinkle in there."

The Trojans made an appearance at the state tourna-

SOFTBALL

S.D. STATE TOURNA.

May 30-June 1 at Aberdeen

NOTE: A rolling schedule will be used, but games will not start more than 30 minutes ahead of schedule.

CLASS AA

First Round, May 30 at Koshland Field
5 P.M. South Dakota Valley 4
5 P.M. Jefferson 5, Brandon Valley 4

Semifinals, May 31 at Koshland Field
3 P.M. Washington 8, R.C. Stevens 7

Consolation, May 31 at Koshland Field
No. 9 Waterville (11-10) vs. No. 5 Brandon Valley (13-5) 6 a.m.

No. 7 Dickinson (11-8) vs. No. 6 R.C. Stevens (13-6) 12:30 p.m.

Semifinals, May 31 at Koshland Field
No. 1 S.F. Lincoln (20-4) vs. No. 4 S.F. Jefferson (17-9) 3 p.m.

No. 2 Harwood (19-7) vs. No. 3 S.F. Washington (18-3) 5:30 p.m.

Final Round, June 1 at Koshland Field
SEVENTH Consolation losers, 10 a.m.
FIFTH Consolation winners, 12:30 p.m.
THIRD Semifinal losers, 3 p.m.
CHAMPIONSHIP Semifinal winners, 5:30 p.m.

CLASS A

First Round, May 30 at Koshland Field
5 P.M. South Dakota Valley 10-11 vs. No. 6 Brandon Valley 10-11, 12:30 p.m.

Semifinals, May 31 at Koshland Field
No. 1 West Central (21-2) vs. No. 4 Madison (16-4) 3 p.m.

No. 2 Dell Rapids (13-2) vs. No. 3 Tea Area (14-4) 5:30 p.m.

Final Round, June 1 at Koshland Field
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Consolation, May 31 at Koshland Field
No. 1 S.F. Lincoln (20-4) vs. No. 4 S.F. Jefferson (17-9) 3 p.m.

SCOREBOARD

CLASS A

First Round, May 30 at Koshland Field
West Central 15, Elk Point-Jefferson 10
Madison 7, Tebbelville 2

Dell Rapids 10, Dakota Valley 0
Tea Area 15, Brandon 0

Consolation, May 31 at Koshland Field
No. 8 Elk Point-Jefferson (9-10) vs. No. 5 Tebbelville (13-8) 10 a.m.

No. 7 Dakota Valley (10-11) vs. No. 6 Brandon (15-10) 12:30 p.m.

Semifinals, May 31 at Koshland Field
No. 1 West Central (21-2) vs. No. 4 Madison (16-4) 3 p.m.

No. 2 Dell Rapids (13-2) vs. No. 3 Tea Area (14-4) 5:30 p.m.

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Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 5/9/2024

Applicant

APPLICANT - Munkvold Land and Cattle

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☒ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☒ Section 1807 ☒ Section 1907

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:

Variance

Applicant is requesting a Variance in an Agriculture District (AG) per Article 5 Section 515, Article 18 Section 1807, and Article 19 Section 1907. Applicant is requesting a Variance of 25 feet from the front 9(North) property line to build an Agriculture accessory structure. Said property is legally described as the North half of the Northeast quarter (N1/2NE1/4) and the North half of the Northwest Quarter (N1/2 NW1/4) Excluding the East Two Hundred Eighty feet of the West Three hundred Eighty Feet of the North One Hundred Eighty feet of the West Sixty Acres (N2 NE4 & N2 NW4 EXC E280' W380' N180' W60A), Section Eight (8), T96N, R56 West of the 5th P.M., Yankton County, South Dakota. E911 address is 43503 292 St, Menno.

PC: Article 18 Section 1807

BOA: Article 19 Section 1907

Planning Commission date:
6/11/2024

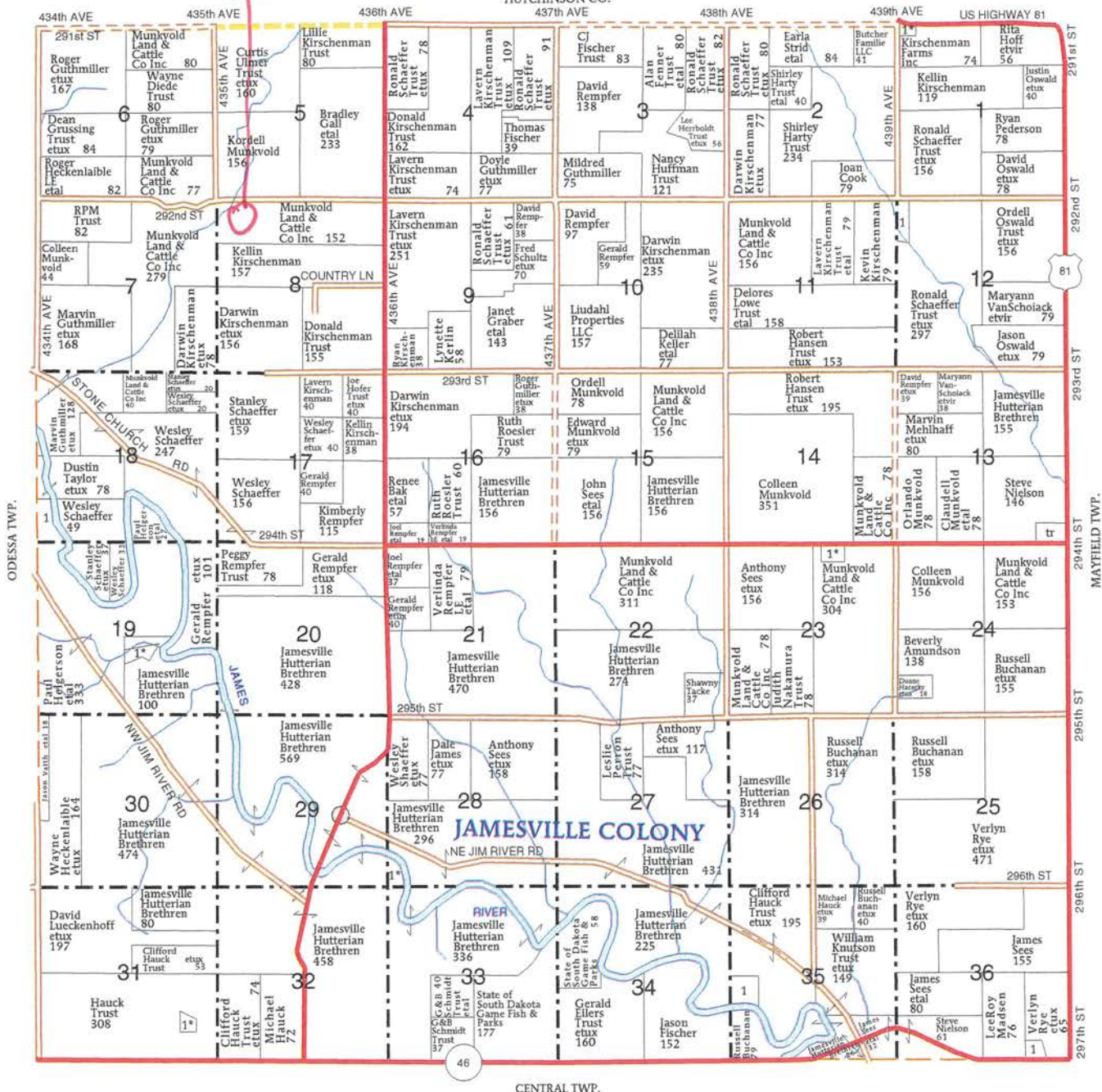
Board of Adjustment
date:7/2/2024

Time:
7:20
P.M.
Time:
6:45
P.M.

T-96-N

JAMESVILLE PLAT

R-56-W

(Landowners)
HUTCHINSON CO.

JAMESVILLE TOWNSHIP

SECTION 1

1 WEISS, DALE ETUX 6

SECTION 12

1 KIRSCHENMAN, RYAN 16

SECTION 18

1 FISCHER, MARK 13

SECTION 19

1 MASSEY, FRANK ETAL 13

SECTION 23

1 MUNKVOLD, ORLANDO ETUX 7

SECTION 28

1 SEINER, TRACY ETAL 5

SECTION 31

1 HAUCK, RICHARD ETUX 9

SECTION 35

1 JAMESVILLE HUTTERIAN BRETHREN 17

SECTION 36

1 HARPER, ARLENE 10

FINDINGS OF FACT – VARIANCE

Munkvold Land and Cattle -Var-241

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 1807:	
1. A. The strict application of the ordinance would produce undue hardship;	Applicant is requesting a Variance to setbacks in an Ag District, adding an AG accessory building that would be 25' from the North (Front) property line, a variance of 25 feet.
B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;	
C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and	
D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.	
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.	
3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;	
B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;	
C. The special conditions and circumstances do not result from the actions of the applicant; and	

D.	The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.	
E.	No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.	
F.	Notice of public hearing shall be given, as in Section 1803 (3-5).	Mailed – Published –
G.	The public hearing shall be held. Any party may appear in person for by agent or by attorney.	Public hearing –
H.	The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	
I.	In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.	
J.	Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.	

VARIANCE MANAGER

Point

Lat: 43.153892 Lon: -97.497342



Earthstar Geographics | Esri, TomTom, FAO, NOAA, USGS

Powered by Esri

Longitude

-97.4973416181622

Latitude

43.15389200310781

Permit Number

VAR241

Parcel Number

12.008.100.100

Permit Status

Approved Active

Permit Fee

450

Total Due

450

Was fee paid?

Yes

Receipt Number

00618108

Planning Commission Action Date

Jun 11, 2024, 7:20:00 PM

Planning Commission Action Time

07:20:00 PM

Board Adjustment Action Date

Jul 2, 2024, 6:45:00 PM

Board__Adjustment Action Time

06:45:00 PM

Application Accepted By

Bill Conkling

Checked By

BILL GARY

Existing Zoning

AGRICULTURE

Affected Zoning Ordinance

18-1807, 19-1907

Is location in floodplain?

No

Applicant Name

Munkvold Land & Cattle Inc

Applicant Phone

605-660-2545

Applicant Address

43723 294th St Menno SD 57045

Applicant Email Address

mlcci@goldenwest.net

Owner Name

Munkvold Land & Cattle Inc

Owner Phone

605-660-2545

Owner Address

43723 294th St Menno SD 57045

Owner Email Address

mlcci@goldenwest.net

Property Address

43503 292 ST

Reason for Request

Need setback reduced to 25' on the front of the property. Previously there was an old barn where the new calving shed would be placed.

List Specific Hardships

Setback from the house property is too close to the location of the new calving shed. The current corral system was designed around the old barn. The calving shed would use the same corral system. There is also existing water fountain, electricity hook up

Legal Description

N2 NE4 & N2 NW4 EXC E280' W380' N180' W60A

Date of Application Submission

May 8, 2024, 12:00:00 PM

Section Township Range

8-96-56

Attachments:



Calving Shed and Commodity shed MLCCI.png



O'Dell
Munko b d

ApplicantSignature-.jpg

OM

OwnerSignature-.jpg

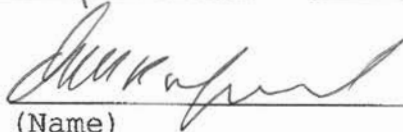
AFFIDAVIT OF MAILING

I, Ordell Munkvold, hereby certify that on the 28th 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 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

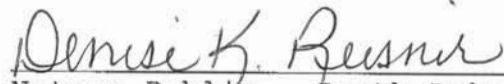
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

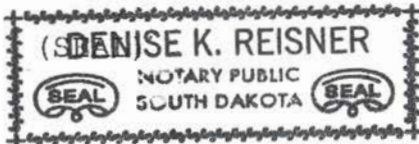
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 28th day of May, 2024.


(Name)
Affiant

Subscribed and sworn to before me this 28th day of May, 2024.


Notary Public - South Dakota
My commission expires: 10/13/2029



NOTIFICATION

May 24, 2024

Applicant:
Munkvold Land and Cattle
43503 292 St.
Menno, SD 57045

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 2640 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 7:20 P.M. on the 11th day of June, 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 Variance in an Agriculture District (AG) per Article 5 Section 515, Article 18 Section 1807, and Article 19 Section 1907. Applicant is requesting a Variance of 25 feet from the front 9(North) property line to build an Agriculture accessory structure. Said property is legally described as the North half of the Northeast quarter (N1/2NE1/4) and the North half of the Northwest Quarter (N1/2 NW1/4) Excluding the East Two Hundred Eighty feet of the West Three hundred Eighty Feet of the North One Hundred Eighty feet of the West Sixty Acres (N2 NE4 & N2 NW4 EXC E280' W380' N180' W60A), Section Eight (8), T96N, R56 West of the 5th P.M., Yankton County, South Dakota. E911 address is 43503 292 St, Menno.

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,
Munkvold Land and Cattle
Petitioner

DIEDE, WAYNE R FAMILY TRUST (D)
1800 PENINAH ST
YANKTON SD 57078

GALL, BRADLEY L (D)
%PATTY GALL
609 N POPLAR AVE
PIERRE SD 57501

GUTHMILLER, ROGER L (D)
28752 435 AVE
MENNO SD 57045

KERLIN, LYNETTE L (D)
46408 203 ST
BRUCE SD 57220

KIRSCHENMAN, DARWIN (D)
43617 293 ST
MENNO SD 57045

KIRSCHENMAN, DARWIN L (D)
43617 293 ST
MENNO SD 57045

KIRSCHENMAN, DONALD EDGAR (D)
43579 COUNTRY LN
MENNO SD 57045

KIRSCHENMAN, KELLIN (C)
43548 COUNTRY LN
MENNO SD 57045

KIRSCHENMAN, LAVERN D TRUST (D)
43615 292 ST
MENNO SD 57045

MUNKVOLD LAND & CATTLE CO INC (D)
43503 292 ST
MENNO SD 57045

MUNKVOLD, COLLEEN (D)
43933 294 ST
IRENE SD 57037

MUNKVOLD, KORDELL DEAN (D)
43503 292 ST
MENNO SD 57045

PEACE CHRISTIAN REFORMEDCHRCH
% SARIN CEMETERY BOARD
306 N HIGH ST
MENNO SD 57045

RPM TRUST (D)
%RONALD R BOHLMANN TRUSTEE
29053 434 AVE
MENNO SD 57045

Published May 24 & 31, 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 Mail Beverage Retailers License and a Special On-Sale Wine Retailers License for 1 day, July 27, 2024. From The Center, 900 Whiting Drive.

NOTICE IS FURTHER GIVEN that a public hearing on the application will be held on Monday, June 10, 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 28th day of May, 2024.

Lisa Yardley
FINANCE OFFICER

Published once at the total approximate cost of \$13.76 and can be viewed free of charge at www.sd-publicnotices.com

Published May 31, 2024.

NOTICE OF PRIMARY ELECTION

A Primary Election will be held on Tuesday, June 4th, 2024 in all the voting centers in Yankton County.

The election polls will be open from seven o'clock (7:00) AM to seven o'clock (7:00) PM central time on the day of the election.

The polling centers of this county are as follows:
YANKTON CITY HALL 416 WALNUT STREET, YANKTON

Yankton Fire Station #2 201 W 23rd St., YANKTON

GAYVILLE COMMUNITY CENTER - 404 WASHINGTON STREET, GAYVILLE

MAYFIELD STORE - 44398 SD HWY 46, IRENE
LESTERVILLE FIRE HALL - 212 MAIN ST., LESTERVILLE
LEWIS & CLARK RECREATION AREA - 43349 SD HWY 52, YANKTON

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at 605-260-4400 ext 0 before the election for information on polling place accessibility for people with disabilities.

Patty Højem
Yankton County Auditor

Published twice at the total approximate cost of \$27.08 and can be viewed free of charge at www.sd-publicnotices.com

Published May 24 & 31, 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 6th day of June, 2024 and at 6:30 P.M. on the 18th day of June 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. CMC Advantech, 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 Board of Adjustment, Yankton County, South Dakota, at 6:35 P.M. on the 6th day of June, 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 North-

Section 1805 and Article 19 Section 1905. Said property is legally described as the East half of the North-west Quarter (1/2NW1/4) Excluding Lot A and Excluding the South Eighty Feet (80') of the North One-hundred forty-six feet (N104'6") of the West One hundred Fifty Feet (W150'). Section 10, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Published twice at the total approximate cost of \$53.85 and can be viewed free of charge at www.sd-publicnotices.com

Published May 24 & 31, 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 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Carrie Koble is requesting a Conditional Use Permit to build an accessory structure in a High Density Residential District that exceeds the maximum aggregate square footage of 1600 square feet. Applicant wishes to build an accessory structure that is 2304 Square feet per Article 8 Section 1807, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as CMP 1st Addition in the NW1/4 of the SE1/4 of Section 27, T95N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 221 Beaver Beach Rd. Utica.

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 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Fire and Joe is requesting a Conditional Use Permit in a Lakeside Commercial District per Article 11 Section 1109. Applicant wishes to erect a large gathering tent to host bands and have a beer garden. Said property is legally described as Lot 25, Lewis and Clark Business Center, Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 3804 West 8th St, 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 7:20 P.M. on the 11th day of June, 2024 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Munkvold Land and Cattle is requesting a Variance in an Agricultural District (AG) per Article 5 Section 515, Article 18 Section 1807, and Article 19 Section 1907. Applicant is requesting a Variance of 25 feet from the front (90th) property line to build an Agriculture accessory structure. Said property is legally described as the North half of the Northeast quarter (NE1/2NE1/4) and the North half of the Northwest Quarter (NW1/2 NW1/4) Excluding the East Two Hundred Eighty feet of the West Three hundred Eighty feet of the North One Hundred Eighty feet of the West Sixty Acres (N2 NE1/4 & N2 NW4 EXC E280' W380' N180' W60'A), Section Eight (8), T96N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 43503 292 St. Menno.

Published twice at the total approximate cost of \$55.00 and can be viewed free of charge at www.sd-publicnotices.com

Published May 31 & June 7, 2024.

Notice of Sale
On June 10, at 10:00 A.M. at 2200 Douglas Ave. #24, Yankton, SD 57078, a public auction will be held for the sale, pursuant to SDCL 21-54-5 of the following:

1974 14X60 Liberty mobile home with serial number W3931

Matthew Archer whose address is 1702 WALNUT ST, YANKTON SD 57078, as owner of the real property, will sell the mobile home deemed abandoned pursuant to SDCL 21-54-15 under a judgment and writ of eviction on file with the Yankton County Clerk of Courts in case file 66CIV22-000211. Dated this 28th day of May, 2024.

Class of 2024 Announced

VERMILLION — A pair of All-American track and field athletes, an All-American offensive lineman and the Coyotes' all-time digs leader highlight the newest members of the Henry Heider Coyote Sports Hall of Fame.

"The group includes USA's first Division I national champion Bebeary (Buell) Frisch '13, two-time All-American offensive lineman Tom Conpton '11, five-time All-American distance runner Ramsey (Kavan) Fitzsimmons '10, two-time N.C.C. Defensive Player of the Year Amber (Kobus) Robinson '10, and former cross-country coach Rob Kinnunen who will be honored posthumously. In addition, longtime public address announcer Greg Mangum will be inducted as a special contributor and special recognition will be given to the 2008 women's track and field team coached by Lucky Huber.

This class will be formally inducted in an on-campus ceremony held Sept. 27

Season Heats Up For Coyote

Triathletes

VERMILLION — South Dakota triathletes Favourite Neck and Chadwick Webber are set to compete in the European Cup and the Americas Cup, respectively, June 7-8.

Neck, a native of Düsseldorf, Germany, will race in the Europe Triathlon Cup in Rzeszów, Poland, on June 7. The course is set up in and around Złoty Wzgórze lake in Rzeszów with a 750-meter swim, a 20-kilometer bike ride and 45,000-meter run. Neck finished 59th at the USA Triathlon Collegiate National Championships last fall with a time of 1:39:43.

She enters her senior season with the Coyotes in the fall.

Webber, hailing from Colorado Springs, Colorado, will race in the Americas Triathlon Cup in Iztapa, Mexico, on June 8. Joining her in the field is Coyote alumna Madeline Lavin, a Vermillion native.

at the USA Triathlon Collegiate National Championships last fall in 28th place overall in 1:06:03.8. She will enter her junior season with the Coyotes this fall.

Lavin was a first team All-American as a senior in 2021. She placed fifth at the 2021 USA Triathlon Collegiate National Championships in 1:36:47.7. She also qualified that fall for to represent Team USA at the Junior Pan American Games. She was fifth individually and earned the bronze with Team USA at the 2021 Junior Pan American Games.

FB: Coyotes To Face Badgers On FS1

MADISON, Wis. — South Dakota's Week 2 game at Wisconsin has been picked up by the Fox Network and will be broadcast nationally on FS1. Kick-off against the Badgers is set for 2:30 p.m. on Saturday, Sept. 7, at Camp Randall Stadium.

Old at the USA Triathlon Collegiate National Championships last fall in 28th place overall in 1:06:03.8. She will enter her junior season with the Coyotes this fall.

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Baseball

FROM PAGE 8

DV batters in 5 2/3 innings pitched. With the Trojans down 4-3 in the top of the seventh, Sommer hit a 2-RBI single to give Parkston-Ethan-Tripp the lead.

"Carter Sommer was the star of that game," Harris said. "He started the game on the mound and threw excellent for us. He has all year. He's been our go-to guy."

Harris also credited Luke Bormann, who struck out three Panthers batters to earn the save.

Bormann leads Parkston with a .474 batting average with 21 runs and 15 RBI, while Sommer has a .304 average with 16 runs and 12 RBI. Sommer is 3-2 with a 2.93 ERA, while Tate Klumb is 4-1 with a 1.99 ERA.

"Tate Klumb hits in the middle of the order," Harris said. "He probably throws the second most behind Carter. He's a guy we always trust to get the ball to. Will Jodozi and Tate Klumb's hitting has been good all year for us. (With) Brayden Jervik at shortstop, that's the middle of the order. Those guys always pack a punch there."

The Trojans are excited for a chance to go against Bon Homme-Avon, who defeated them 8-3 May 1.

"Their pitchers throw a lot of strikes," Harris said. "They don't seem to make many mistakes. We're going to have to bring our best game."

In what Harris believes to be a wide-open tournament where any team can make a run, he wants his team to take it game-by-game.

"Once we get through that first one, we'll regroup and assess where we need to be," he said. "In an ideal situation, the pitching goes great and you don't have to bring anyone else in. That never seems to be quite the case, so we always have to be ready for some kind of wrinkle in there."

The Trojans made an appearance at the state tournament two years ago, which, in the eyes of Harris, eases the pressure.

"They're excited," he said. "They're ready to go. We have five returning starters from last team and about seven or eight guys that were on that team. They've been in this situation. They're ready for it. We're ready to play."

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Published twice at the total approximate cost of \$55.00 and can be viewed free of charge at www.sd-publicnotices.com

Platte Geddes-Dakota Christian-White Lake

The Platte Geddes-Dakota Christian-White Lake Honkers got a clutch performance from senior Tanner Dyk in Region 4B play to help the Honkers clinch their spot in the Class B Tournament.

Dyk recorded the go-ahead RBI in PGDCWL's 4-3 comeback victory against Hot Springs

May 20. He also pitched all seven innings in the victory, striking out five Hot Springs batters while allowing three runs (two earned) on seven hits.

"Tanner struggled a bit early in the game, but he came around good," said PGDCWL head coach Jeff Kuiper. "He kept us in it and (helped us) pull out the victory."

It was a performance that helped the Honkers earn the No. 6 seed in the state tournament, as they take on No. 3 seed Howard at 5 p.m. Friday.

"We're happy to be back (in the tournament) and hope to do a little damage while we're there," Kuiper said.

In the first round of the Region 4B tournament, the Honkers also got an outstanding performance from fellow senior Caden Oberbroeking, who struck out 14 while walking no batters in PGDCWL's 6-0 victory over No. 4 seed St. Thomas More.

"He found it against St. Thomas More," Kuiper said. "We avenged a 15-2 loss to St. Thomas More May 9." Caden pitched a heck of a game."

Kuiper liked how the seniors led the team in those victories but lauded the performance of the young Honkers squad.

"It was good for the younger kids because some of them had key hits in key moments," he said. "That's what you want so they can build confidence."

Six Honkers boast batting averages above .400. Jye Bailey leads the Honkers with a .475 batting average. Dyk has a .442 average with 17 runs, 15 RBI and six doubles.

"(Our batting average) has picked up here," Kuiper said. "Early in the year, we struggled with that a bit. Those guys have picked it up pretty good. It's always better to at least put the ball in play than striking out. We're stressing getting the ball in play."

Oberbroeking (2-1) has a 3.46 ERA in 30 1/3 innings pitched, registering 67 strikeouts.

"He's our ace," Kuiper said. Kuiper added that the depth the Honkers have at pitcher with Oberbroeking, Dyk and junior Hayden Sprick gives the team a chance to win the tournament.

"If we can get anywhere, we've got a few pitchers," Kuiper said. "We've just got to win."

The Honkers' coach sees similarities between PGDCWL and its first-round opponent, Howard.

"They rely on pitching heavily, kind of like we do," Kuiper said. "It didn't look like they were overly deep either, like us."

"It's going to take pitching and timely hitting to win the game."

The winner of PGDCWL-Howard plays the winner of Game 4 between Mount Vernon-Plankinton-Corsica Stickney and Madison-Chester on Saturday.

Follow @beancubuff on Twitter.

Lakers Sweep Mitchell Black In 14-U Baseball Action

The Yankton Lakers 14-U baseball team swept Mitchell 14-U Black with 11-1 and 8-5 victories Thursday at Bob Tereshinski Stadium at Riverside Field.

Yankton scored eight runs in the second inning on their way to an 11-1 five-inning victory in the first game.

Jackson Kudera and Will Sager registered three RBI apiece for Yankton.

Maxwell Weisenburger struck out seven Mitchell batters in four innings pitched.

In game two, Yankton got out to a quick 6-0 lead after two innings in the four-inning contest. Kudera added three more RBI, while Chase Cooley and Evan Gurney registered two RBI apiece.

Cooley recorded 10 strikeouts while allowing only one hit in four innings pitched.

Lesterville Fights Past Wynot In SCL Action

WYNOT, Neb. — Andy Dollerschell recorded three RBI as the Lesterville Broncos defeated the Wynot Expos 7-1 in South Central League baseball action Thursday.

Ethan Wisdon added two RBI and two hits for Lesterville.

Michael Drotzmann, Derek Quame and Trent Herrboldt added two hits apiece.

Hunter Martin pitched seven innings for Lesterville, allowing one run (none earned) on three hits with one strikeout.

Wynot's Dain Whitmore gave up four runs on eight hits in 6 1/3 innings pitched, striking out three batters. Whitmore had a shutout through six innings before Lesterville scored five runs in the seventh.

Tabor 11, Menno 2

MENNO — The Tabor Bluebirds used a six-run sixth inning to defeat the Menno Mad Frogs 11-2 in South Central League baseball action Thursday.

Riley Rothschild went 4-for-5 in the victory, tallying two RBI and two runs. Chase Kortan added three hits.

Kortan earned the win, striking out four Menno batters in six innings pitched. He allowed no runs on two hits.

Dylan Lehr recorded two hits for Menno, while Macon Oplinger registered two RBI. Doug Hall took the loss, striking out two Tabor batters in five innings pitched.

Winner-Colome 14, Parkston Mudcats 3

PARKSTON — The Winner-Colome Pheasants registered 12 hits as they defeated the Parkston Mudcats 14-3 in South Dakota amateur baseball action Thursday.

Winner-Colome scored six runs in the third and five runs in the fourth to build a 13-3 lead in the seven-inning victory.

Jeff Harris recorded a hit for Parkston. Dylan Mogck took the loss, striking out two batters in five innings pitched.

JJ Farmer recorded 11 strikeouts in seven innings pitched for Winner-Colome. He gave up only one hit.

Reed Harter recorded four RBI and three hits for Winner-Colome, while Drew DeMers added three RBI and two hits. Austin Richey and Aiden Barfuss also had two hits apiece.

Class A

FROM PAGE 8

Lily Silvert's third inning single off the first-base bag provided the lone Beresford hit.

Hansen picked up the win, striking out eight in the four-inning contest. Rylie Laurvick took the loss.

Beresford head coach Matt Storo said that part of the challenge today (Friday) is getting past the feeling that the season is "over."

"This is tough. It's one of those moments where you feel like your season's over, but you still have something to strive for," he said. "We've got to bring some energy and try

to move forward in a positive way."

Aiding in that process is facing a familiar foe, Dakota Valley.

"They're one of the toughest matchups," Storo said. "They play a lot of small ball, so you've got to be on your game. Execution is the key."

Storo said he didn't expect that the Watchdogs would face Bourne today.

"They've got four good pitchers, so they'll probably throw a different one than today," he said. "We've got to be ready to attack. We cannot be so passive, trying to let it happen. We've got to make it happen."

Follow @JCimburek on Threads and X (Twitter).

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 5/14/2024

Applicant

Dave Koenigshof - 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:

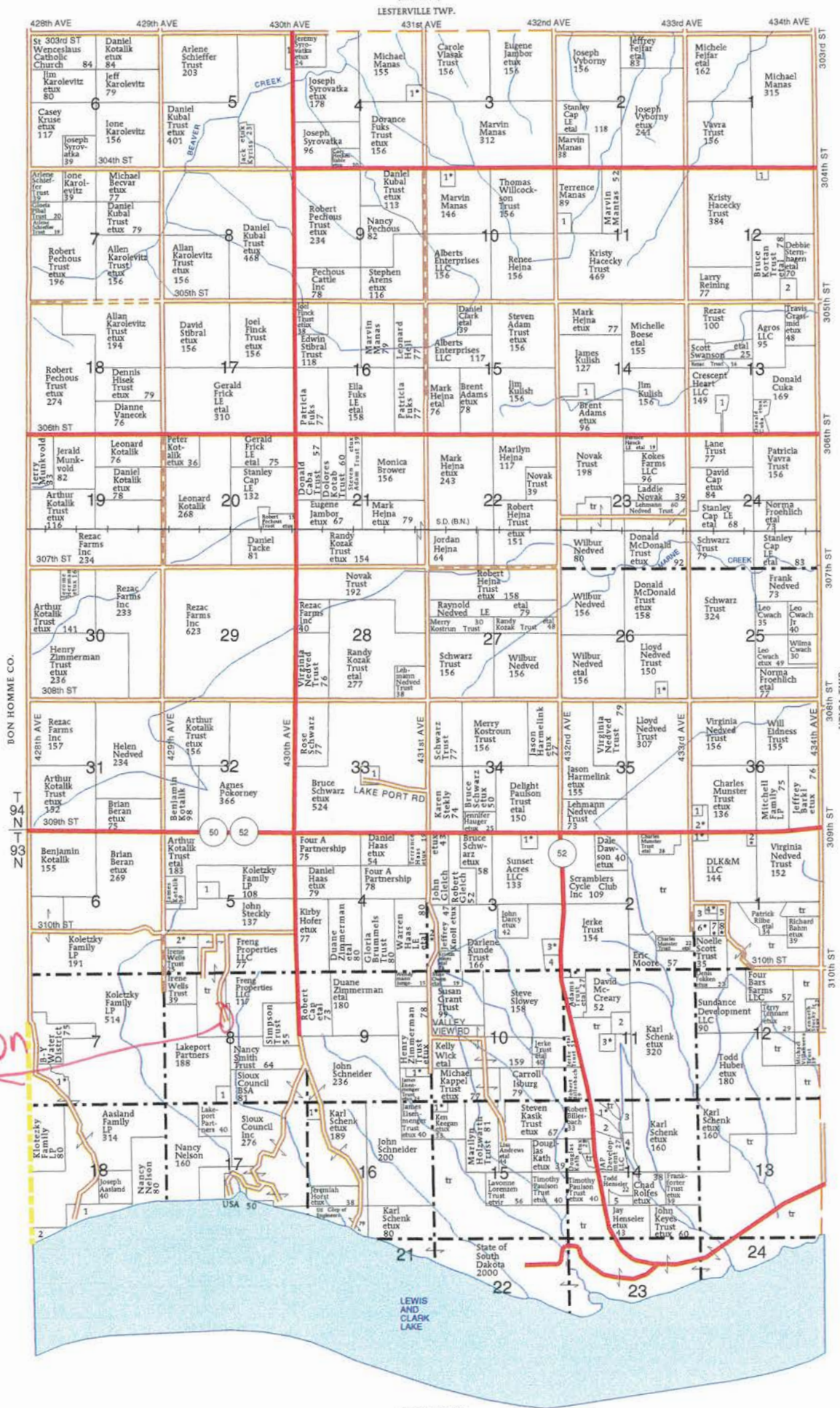
NOTE:

Replat of Lot 2 and 3, Block 3 Zediker's Subdivision in the NE1/4 of the NW1/4 and in the SE1/4 of the NW1/4, Section 8, T93N, R57W of the 5th P.M., Yankton County, South Dakota, Hereafter to be known as:

Plat of Tract 1 of Koenigshof Addition, an addition in the NE1/4 of the NW1/4 and in the SE1/4 of the NW1/4 of Section 8, Township 93 North, Range 57 West of the 5th Principal Meridian, Yankton County, South Dakota

Planning Commission date:
Board of Adjustment date:

Time:
Time:



REPLAT OF LOT 2 AND 3, BLOCK 3 ZEDIKER'S SUBDIVISION IN THE NE 1/4 OF THE NW 1/4 AND IN THE SE 1/4 OF THE NW 1/4, SECTION 8 T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

PLAT OF TRACT 1 OF KOENIGSHOF ADDITION

AN ADDITION IN THE NE 1/4 OF THE NW 1/4 AND IN THE SE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 93 NORTH, RANGE 57 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA.



LEGEND:

- SET 5/8" REBAR W/CAP #9592
- F.D. MONUMENT
- △ SECTION CORNER (AS NOTED)
- (R) RECORD INFORMATION
- AC. ACRES
- S.F. SQUARE FEET
- U.E. UTILITY EASEMENT
- A.E. ACCESS EASEMENT
- D.E. DRAINAGE EASEMENT
- R/W RIGHT-OF-WAY
- N.T.S. NOT TO SCALE
- PREVIOUSLY PLATTED PROPERTY LINE
- - - SECTION LINE
- PLATTED PARCEL

NOTES:

BASIS OF BEARINGS IS UTM-ZONE 14

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

EASEMENTS OF RECORD WERE NOT RESEARCHED AND ARE NOT SHOWN ON THE PLAT.

SURVEYOR'S CERTIFICATE

I, Eric D. Meyer, of Meyer Land Surveying, LLC, a Registered Land Surveyor in the State of South Dakota, do hereby state that I did, on or before this date, survey Lot 2 and Lot 3 of Block 3, of Zediker's Subdivision in the the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 8, Township 93 North, Range 57 West of the 5th P.M., Yankton County, South Dakota and re-platted the same into Tract 1 of Koenigshof Addition, an Addition in the the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and in the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 8, Township 93 North, Range 57 West of the 5th P.M., Yankton County, South Dakota.

The same shall be known and described as TRACT 1 OF KOENIGSHOF ADDITION, AN ADDITION IN THE THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 93 NORTH, RANGE 57 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

I further certify that the above PLAT correctly represents the same, is true and correct and that it was made at the request of the owners.

Dated this 8th day of May, 2024

Eric D. Meyer
Eric D. Meyer, Registered Land Surveyor No. 9592



PREPARED BY:
Meyer Land Surveying, LLC
45246 Hwy 44
Parker, SD 57053
Phone: (605) 310-9401

REPLAT OF LOT 2 AND 3, BLOCK 3 ZEDIKER'S SUBDIVISION IN THE NE 1/4 OF THE NW 1/4 AND IN THE SE 1/4
OF THE NW 1/4, SECTION 8 T93N, R57W OF THE 5TH P.M. YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

PLAT OF TRACT 1 OF KOENIGSHOF ADDITION

AN ADDITION IN THE NE 1/4 OF THE NW 1/4 AND IN THE SE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 93 NORTH,
RANGE 57 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE

We, the undersigned, do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, alleys, parks and public grounds, if any, as shown on said plat. Including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone, cable television, or other public utility lines or services, under, on or over those strips of land designated hereon as easements.

We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We further certify that this platting of said described Tract 1 of Koenigshof Addition does hereby vacate the following platting:

Lot 2 and Lot 3 Block 3 of Zediker's Subdivision in the NE 1/4 of the NW 1/4 and in the SE 1/4 of the NW 1/4 Section 8, Township 93 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, on file at the office of the Register of Deeds in Plat Book 58 of plats, Page 115A, said plat, hereby vacated, being situated within described Koenigshof Addition as surveyed.

David S. Koenigshof
David S. Koenigshof (Trustee)
Trustee David & Debra Koenigshof Revocable Trust dated July 27, 2023.

State of South Dakota
County of Yankton

On this the 14 day of May, 2024, the undersigned officer, personally appeared David S. Koenigshof, Trustee of the David & Debra Koenigshof Revocable Trust Dated July 27, 2023, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.
Amanda Pick
Notary Public - State of South Dakota
My Commission Expires: 8-4-2029

Dated this 14 Day of May, 2024

Debra J. Koenigshof
Debra J. Koenigshof (Trustee)
Trustee David & Debra Koenigshof Revocable Trust dated July 27, 2023

State of South Dakota
County of Yankton

On this the 14 day of May, 2024, the undersigned officer, personally appeared Debra J. Koenigshof, Trustee of the David & Debra Koenigshof Revocable Trust Dated July 27, 2023, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Amanda Pick
Notary Public - State of South Dakota
My Commission Expires: 8-4-2029

CERTIFICATE OF ROAD AUTHORITY

I, Mike Sedlacek (Name) Superintendent (Title) of the Yankton County HWY Agency, do hereby certify that this plat and access to location has been reviewed by me or my authorized agent and that this plat is recommended for approval.

By: Mike Sedlacek Date: 5/14/2024
TITLE: HWY Superintendent

COUNTY PLANNING COMMISSION APPROVAL

Be it resolved by the Yankton County, South Dakota, Planning Commission 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____.

Planning Commission Chair
Yankton County, South Dakota

COUNTY COMMISSIONER'S APPROVAL

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, Board of County Commissioners
Yankton County, South Dakota

COUNTY AUDITOR CERTIFICATE

I, do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ Day of _____, 20____.

County Auditor
Yankton County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, the Treasurer of Yankton County, South Dakota, do hereby certify that all taxes which are liens upon any land shown in the above plat, as shown by the records of my office have been paid in full.

Dated this 14 Day of May, 2024

Jimmy Dietzinger
TREASURER
Yankton County, South Dakota

DIRECTOR OF EQUALIZATION

I, the Director of Equalization of Yankton County, South Dakota, do hereby certify that a copy of the above and foregoing described plat has been filed in my office.

Dated this _____ Day of _____, 20____.

DIRECTOR OF EQUALIZATION
Yankton County, South Dakota

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
Yankton County, South Dakota



PREPARED BY:
Meyer Land Surveying, LLC
45246 Hwy 44
Parker, SD 57053
Phone: (605) 310-9401

PLAT PERMIT

Longitude

-97.60807299077521

Latitude

42.890590475528356

Permit Number

PLAT249

Parcel Number

13.005.300.720

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

1289

Application Accepted By

Bill Conkling

Site Plan Checked By

Bill Conkling

Is location in floodplain?

No

Existing Zoning

MODERATE DENSITY RESIDENTIAL

Size of the Current Parcel

0

Current Legal Description

LT 2 BLK 3 ZEDIKER'S S/D

Applicant Name

David Koenigshof

Applicant Phone

6053109401

Applicant Address

201 Ridgeview Dr, Yankton

Applicant Email Address

meyerlandsurveyingsd@gmail.com

Name of the Surveyor / Engineer

Meyer Land surveying

Surveyor / Engineer Address

45246 HWY 44, parker, SD 57053

Surveyor / Engineer Phone

6053109401

Surveyor / Engineer Email

meyerlandsurveyingsd@gmail.com

Surveyor / Engineer Contact Person

Eric Meyer

Owner Name

David Koenigshof

Owner Phone

6053109401

Owner Address

201 Ridgeview Dr, Yankton

Owner Email Address

meyerlandsurveyingsd@gmail.com

Location of Property

Lat: 42.89059 Lon: -97.608073



Powered by Esri

Section Township Range

5-93-57

Tract or Lot Number

1

Number of Acres Being Platted

2

Addition Name

Tract 1 Koenigshof Addition

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
1.5MB

Applicant Signature

A handwritten signature in black ink, appearing to read "Am Kim", written within a rectangular box.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Sun", written within a rectangular box.

OwnerSignature-.jpg

Date of Application Submission

May 14, 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>LWECS Facility Setback Chart</i>		<i>Feet</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.

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