

August 8, 2023

AGENDA

YANKTON COUNTY PLANNING COMMISSION

- Cheri Loest
- Cathy Weiss
- Don Kettering

- Dennis Michael
- 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.

Daugherty – Rezone

Applicant wishes to rezone a parcel from Rural Transitional District (RT) to Lakeside Commercial District (LC) per article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Jackman Tract A, in the South Half of the Northwest Quarter (S1/2NW1/4) Section 16, Township 93 North, Range 56 West of the 5th P.M., Yankton County, S.D., as per plat recorded in Book S19, Page 382, less highways and roads.

7:10 P.M.

Ferris – Rezone

Applicant wishes to rezone a parcel from Rural Transitional District (RT) to Moderate Density Residential District (R2) per article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 23 Rods, South 14 Rods, in the Southwest Quarter (SW1/4) excluding Lot H-2, in Section 18, Township 94 North, Range 55 West of the 5th P.M., Yankton County, South Dakota

7:15 P.M.

White – Conditional Use Permit

Applicant is requesting a Conditional Use Permit to build a single family dwelling in a Lakeside Commercial District (LC) per Article 11 Section 1107. Said property is legally described as Lot 1, Metz-Peterson Addition, in the N1/2 of the NE1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota

7:20 P.M.

Plats

Svendsen - Plat of Tract 1, Svendsen Addition, in the NE1/4 of the NW1/4 of Section 2, T94N, R55W of the 5th P.M., Yankton County, South Dakota (**Mission Hill North**)

James Cwach Revocable Trust - Plat of Tract 1, Brandon Cwach’s Addition, in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M., Yankton County, South Dakota (**Utica North**)

Jorgensen - Plat of Tyler Jorgensen Addition, in the NE1/4 of the SE1/4 of Section 35, T95N, R56W of the 5th P.M., Yankton County, South Dakota (**Central**)

Blackburn - A Replat of Lot 9, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 and a portion of the SE1/4 of the NW1/4 all in Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota, Hereafter to be known as; Lot 9A and Lot 9B, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota. (**Utica South**)

7:25 P.M.

Discussion – Definitions and Article 5

7:30 P.M.

Public Comment

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 7/11/2023 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling/Vetter

ROLL BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

CALL:

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

PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

APPROVAL OF AGENDA: MOTION BY: Loest SECOND BY: Michael

PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: **Anderson Plat**

ADDRESS/LEGAL: Plat of Anderson Sunrise Addition, in the SE1/4 of the SW1/4 of Section 12, T93N, R54W of the 5th P.M., Yankton County, South Dakota This plat vacates previously platted Anderson Sunrise Addition in the SE1/4 of the SW1/4 of Section 12, T93N, R54W of the 5th P.M., Yankton County, South Dakota. This plat was recorded in Book S14, Page 121 and Filed on March 31, 1992

COMMENTS: None

MOTION: **Approve as presented**
Passed 5-0

APPROVAL: MOTION BY: Michael SECOND BY: Nelson

PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: **ASPS, LLC Plat**

ADDRESS/LEGAL: Plat of Lot 1, Lancaster Subdivision, in the NW1/4 of Section 15, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. (**Utica South**)

COMMENTS: None

MOTION: **Approve as presented**
Passed 5-0

APPROVAL: MOTION BY: Loest SECOND BY: Weiss

PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: Article 5 and Definitions Discussion
ADDRESS/LEGAL: _____
COMMENTS: _____
None

MOTION: **No action taken**

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: Public Comment
ADDRESS/LEGAL: _____
COMMENTS: Cindy Konapasek

MOTION: **Adjourn
Passed 5-0**

APPROVAL: MOTION BY: Loest SECOND BY: Michael
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: _____
ADDRESS/LEGAL: _____

COMMENTS:

MOTION:

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM:

ADDRESS/LEGAL:

COMMENTS:

MOTION:

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM:

ADDRESS/LEGAL:

COMMENTS:

MOTION:

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM:

ADDRESS/LEGAL:

COMMENTS:

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: BARKL LOEST KETTERING MICHAEL NELSON WEISS CLARK

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Daughtery– Rezone

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

LC – Lakeside Commercial RT-Rural Transitional

Variance needed:

Section 513 Section 607 Section 705 Section 1709 Section 1723

Section 1809

NOTE:

Applicant wishes to rezone a parcel from Rural Transitional District (RT) to Lakeside Commercial District (LC) per article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Jackman Tract A, in the South Half of the Northwest Quarter (S1/2NW1/4) Section 16, Township 93 North, Range 56 West of the 5th P.M., Yankton County, S.D., as per plat recorded in Book S19, Page 382, less highways and roads

PC: Article 18 Section 1809

BOA: Article 20 Section 2003

Planning Commission date: 8/8/2023

Time: 7:05 P.M.

Board of Adjustment date: 9/5/2023, 9/19/2023

Time: 6:30 P.M.

Yankton County

 Variance Conditional Use X Rezoning

Owner: Rick Daugherty

Owners Address: 122 W 3rd St Yankton

Owners Phone: 6056610054

Applicants Name, if different from

Owner: Rick Daugherty

Applicants

Address: 122 W 3rd St Yankton

Job Address: TBD SD HWY 52

Legal: JACKMAN TRACT A S2 NW4

Section, Township, Range: 16-93-56

Zoning Classification: RT

Affected Zoning Ordinance: 18092003

Reason for Request: Rezone parcel 09.016.425.200 From Rural Transitional to Lakeside Commercial

List Specific Hardships: _____

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 08/08/2023 7:05 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE): _____

Application Fee: \$450.00 Check #: _____ Receipt #: _____



Date: _____

Signature: Rick Daugherty

07/05/2023

Site Map

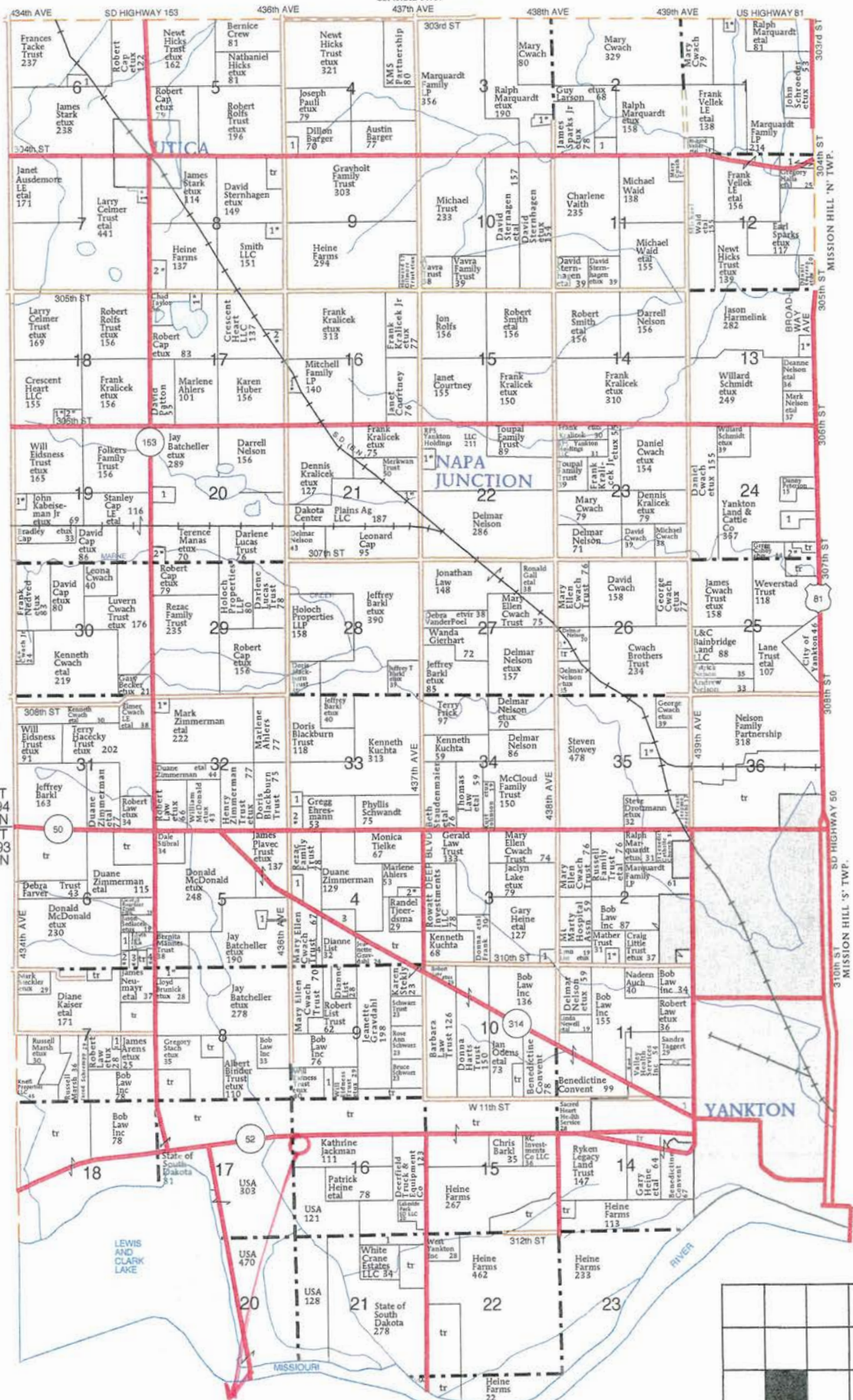


Parcel Number: 09.016.425.200

Site Description:

(Landowners)

CENTRAL TWP.



UTICA TOWNSHIP

- SECTION 1N**
- 1. Siebrandt, Jacob etux 5
- SECTION 2N**
- 1. Kralicek, Melissa 11
- SECTION 2S**
- 1. Holdahl, Robert etux 5
- SECTION 3N**
- 1. Grate, Leo etux 11
- SECTION 3S**
- 1. Holtzmann Family Trust 7
- SECTION 4N**
- 1. Nedved, Mark 7
- SECTION 4S**
- 1. Larson, Robert 8
- 2. Brandt Trust, Merle etal 11
- 3. Zimmerman, Steve 20
- 4. List Trust, Robert 18
- SECTION 5S**
- 1. Batcheller, Jay 8
- SECTION 6N**
- 1. Town of Utica 6
- SECTION 6S**
- 1. Maska, Leann 5
- 2. Olivier, Curtis etux 6
- 3. Loecker, Mark etux 5
- 4. Blaha, Jon etux 5
- SECTION 7N**
- 1. Anthony, Craig etux 10
- SECTION 7S**
- 1. Phillips, Timothy etux 5
- SECTION 8N**
- 1. Christianson, David etux 6
- 2. Hughes, Scott etux 13
- SECTION 8S**
- 1. Fanta, Timothy etux 9
- SECTION 9S**
- 1. Rokahr, Steven 9
- SECTION 11S**
- 1. Hecky Trust, Terrance etux 11
- 2. 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. Kralicek, Frank etux 5
- SECTION 21S**
- 1. White Crane Estates LLC 18
- SECTION 22N**
- 1. Taggart, William etux 9
- SECTION 24**
- 1. Marquardt, Doug 13
- 2. Keller, Dallas etux 10
- SECTION 26**
- 1. Barnes, David etux 7
- SECTION 32**
- 1. Zimmerman Trust, Henry etal 12
- SECTION 33**
- 1. Delozier, Darrik 6
- 2. Waddell, Edward etux 8
- SECTION 35**
- 1. Slowey, Steven etux 14

location

FINDINGS OF FACT – REZONE

Daugherty– REZ-2023-94

Are the requirements of Section 1723 met?	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.	
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state: a. Special conditions and circumstances exist which require the land to be rezoned; b. The special conditions and circumstances do not result from the actions of the applicant; and c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.	
3. Notice of public hearing shall be given, as in Section 1803 (3-5).	
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.	
5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include: a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone;	
b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure;	
c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and	

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

<p>and compatibility;</p> <ol style="list-style-type: none"> 6. Screening and buffering with reference to type, dimensions, and character; 7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; 8. Required yards and other open spaces; and 9. General compatibility with adjacent properties and other property in the district. 	
<ol style="list-style-type: none"> 8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. 	

Variance, Conditional Use and Rezoning Application REZ-2023-94
 Applicant Bill Conkling
 Fees Paid \$450.00
 Created July 5, 2023

Number REZ-2023-94
 09.016.425.200 | Rick Daugherty | TBD SD HWY 52, SD,
 Submitted by bconkling on 7/5/2023



Applicant

~~Bill Conkling~~ *Rick Daugherty*
 6052604447

~~lisa@iwanston.sd.us~~ *Lisa@iw.net*

Parcel search Completed On 7/5/2023 2:15 PM EST by bconkling



Maxar, Microsoft Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.016.425.200			DAUGHERTY, LISA J B (D) DAUGHERTY, RICK A (D)	1.010

Request Information Completed On 7/5/2023 2:17 PM EST by bconkling

Type of Request

Rezoning

Fee

\$450.00

Reason for Request

Rezoning parcel 09.016.425.200 From Rural Transitional to Lakeside Commercial

List Specific Hardships

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Rick Daugherty

Applicant Address

122 W 3rd St Yankton

Applicant Phone

6056610054

Owner Information

Owner Name

Rick Daugherty

Owner Address

122 W 3rd St Yankton

Owner Phone Number

6056610054

Property Information

Parcel ID Number

09.016.425.200

Legal Description

JACKMAN TRACT A S2 NW4

Site Address

TBD SD HWY 52

City

Zip

Section-Township-Range

16-93-56

Zoning District

RT

Zoning Description

RT

Existing Use of Property

Old school house

Site Plan Completed On 7/5/2023 2:18 PM EST by bconkling

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

- Sketch Layer
- Reference Layer
- Mapproxy

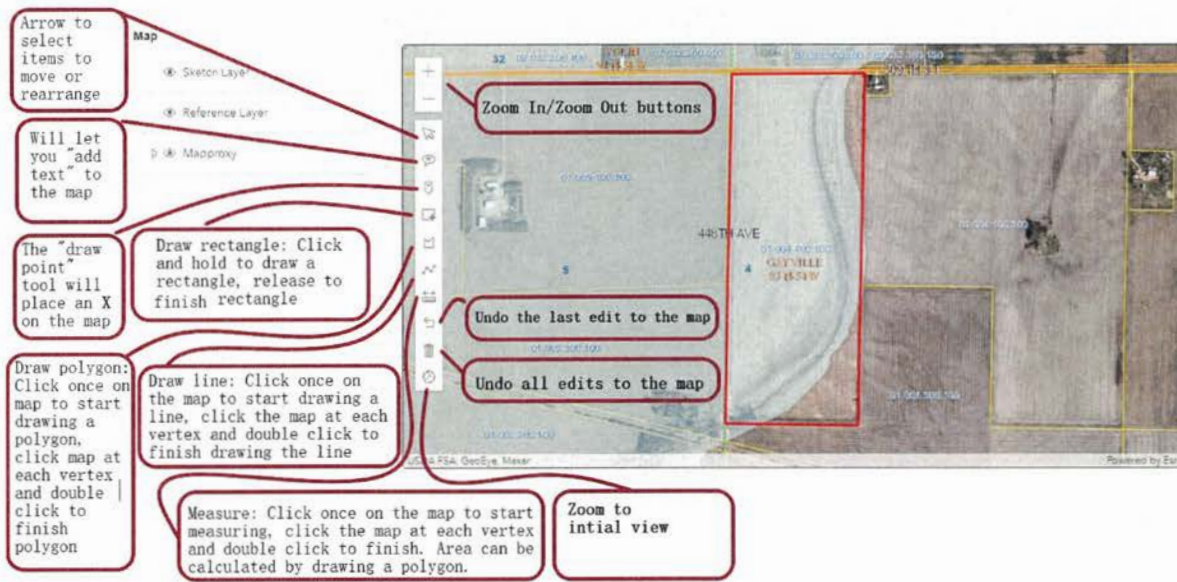


Maxar, Microsoft

Powered by Esri

Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents



Draft Building Permit Completed On 7/5/2023 2:18 PM EST by bconkling

Upload Draft Building Permit

Submit Completed On 7/5/2023 2:18 PM EST by bconkling

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

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

Applicant Agreement

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

Signature

Ruth Hult

Date

7/5/2023

Application Submitted Successfully Completed On 7/5/2023 2:18 PM EST by bconkling

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Planning Review Completed On 7/5/2023 2:18 PM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Planning Commission Code Reference

Other Planning Commission Code Reference ⓘ

1809

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ⓘ

2003

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

Zoning Classification ⓘ

RT

Wave Fee

Wave Fee

Notes ⓘ

Director Review Completed On 7/5/2023 2:20 PM EST by gvetter

Zoning Director Review

Approve

PC Prep Completed On 7/5/2023 2:25 PM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

August 8th 2023, 7:05 pm CDT

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

07/29/2023 7:05 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

07/31/2023 7:05 PM

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

08/01/2023 7:05 PM

Date to send email to applicant

07/24/2023

Upload PC Mailing Labels

[Daugherty labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[Notification Letter rezone.pdf](#)

Upload PC Newspaper Publication

[Legals 8-8-2023.pdf](#)

Permit Number

REZ-2023-94

Receipt Number

PC App Form Completed On 7/5/2023 2:25 PM EST by bconkling

[PC App Form](#)

External Notes

Documents

Internal Notes

REZONE PETITION
YANKTON COUNTY COMMISSION
321 WEST THIRD ST., #209
YANKTON, SD 57401

To Whom it may concern,

I/We the undersigned, do hereby petition the Yankton County Commission of Yankton County, South Dakota to rezone property as follows:

Legal Description:

Jackman Tract A S1/2 NW1/4, in Section 16, T93N and R56W

General Area Location or Street Address: Yankton Lake Area off Hwy 52
From the Rural Transition RT District
To the Lakeside Commercial LC District

Purpose: To bring property into compliance

Parcel: 09.016.425.200

Existing Land Use: Schoolhouse on property

Lisa@iw.net

Petitioner: (Print) Rick Daugherty
Signature: *Rick Daugherty*
Date: 5/19/23 Phone: 605-760-9976
Address: 122 West 3rd St
Yankton SD 57078
City State Zip

Owner: (Print) Rick & Lisa Daugherty
Signature: *Rick Daugherty Lisa Daugherty*
Date: 5/19/23 Phone: 605-760-9976 / 605-661-0054
Address: 122 West 3rd St
Yankton SD 57078
City State Zip

Additional Signatures may be submitted on a separate page.

E-file Authorization for Form 1065
(For return of partnership income or administrative adjustment request)

2022

Department of the Treasury
Internal Revenue Service

For calendar year 2022, or tax year beginning _____, 2022, and ending _____

ERO must obtain and retain completed Form 8879-PE.
Go to www.irs.gov/Form8879PE for the latest information.

Name of partnership Arrowhead Holdings LLC
GRAMP'S

Employer identification number _____

Part I Form 1065 Information (Whole dollars only)

1	Gross receipts or sales less returns and allowances (Form 1065, line 1c)	1	4,096.
2	Gross profit (Form 1065, line 3)	2	-25,843.
3	Ordinary business income (loss) (Form 1065, line 22)	3	-62,740.
4	Net rental real estate income (loss) (Form 1065, Schedule K, line 2)	4	-74,324.
5	Other net rental income (loss) (Form 1065, Schedule K, line 3c)	5	

Part II Declaration and Signature Authorization of Partner or Member or Partnership Representative

I declare under penalties of perjury that:

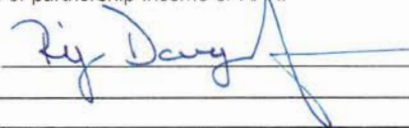
- 1a If the Form 1065 is being transmitted as part of a return of partnership income, I am a partner or member of the named partnership.
- b If the Form 1065 is being transmitted as part of an administrative adjustment request (AAR), I am the partnership representative (PR) of the named partnership.
- 2 I have examined a copy of the partnership's electronic Form 1065 (whether used as return or AAR) and accompanying forms, schedules, and statements, and to the best of my knowledge and belief, it/they is/are true, correct, and complete.
- 3 I am fully authorized to sign the return or AAR on behalf of the partnership.
- 4 The amounts shown in Part I above are the amounts shown on the electronic copy of the partnership's Form 1065.
- 5 I consent to allow my electronic return originator (ERO), transmitter, or intermediate service provider to transmit the partnership's return or AAR to the IRS and to receive from the IRS (a) an acknowledgment of receipt or reason for rejection of the transmission and (b) the reason for any delay in processing the return or AAR.
- 6 I have selected a personal identification number (PIN) as my signature for the partnership's electronic return of partnership income or AAR.

Partner or Member or PR PIN: check one box only

- I authorize Limestone, Inc to enter my PIN _____ as my signature _____
ERO firm name Don't enter all zeros
on the partnership's 2022 electronically filed return of partnership income or AAR.
- As a Partner or Member or PR of the partnership, I will enter my PIN as my signature on the partnership's 2022 electronically filed return of partnership income or AAR.

Partner or Member or PR signature: _____

Title: Member



Date: 5/23/2023

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN.

Don't enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2022 electronically filed return of partnership income or AAR for the partnership indicated above. I confirm that I am submitting this return or AAR in accordance with the requirements of **Pub. 3112**, IRS *e-file* Application and Participation, and **Pub. 4163**, Modernized e-File (MeF) Information for Authorized IRS *e-file* Providers for Business Returns.

ERO's signature: Steven Mix

Date: 5/23/2023

ERO Must Retain This Form – See Instructions
Don't Submit This Form to the IRS Unless Requested To Do So

Beacon™ Yankton County, SD

Summary

Parcel ID 09.016.425.200
 Property Address
 Sec/Twp/Rng 16/93/56
 Brief Tax Description JACKMAN TRACT A S2 NW4
 (Note: Not to be used on legal documents)
 Comments
 Class NAC
 Tax District 09633Y
 Gross Acres 0.00
 \$/Acre N/A



Owners

Deed Holder
 DAUGHERTY, LISA J B
 122 WEST 3 ST
 YANKTON SD 57078

Deed Holder
 DAUGHERTY, RICK A

Land

Lot Dimensions Regular Lot: 0 x 0.00
 Lot Area 1.0100 Acres; 43996 SF
 DISCLAIMER: ALL LOT SIZES SHOULD BE VERIFIED WITH THE REGISTER OF DEEDS.

Buildings

Residential Dwelling
 Occupancy Single family
 Year Built 1920
 Style 1.5 Story
 Exterior Material Wood siding
 Roof Type Gable
 Roof Material Asphalt shingles
 Interior Walls Drywall
 Predominate Floor Covs Base Allowance
 Stories/Floors 1.5
 Above-Grade Living Area 760 SF
 Attic Type None
 Number of Rooms 5
 Number of Bedrooms 3
 Basement Type Full Crawl
 Basement Area 0 SF
 Basement Finished Area 0 SF
 Number of Bathrooms 3 Fix(1);
 Central Air Y
 Fireplace N
 Heat Type Forced hot air-gas
 Porches
 Decks 0 SF
 Garages
 Other Features

Valuation

	2023	2022	2021	2020	2019	2018
+ NAC1	\$32,200	\$32,200	\$32,200	\$32,200	\$32,200	\$32,200
+ NAC	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
= Total Value	\$57,200	\$57,200	\$57,200	\$57,200	\$57,200	\$57,200

DISCLAIMER: ALL VALUES ARE BASED ON FULL AND TRUE VALUES BEFORE COUNTY BOARD ADJUSTMENTS, ELDERLY FREEZE, DISCRETIONARY AND EXEMPTIONS.

Sales

Date	Sequence	Seller	Buyer	Book	Page	Type	Reject	Building Value	Land Value	Transfer Fee	Sale Amount
07/31/2019	20190555	BLAALID, NORMAN & JOANN P	DAUGHERTY, LISA J B & RICK A	546	331	W	Y	\$32,200.00	\$25,000.00	\$125.00	\$125,000.00
04/10/2012	20120216	JACKMAN, KATHERINE	BLAALID, NORMAN & JOANN P	504	274	W	N	\$29,900.00	\$1,676.00	\$60.00	\$60,000.00

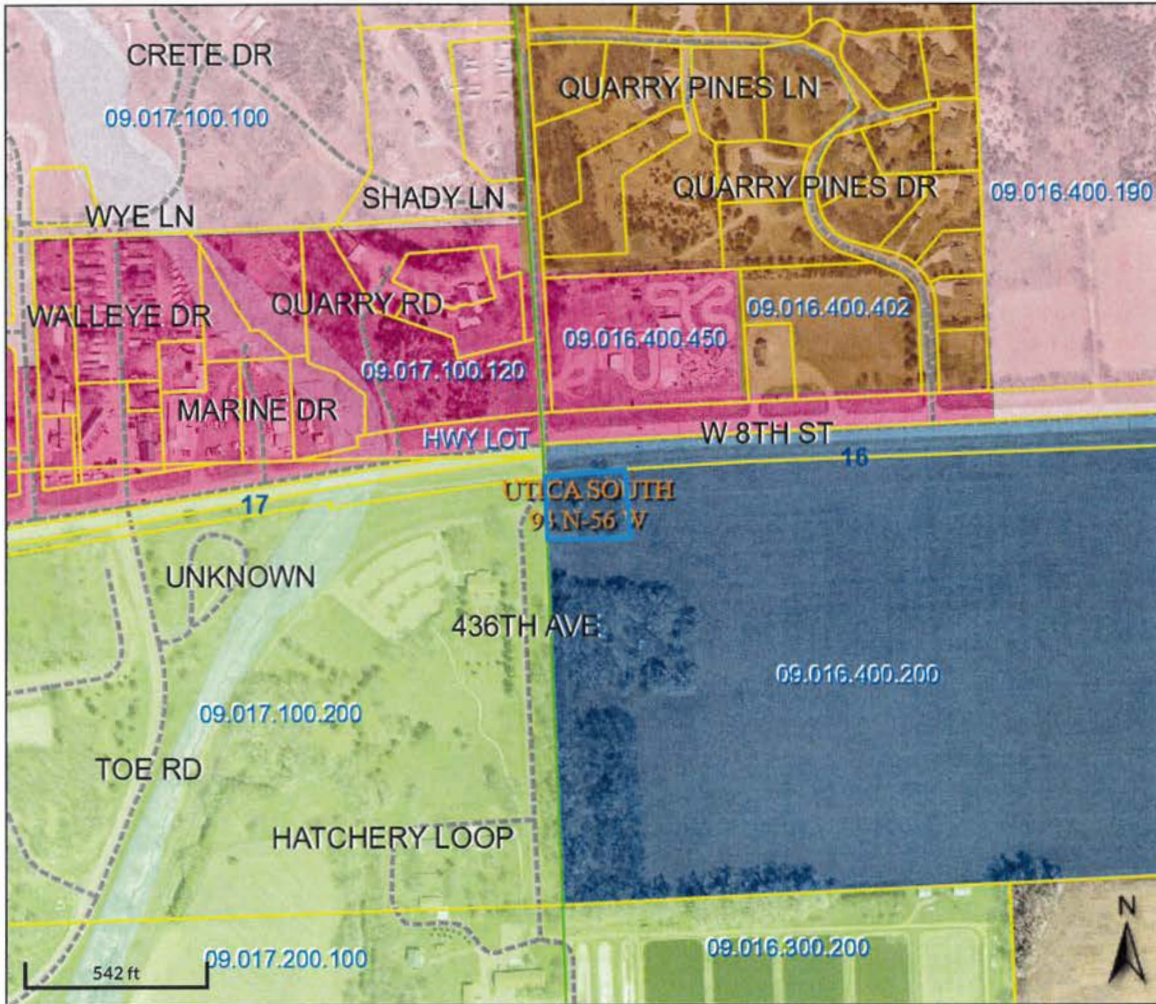
Online Payments

[Click here to pay taxes online.](#)

DISCLAIMER: TAX PAYMENTS MADE WILL NOT APPEAR ON BEACON(TM) AS PAID ON THE SAME DAY AS THE PAYMENT. PAYMENTS WILL SHOW ON BEACON(TM) IN MOST CASES TWO FULL WORKING DAYS AFTER PAYMENT IS RECEIVED.

Taxation

2022	1st Half	2nd Half	Full Year
Due Date	April 30, 2023	October 31, 2023	



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning Districts**
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- <all other values>
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

Parcel ID - 09.016.425.200
 Owner - DAUGHERTY, LISA J B (D)
 DAUGHERTY, RICK A (D)
 Acres - 1.01

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 7/5/2023
 Last Data Uploaded: 7/5/2023 9:31:56 AM

AFFIDAVIT OF MAILING

I, Rick Daugherty, hereby certify that on the 27th day of July, 2023, 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 27th day of July, 2023.

Rick Daugherty
(Name)
Affiant

Subscribed and sworn to before me this 27th day of July, 2023.

Lori Tramp
Notary Public - South Dakota
My commission expires: 1-15-28

(SEAL)



NOTIFICATION

July 24, 2023

Rick Daugherty
122 West 3rd 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 1320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 8th day of August, 2023 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant wishes to rezone a parcel from Rural Transitional District (RT) to Lakeside Commercial District (LC) per article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Jackman Tract A, in the South Half of the Northwest Quarter (S1/2NW1/4) Section 16, Township 93 North, Range 56 West of the 5th P.M., Yankton County, S.D., as per plat recorded in Book S19, Page 382, less highways and roads.

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,
Rick Daugherty
Petitioner

ALTMAN, DANIEL C (D)
116 QUARRY PINES DR
YANKTON SD 57078

BINDER, ALBERT J TRUST (D)
169 CLARK TRL
YANKTON SD 57078

BLAALID, LISA J (D)
122 WEST 3 ST
YANKTON SD 57078

CAPTAIN NORM'S LLC (D)
122 WEST 3 ST
YANKTON SD 57078

CAUWELS, MICHAEL LEE (D)
31111 436 AVE
YANKTON SD 57078

CAUWELS, TERESA LIVING TRUST (D)
7205 SOUTH BURLEIGH CIR
SIOUX FALLS SD 57108

DAUGHERTY, LISA J B (D)
122 WEST 3 ST
YANKTON SD 57078

DJ'S PROPERTIES LLC (D)
31110 WALLEYE DR #200
YANKTON SD 57078

DYKSTRA, DOUGLAS T (D)
152 QUARRY PINES DR
YANKTON SD 57078

FOSS, PATRICK J (D)
31117 QUARRY DR
YANKTON SD 57078

HACECKY RENTALS LLC (D)
174 QUARRY PINES DR
YANKTON SD 57078

HACECKY, BRETT (D)
174 QUARRY PINES DR
YANKTON SD 57078

HARRIS, DWIGHT (D)
124 MARINE DR
YANKTON SD 57078

HARRIS, RONALD D (D)
124 MARINE DR
YANKTON SD 57078

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

JENSEN, DEBRA K (D)
105 QUARRY PINES LN
YANKTON SD 57078

JONES, HERBERT M (D)
169 QUARRY PINES DR
YANKTON SD 57078

KARTTRAX INC (D)
%SCHENKEL, DALE
606 REGAL DR
YANKTON SD 57078

KAZEMBA, DOUGLAS (D)
134 QUARRY PINES DR
YANKTON SD 57078

KELLEN, NICK J III (D)
120 QUARRY PINES DR
YANKTON SD 57078

KRAMER FAMILY TRUST (D)
31105 436 AVE
YANKTON SD 57078

KRAMER, ALLAN J (D)
1201 5 ST NE
SIOUX CENTER IA 51250

LARSEN, JASON C (D)
101 QUARRY PINES LN
YANKTON SD 57078

MORTON, DAVID REV TRUST (D)
162 QUARRY PINES DR
YANKTON SD 57078

ONETWENTY YANKTON LLC (D)
226 SCOTTWOOD RD
RIVERSIDE IL 60546

QUARRY PINES HOMEOWNERS ASC (D)
2513 BURLEIGH ST
YANKTON SD 57078

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

RUEB, BRENDA J (D)
159 QUARRY PINES DR
YANKTON SD 57078

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

STIBRAL, CHARLES J (D)
31110 WALLEYE DR #200
YANKTON SD 57078

STRAHL, JODI L (D)
2215 VALLEY RD
YANKTON SD 57078

TRAMP, JAMES F LIVING TRUST (D)
2513 BURLEIGH ST
YANKTON SD 57078

TRAMP, JAMES F TRUST (D)
2513 BURLEIGH ST
YANKTON SD 57078

WELSH, MICHAEL P (D)
114 QUARRY PINES DR
YANKTON SD 57078

WILLIAMS, GEORGE A (D)
2504 VALLEY RD
YANKTON SD 57078

WITHROW, MARVIN FAMILY TRUST (D)
144 QUARRY PINES DR
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Ferris– Rezone

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

LC – Lakeside Commercial RT-Rural Transitional

Variance needed:
 Section 513 Section 607 Section 705 Section 1709 Section 1723

Section 1809

NOTE:

Applicant wishes to rezone a parcel from Rural Transitional District (RT) to Moderate Density Residential District (R2) per article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 23 Rods, South 14 Rods, in the Southwest Quarter (SW1/4) excluding Lot H-2, in Section 18, Township 94 North, Range 55 West of the 5th P.M., Yankton County, South Dakota

PC: Article 18 Section 1809

BOA: Article 20 Section 2003

Planning Commission date: 8/8/2023

Time: 7:10 P.M.

Board of Adjustment date: 9/5/2023, 9/19/2023

Time: 6:35 P.M.

Yankton County

 Variance Conditional Use X Rezoning

Owner: Alan Ferris

Owners Address: 44006 306th St Yankton

Owners Phone: 6056659936

Applicants Name,
if different from

Owner: Alan Ferris

Applicants

Address: 44006 306th St Yankton

Job Address: 44006 306 ST

Legal: W23 RODS S14 RODS SW4 EXC LT H-2

Section,

Township, Range: 18-94-55

Zoning

Classification: RT

Affected Zoning

Ordinance: 18092003

Reason for Request: Rezone parcel 06.018.300.250 to Moderate Density Residential

List Specific

Hardships: _____

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 08/08/2023 7:10 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE): _____

Application Fee: \$450.00 Check #: _____ Receipt #: _____



Date:

Signature: _____

07/05/2023

Alan Ferris

Site Map

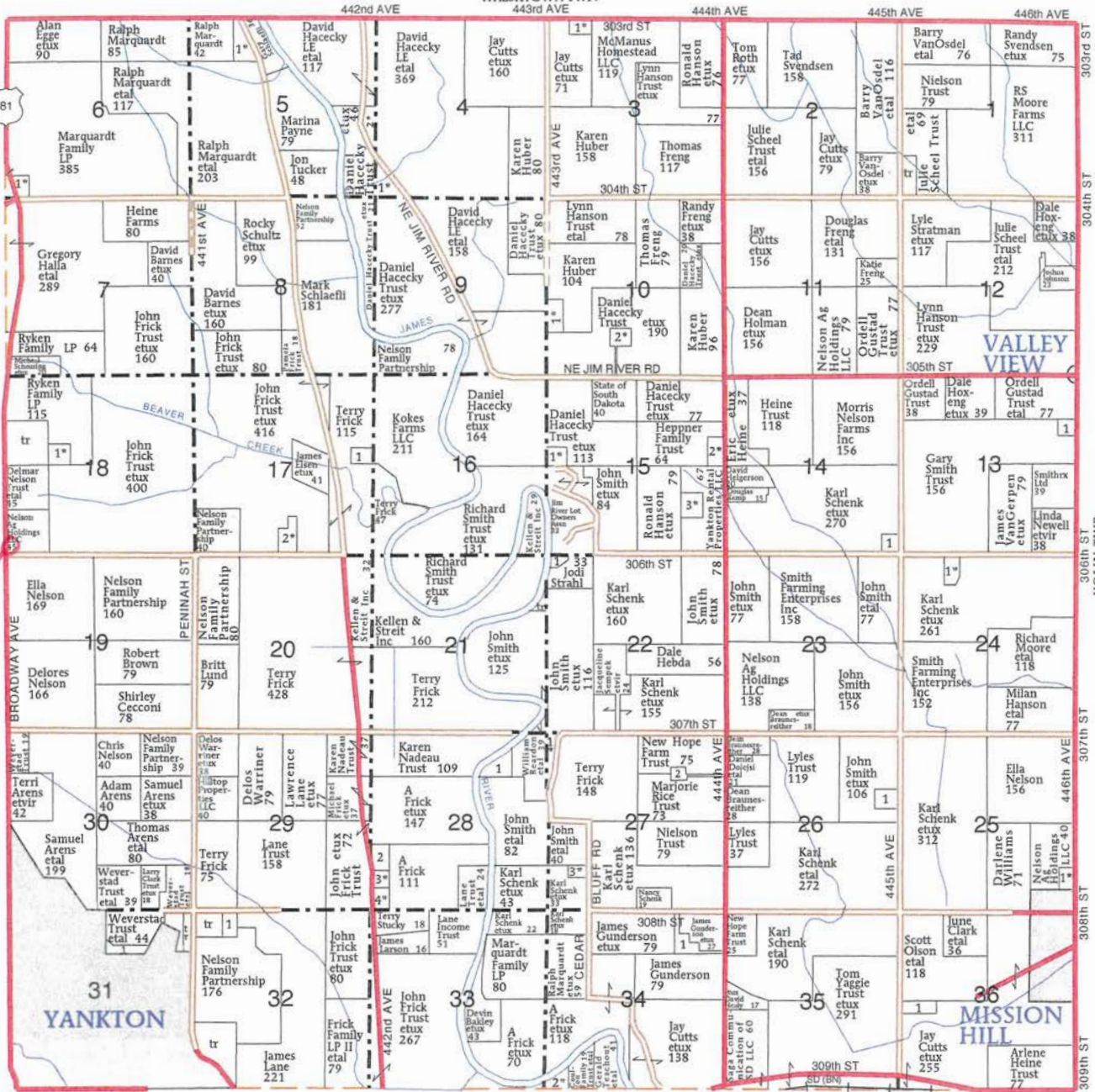


Parcel Number: 06.018.300.250

Site Description:

(Landowners)

WALSH TOWN TWP.



location

MISSION HILL 'S' TWP.

MISSION HILL 'N' TOWNSHIP

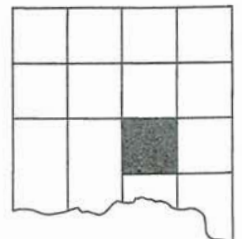
- SECTION 3
 1. Knode, Dale etux 8
- SECTION 4
 1. Hacecky Trust, Daniel etux 25
- SECTION 5
 1. Marquardt, Ralph etal 10
 2. Hacecky LE, David etal 7

- SECTION 6
 1. Jones, Boyd etux 5
- SECTION 10
 1. Hacecky LE, David etal 15
- SECTION 13
 2. Wathier, George etux 8
- SECTION 13
 1. Quatler, Todd 6
- SECTION 14
 1. Helgerson, David 6
- SECTION 15
 1. Larson, Jeffery etux 6

- 2. Aase, Elwyn etux 10
- 3. Williams, James etux 11
- SECTION 17
 1. Kokes Farms LLC 9
 2. Frick, Christopher 9
- SECTION 18
 1. Likness, Micah etux 10
- SECTION 22
 1. Jim River Lot Owners Assn 6
- SECTION 24
 1. Adams, Richard etux 9

- SECTION 25
 1. Palmer, Evan etux 12
- SECTION 26
 1. Sarringar, Margaret 10
- SECTION 27
 1. Reardon, William etal 5
 2. Nelsen, Christopher 9
 3. Olson, Gordon etux 6
- SECTION 28
 1. Smith Farming Enterprises Inc 10
 2. Luben LLC 9

- 3. Montagne, Pierre etux 5
- 4. Stucky, Terry etux 5
- SECTION 31
 1. City of Yankton 12
- SECTION 32
 1. Lotz, Eric 7
- SECTION 34
 1. Aune, David 11
 2. Hacecky Trust, Daniel etux 15
- SECTION 36
 1. Town of Mission Hill 12



Variance, Conditional Use and Rezoning Application REZ-2023-95
 Applicant Bill Conkling
 Fees Paid \$450.00
 Created July 5, 2023

Number REZ-2023-95
 06.018.300.250 | Alan Ferris | 44006 306 ST, YANKTON, SD, 57078
 Submitted by bconkling on 7/5/2023



Applicant

~~Bill Conkling~~ Alan Ferris
 6052604447
 Aferris@mountmary.edu

Parcel search Completed On 7/5/2023 2:19 PM EST by bconkling



Maxar, Microsoft Powered by Esri

ParcelID	Address	City	OwnerName	Acres
06.018.300.250	44006 306 ST	YANKTON	FERRIS, ALAN R (D) FERRIS, DAWN M (D)	1.800

Request Information Completed On 7/5/2023 2:21 PM EST by bconkling

Type of Request

Rezoning

Fee

\$450.00

Reason for Request

Rezoning parcel 06.018.300.250 to Moderate Density Residential

List Specific Hardships

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Alan Ferris

Applicant Address

44006 306th St Yankton

Applicant Phone

6056659936

Owner Information

Owner Name

Alan Ferris

Owner Address

44006 306th St Yankton

Owner Phone Number

6056659936

Property Information

Parcel ID Number

06.018.300.250

Legal Description

W23 RODS S14 RODS SW4 EXC LT H-2

Site Address

44006 306 ST

City

YANKTON

Zip

57078

Section-Township-Range

18-94-55

Zoning District

RT

Zoning Description

RT

Existing Use of Property

Single family dwelling

Site Plan Completed On 7/5/2023 2:21 PM EST by bconkling

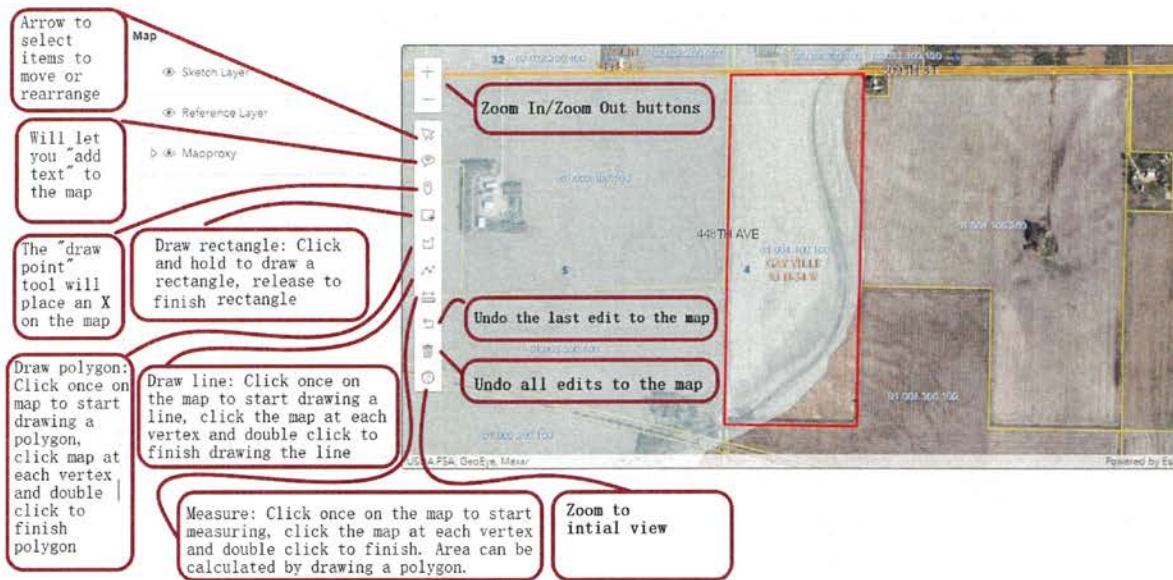
Map - Mark the location of structures and other necessary information.

- Sketch Layer
- Reference Layer
- Mapproxy



Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents



Draft Building Permit Completed On 7/5/2023 2:21 PM EST by bconkling

Upload Draft Building Permit

Submit Completed On 7/5/2023 2:22 PM EST by bconkling

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

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

Applicant Agreement

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

Signature

Alan Ferros

Date

7/5/2023

Application Submitted Successfully Completed On 7/5/2023 2:22 PM EST by bconkling

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Planning Review Completed On 7/5/2023 2:22 PM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Planning Commission Code Reference

Other Planning Commission Code Reference ⓘ

1809

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ⓘ

2003

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

Zoning Classification ⓘ

RT

Wave Fee

Wave Fee

Notes ⓘ

Director Review Completed On 7/5/2023 3:04 PM EST by gvetter

Zoning Director Review

Approve

PC Prep Completed On 7/5/2023 3:06 PM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

August 8th 2023, 7:10 pm CDT

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

07/29/2023 7:10 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

07/31/2023 7:10 PM

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

08/01/2023 7:10 PM

Date to send email to applicant

07/24/2023

Upload PC Mailing Labels

[Ferris labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[Ferris Notification Letter rezone PC.pdf](#)

Upload PC Newspaper Publication

[Legals 8-8-2023.pdf](#)

Permit Number

REZ-2023-95

Receipt Number

PC App Form Completed On 7/5/2023 3:06 PM EST by bconkling

[PC App Form](#)

External Notes

Documents

Internal Notes

REZONE PETITION
YANKTON COUNTY COMMISSION
321 WEST THIRD ST., #209
YANKTON, SD 57401

To Whom it may concern,

I/We the undersigned, do hereby petition the Yankton County Commission of Yankton County, South Dakota to rezone property as follows:

Legal Description:

West 23 rods, South 14 rods, SW 1/4 excluding Lot H-2
in Section 18, T94N and R 55W
Parcel 06.018.300.250

General Area Location or Street Address: 44006 306th St
From the Rural Transitional RT District
To the R-2 Moderate Density District

Purpose: To bring property into compliance

Parcel: 06.018.300.250

Existing Land Use: single family residence

A Ferris @mountain
.edu

Petitioner: (Print) Alan Ferris
Signature: Alan Ferris
Date: May 18, 2023 Phone: 665-9936
Address: 44006 306th St
Yankton SD 57078
City State Zip

Owner: (Print) Dawn M. Ferris
Signature: Dawn M. Ferris
Date: 5/18/23 Phone: 665-665-9936
Address: 44006 306th St.
Yankton SD 57078
City State Zip

Additional Signatures may be submitted on a separate page.



Summary

Parcel ID 06.018.300.250
 Property Address 44006 306 ST
 Sec/Twp/Rng 18/94/55
 Brief Tax Description W23 RODS S14 RODS SW4 EXC LT H-2
 (Note: Not to be used on legal documents)
 Comments
 Class NACO
 Tax District 06633Y
 Gross Acres 0.00
 \$/Acre N/A



Owners

Deed Holder
 FERRIS, ALAN R

Deed Holder
 FERRIS, DAWN M

44006306 ST
 YANKTON SD 57078

Land

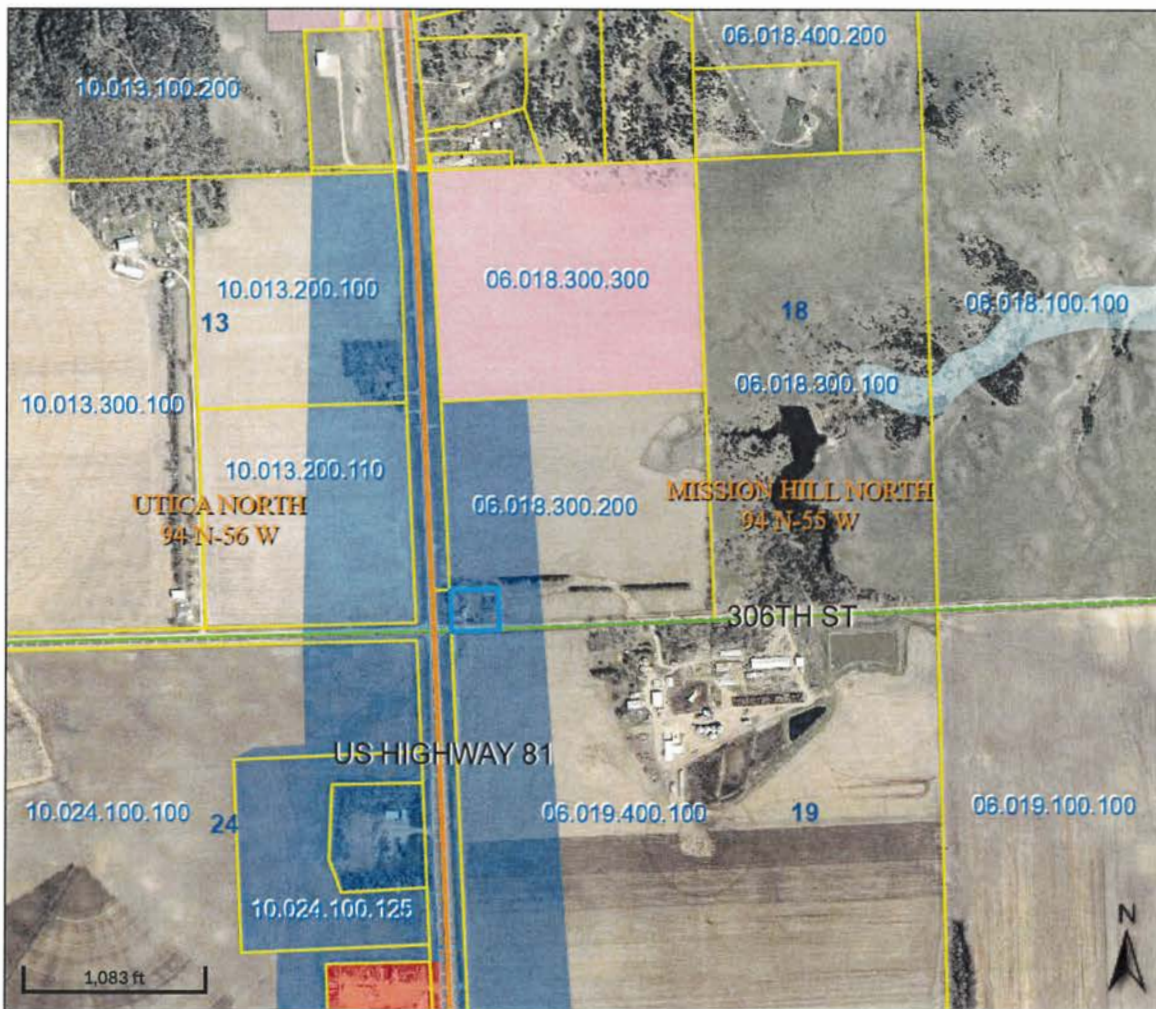
Lot Dimensions Regular Lot: 280 x 231.00
 Lot Area 1.8000 Acres; 78408 SF
 DISCLAIMER: ALL LOT SIZES SHOULD BE VERIFIED WITH THE REGISTER OF DEEDS.

Buildings

Residential Dwelling
 Occupancy Single family
 Year Built 1930
 Style 1 Story
 Exterior Material Hardboard sheet siding
 Roof Type Gable
 Roof Material Asphalt shingles
 Interior Walls Drywall
 Predominate Floor Covs Base Allowance, Hardwood-std oak
 Stories/Floors 1
 Above-Grade Living Area 2130 SF
 Attic Type None
 Number of Rooms 10
 Number of Bedrooms 5
 Basement Type Full Bsmt
 Basement Area 1920 SF
 Basement Finished Area 1440 SF
 Number of Bathrooms 3 Fix(1); 4 Fix(1);
 Central Air Y
 Fireplace Y
 Heat Type Forced hot air-propane
 Porches Open Porch: 354 SF;
 Decks 60 SF
 Garages
 Other Features

Other Building Information

Primary Use
 Year Built
 Building Type
 Exterior Material
 Roof Type
 Roof Material
 Interior Walls
 Predominate Floor Covs
 Stories/Floors
 Above-Grade Living Area SF
 Attic Type
 Number of Rooms
 Basement Type
 Basement Area SF
 Basement Finished Area SF
 Number of Bathrooms
 Central Air
 Heat Type
 Porches
 Decks SF
 Garages
 Other Features Residential Detached Garage



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning Districts**
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- <all other values>
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

Parcel ID - 06.018.300.250
 Address - 44006 306 ST
 Owner - FERRIS, ALAN R (D)
 FERRIS, DAWN M (D)
 Acres - 1.8

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 7/5/2023
 Last Data Uploaded: 7/5/2023 9:31:56 AM
 Developed by

AFFIDAVIT OF MAILING

I, Alan Ferris, hereby certify that on the 27th day of July, 2023, 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 28 day of July, 2023.

Alan Ferris

(Name)

Affiant

Subscribed and sworn to before me this 28 day of July, 2023.

Jolynn Verhey

Notary Public - South Dakota

My commission expires: 8-22-2023

(SEAL)

NOTIFICATION

July 24, 2023

Alan Ferris
44006 306th 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 1320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 8th day of August, 2023 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant wishes to rezone a parcel from Rural Transitional District (RT) to Moderate Density Residential District (R2) per article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 23 Rods, South 14 Rods, in the Southwest Quarter (SW1/4) excluding Lot H-2, in Section 18, Township 94 North, Range 55 West of the 5th P.M., Yankton County, South Dakota

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

Sincerely,
Alan Ferris
Petitioner

FERRIS, ALAN R (D)
44006 306 ST
YANKTON SD 57078

FRICK, JOHN G REV TRUST (D)
PO BOX 661
YANKTON SD 57078

MARTS, LUCAS (D)
30627 US HWY 81
YANKTON SD 57078

NELSON AG HOLDINGS LLC (D)
44023 306 ST
YANKTON SD 57078

NELSON, DEANNA L (D)
30698 US HWY 81
YANKTON SD 57078

NELSON, DELMAR F (C)
43742 307 ST
YANKTON SD 57078

NELSON, ELLA E (D)
44023 306 ST
YANKTON SD 57078

NELSON, MARK E (D)
30698 US HWY 81
YANKTON SD 57078

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

YANKTON LAND & CATTLE COMPANY (I
PO BOX 774
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

White – 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 1107 Section 1805 Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit to build a single family dwelling in a Lakeside Commercial District (LC) per Article 11 Section 1107. Said property is legally described as Lot 1, Metz-Peterson Addition, in the N1/2 of the NE1/4 of Section 15, T93N, R56W of the 5thP.M., Yankton County, South Dakota. E911 address is 3002 West 8th St Yankton, South Dakota

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:
8/8/2023

Board of Adjustment date:
9/5/2023

Time:
7:15
P.M.

Time:
6:40
P.M.

Yankton County

 Variance X Conditional Use Rezoning

Owner: Mark and Shar Peterson

Owners Address: 2910 West 8th, Yankton, SD

Owners Phone: 605-760-5505

Applicants Name,
if different from

Owner: Milton White

Applicants

Address: 2959 Olive Grove Court, Rapid City, SD,

Job Address: 3002 WEST 8 ST

Legal: LT 1 METZ-PETERSON ADDN

Section,

Township, Range: 15-93-56

Zoning

Classification: LC

Affected Zoning

Ordinance: Section 1107Section 1107

Reason for
Request:

new single family dwelling for family member (Milt)

List Specific
Hardships:

Milt's spouse (Julene White) passed away 6/7/23. He is wanting to move closer to his mother and sister to help with care and upkeep of the family property.

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 08/08/2023 7:15 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE): 09/05/2023 6:40 pm

Application Fee: \$300.00 Check #: 1249 Receipt #:

Date:

Signature:

Milton White

07/18/2023

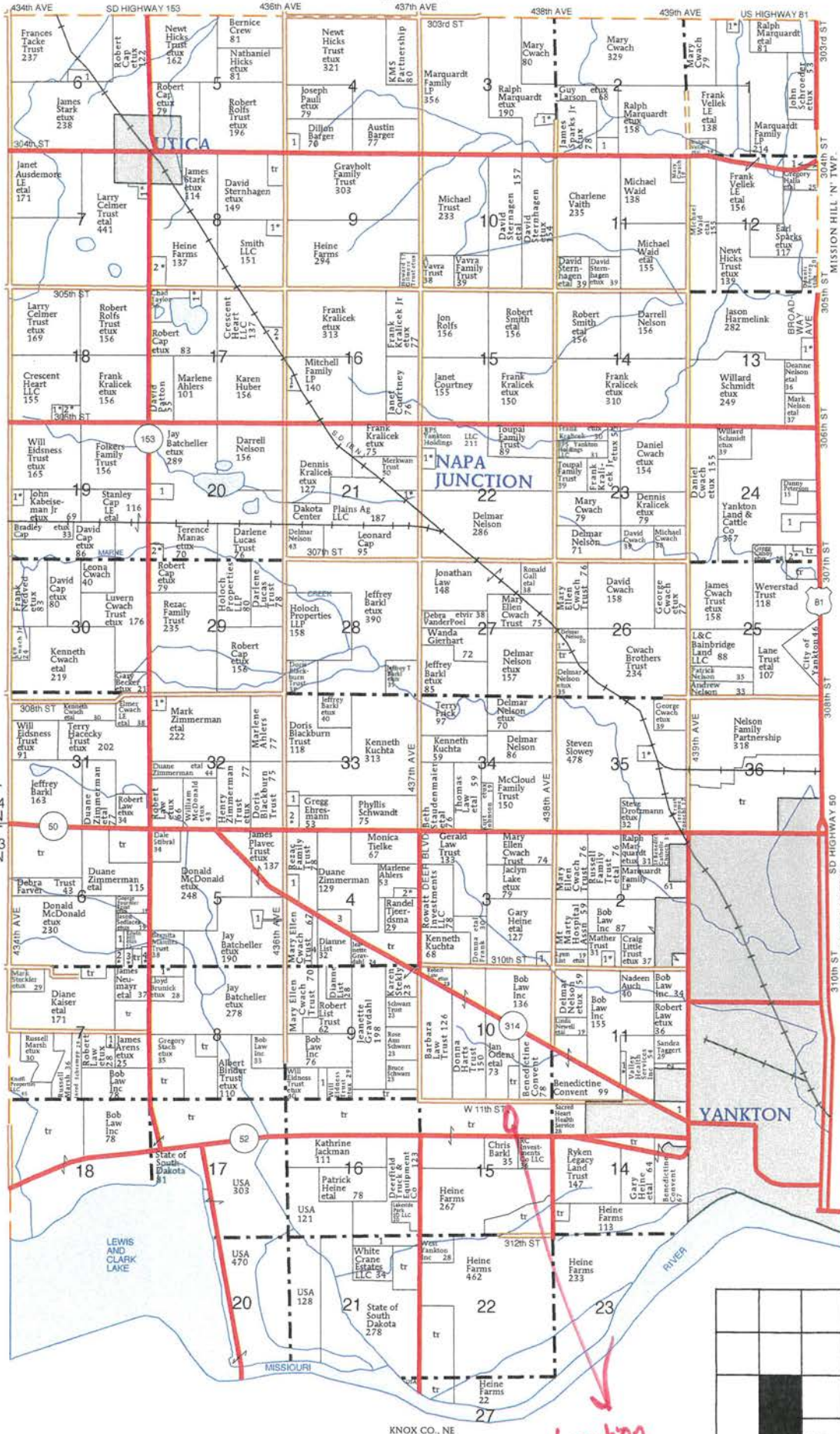
Site Map



Parcel Number: 09.015.125.010

Site Description: All old farm structures presently on the property will be destroyed and a proposed new metal building (shome) will be constructed in the approximate area indicated but according to all regulations cited in the zoning requirements. The "pond" will be removed and drainage constructed to allow for building along with other landscaping necessary for proper preparation on the building site. More exact plans will be submitted as they are prepared.

CENTRAL TWP.



UTICA TOWNSHIP

- SECTION 1N**
1. Siebrandt, Jacob etux 5
- SECTION 2N**
1. Kralicek, Melissa 11
- SECTION 2S**
1. Holdahl, Robert etux 5
- SECTION 3N**
1. Grate, Leo etux 11
- SECTION 3S**
1. Holtzmann Family Trust 7
- SECTION 4N**
1. Nedved, Mark 7
- SECTION 4S**
1. Larson, Robert 8
2. Brandt Trust, Merle etal 11
- SECTION 5S**
3. Zimmerman, Steve 20
4. List Trust, Robert 18
- SECTION 6N**
1. Batcheller, Jay 8
- SECTION 6S**
1. Town of Utica 6
- SECTION 7S**
1. Maska, Leann 5
2. Olivier, Curtis etux 6
3. Loecker, Mark etux 5
4. Blaha, Jon etux 5
- SECTION 7N**
1. Anthony, Craig etux 10
- SECTION 7S**
1. Philips, Timothy etux 5
- SECTION 8N**
1. Christianson, David etux 6
2. Hughes, Scott etux 13
- SECTION 8S**
1. Fanta, Timothy etux 9
- SECTION 9S**
1. Rokahr, Steven 9
- SECTION 11S**
1. Heceky Trust, Terrance etux 11
2. 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. Kralicek, Frank etux 5
- SECTION 21S**
1. White Crane Estates LLC 18
- SECTION 22N**
1. Taggart, William etux 9
- SECTION 24**
1. Marquardt, Doug 13
2. Keller, Dallas etux 10
- SECTION 26**
1. Barnes, David etux 7
- SECTION 32**
1. Zimmerman Trust, Henry etal 12
- SECTION 33**
1. Delozier, Darrik 6
2. Waddell, Edward etux 8
- SECTION 35**
1. Slowey, Steven etux 14

FINDINGS OF FACT – CONDITIONAL USE PERMIT

White– CUP-2023-96

<p>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,</p>	<p>Yes</p>
<p>Are the requirements of Section 1729 met? (all fees paid at time of application)</p>	<p>Yes</p>
<p>Section 1805:</p>	
<p>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</p>	<p>Applicant wishes to build a single family dwelling in a Lakeside Commercial District (LC) per Article 11 Section 1107</p>
<p>2. Was notice of public hearing given per Section 1803 (3-5)?</p>	<p>Mailed – Published –</p>
<p>3. Attend the public hearing</p>	
<p>4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use</p>	
<p>5. Planning Commission must make written findings certifying compliance with specific rules including:</p>	
<p>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:</p>	
<p>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;</p>	
<p>c. Refuse and service areas, with particular reference to the items in (A) and (B) above;</p>	
<p>d. Utilities, with reference to locations, availability, and compatibility;</p>	
<p>e. Screening and buffering with reference to type, dimensions, and character;</p>	
<p>f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;</p>	
<p>g. Required yards and other open spaces; and</p>	
<p>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.</p>	

I, Sharon Mark Peterson date this 5th day of July, 2023 am aware of the proposed Variance/CUP/Rezone being proposed by Milton White at the property legally described as Lots 1 and 2, Metz-Peterson Addition in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th PM, Yankton County, SD

Sharon Mark Peterson Mark R Peterson
Signature

2910 West 8th St
Address

Yankton, SD. 57078
City, State, Zip

605-760-5505
Phone

Variance, Conditional Use and Rezoning Application CUP-2023-96
 Applicant Milton White
 Fees Paid \$300.00
 Created July 5, 2023

Number CUP-2023-96
 09.015.125.010 | Mark and Shar Peterson | 3002 WEST 8 ST, YANKTON, SD, SD
 Submitted by miltonwhite on 7/5/2023



Applicant

Milton White

3187921300

miltonberlewhite@gmail.com

Parcel search Completed On 7/5/2023 4:19 PM EST by miltonwhite



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.015.125.010	3002 WEST 8 ST	YANKTON	PETERSON, MARK REV TRUST (D) II PETERSON, SHAR REV TRUST (D)	2.530

Site Plan Completed On 7/5/2023 4:35 PM EST by miltonwhite

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

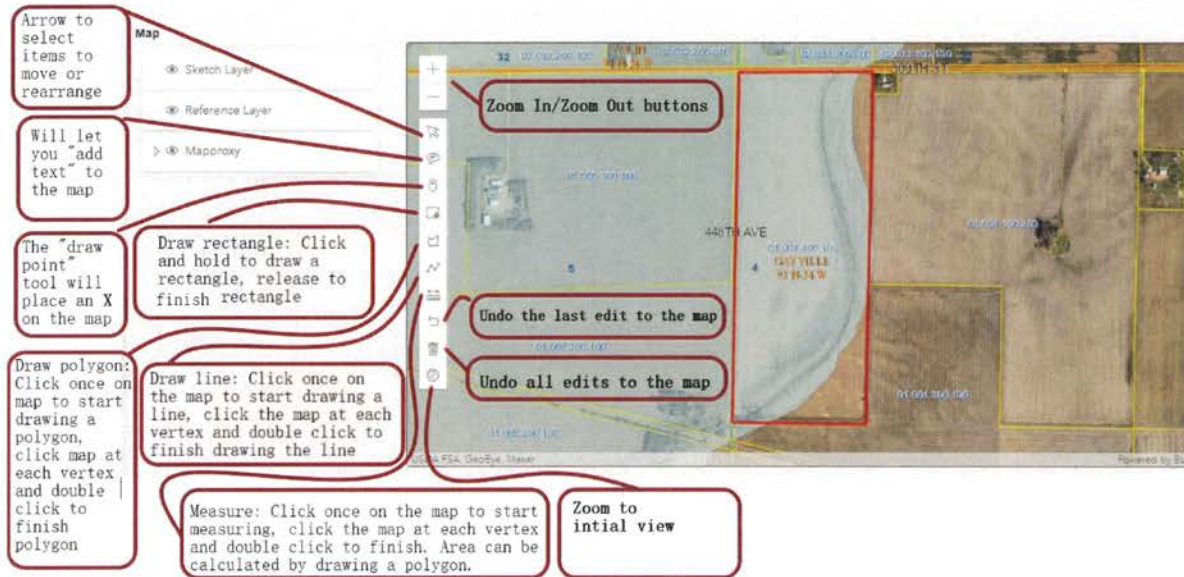
- Sketch Layer
- Reference Layer
- Mapproxy



Describe the location and use of adjacent structures

All old farm structures presently on the property will be destroyed and a proposed new metal building (shome) will be constructed in the approximate area indicated but according to all regulations cited in the zoning requirements. The "pond" will be removed and drainage constructed to allow for building along with other landscaping necessary for proper preparation on the building site. More exact plans will be submitted as they are prepared.

Upload Site Plan and/or additional plans and documents



Draft Building Permit Completed On 7/18/2023 3:18 PM EST by bconkling

Upload Draft Building Permit

[Scanned Document_20230718_151648.pdf](#)

Submit Completed On 7/18/2023 3:19 PM EST by bconkling

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

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

Applicant Agreement

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

Signature

Date

7/18/2023

Application Submitted Successfully Completed On 7/18/2023 3:19 PM EST by bconkling

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Request Information Completed On 7/18/2023 3:32 PM EST by bconkling

Type of Request

Conditional Use

Fee

\$300.00

Reason for Request

new single family dwelling for family member (Milt)

List Specific Hardships

Milt's spouse (Julene White) passed away 6/7/23. He is wanting to move closer to his mother and sister to help with care and upkeep of the family property.

Applicant Information

Are you the owner of the property?

No

Applicant Name

Milton White

Applicant Address

2959 Olive Grove Court, Rapid City, SD,

Applicant Phone

3187921300

Owner Information

Owner Name

Mark and Shar Peterson

Owner Address

2910 West 8th, Yankton, SD

Owner Phone Number

605-760-5505

Property Information

Parcel ID Number

09.015.125.010

Legal Description

LT 1 METZ-PETERSON ADDN

Site Address

3002 WEST 8 ST

City

YANKTON

Zip

SD

Section-Township-Range

15-93-56

Zoning District

LC

Zoning Description

LC

Existing Use of Property

family homestead

Planning Review Completed On 7/18/2023 3:34 PM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicant is requesting to build a single family dwelling on a Lakeside Commercial lot

Planning Commission Code Reference

Section 1107

Other Planning Commission Code Reference ⓘ

Board of Adjustment Code Reference

Section 1107

Other Board of Adjustment Code Reference ⓘ

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

Zoning Classification ⓘ

LC

Wave Fee

Notes ⓘ

Director Review Completed On 7/18/2023 3:36 PM EST by gvetter

Zoning Director Review

Approve

Payment Completed On 7/18/2023 3:37 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$300.00

Confirmation Data

Payment Method	Check
Confirmation Number	1249
Amount Paid	\$300.00

Property Owner Verification of Approval Completed On 7/18/2023 3:38 PM EST by bconkling

Applicants who are not the property owner must provide consent by the owner for the proposed request. Please download/print the [Verification of Approval](#) document here. Fill out the form and attach below.

Upload signed document here

[peterson property scan one.pdf](#)

[Peterson property scan two.pdf](#)

PC Prep Completed On 7/18/2023 3:52 PM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

August 8th 2023, 7:15 pm CDT

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

07/29/2023 7:15 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

07/31/2023 7:15 PM

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

08/01/2023 7:15 PM

Date to send email to applicant

07/24/2023

Upload PC Mailing Labels

[white labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[CUP NOT Letter.pdf](#)

Upload PC Newspaper Publication

[Legals 8-8-2023.pdf](#)

Permit Number

CUP-2023-96

Receipt Number

PC App Form Completed On 7/18/2023 3:52 PM EST by bconkling

[PC App Form](#)

External Notes

Documents

Internal Notes

Documents

Date: 7/18/2023 - 2:40 PM
Design ID: 329258518470
Estimate ID: Estimate Unavailable

MENARDS

Design & Buy™

RESIDENTIAL POST FRAME

How to recall and purchase your design at home:

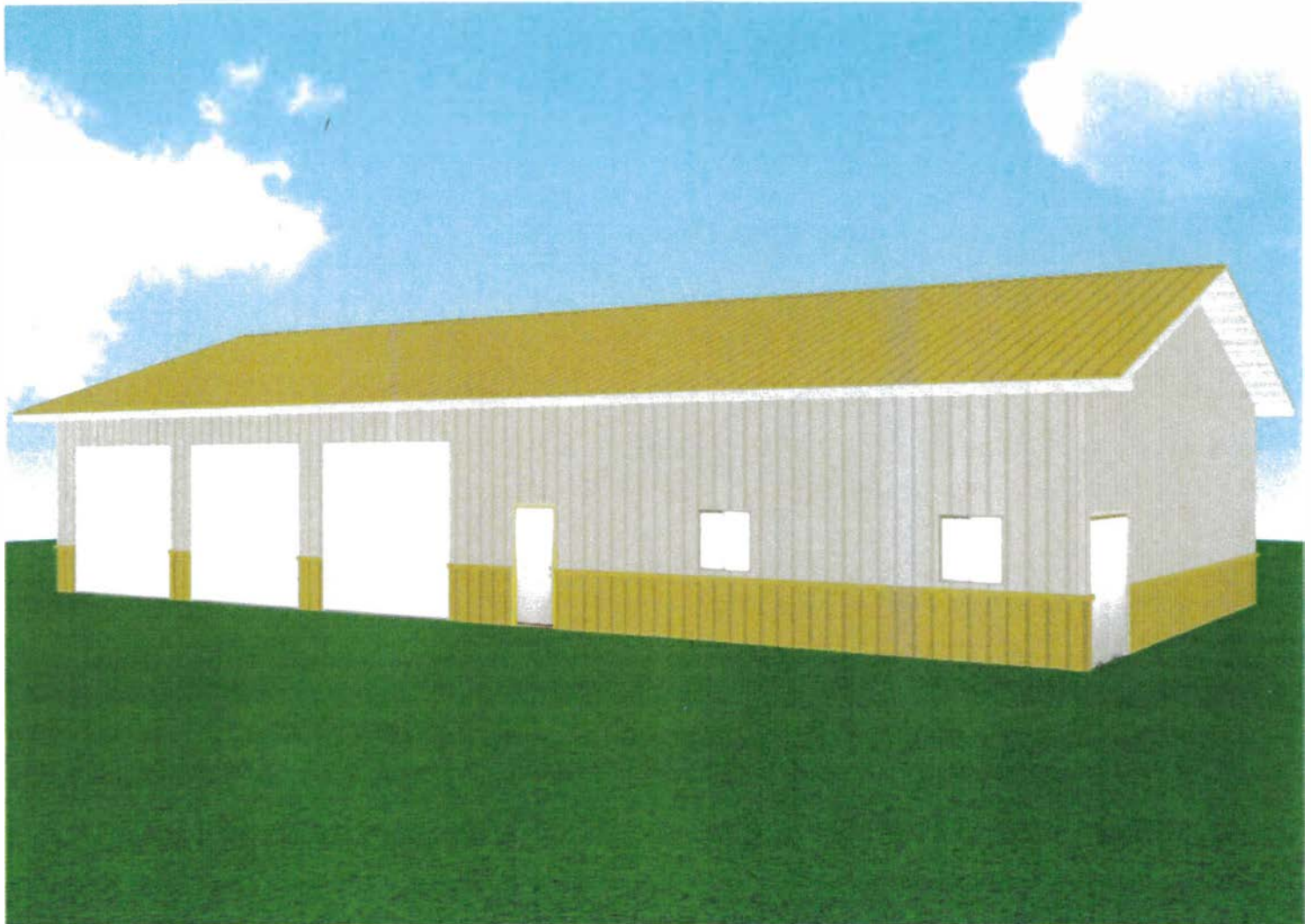


OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Residential Post Frame Designer
3. Recall your design by entering Design ID: 329258518470
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 329258518470 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions



One or more items could not be priced on your building. Please continue to the summary screen and chat or leave a message with a garage specialist who will assist in completing your design. To recall your design later be sure to save your design to your Menards account.

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.

MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully.

MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

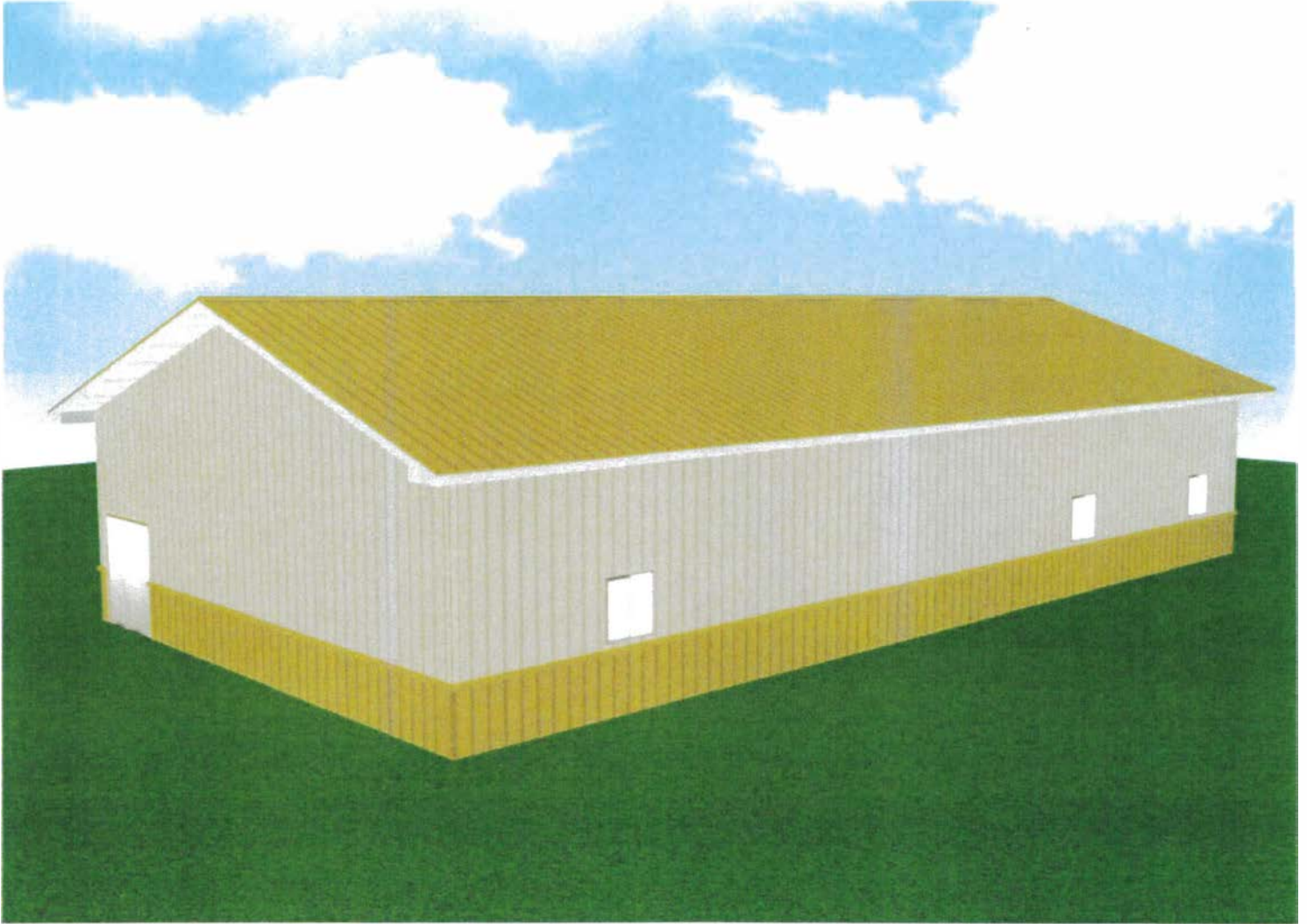
For other design systems search "Design & Buy" on Menards.com

Date: 7/18/2023 - 2:40 PM
Design ID: 329258518470
Estimate ID: Estimate Unavailable

MENARDS

Design & Buy™

RESIDENTIAL POST FRAME





For other design systems search "Design & Buy" on [Menards.com](https://www.menards.com)

Dimensions

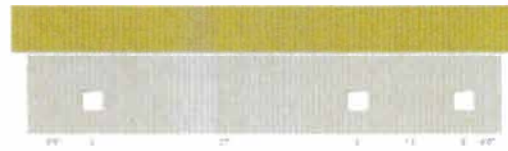
Wall Configurations

*Some items like wainscot, gutter, gable accents, are not displayed if selected.



ENDWALL B

Mastercraft® Primed Steel Flush Exterior Double Door System

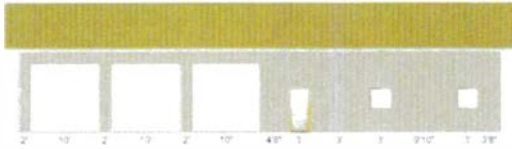


SIDEWALL D

36"W x 36"H JELD-WEN® Vinyl Slider

36"W x 36"H JELD-WEN® Vinyl Slider

36"W x 36"H JELD-WEN® Vinyl Slider



SIDEWALL C

- Mastercraft®; 36W x 80H Primed Steel 6-Panel
- Ideal Door®; Traditional 10' x 10' White Insulated
- Ideal Door®; Traditional 10' x 10' White Insulated
- Ideal Door®; Traditional 10' x 10' White Insulated
- 36"W x 36"H JELD-WEN®; Vinyl Slider
- 36"W x 36"H JELD-WEN®; Vinyl Slider



ENDWALL A

- 36"W x 36"H JELD-WEN®; Vinyl Slider

*Note Steel panels are custom cut to the inch. The length needed for your project may be slightly different based final truss design and overhang framing. Please verify lengths and quantities prior to ordering materials. Note the steel for 10 and 12 foot buildings are based on 10 or 12 foot plate height.

Date: 7/18/2023 - 2:40 PM
Design ID: 329258518470
Estimate ID: Estimate Unavailable

Materials

Building Info

Building Location Zip Code:	57078
Building Width:	36'
Building Length:	72'
Building Height:	12'
Floor Type:	Dirt/Gravel
Truss Type:	Common
Wall Framing Size:	6 x 6
Roof Pitch:	4/12 Pitch
Eave Overhang:	24"
Gable Overhang:	24"
Girt Size:	2x4 Girt
Footing Size:	4" x 14"
Custom Post Frame Plan:	Yes

Wall Info

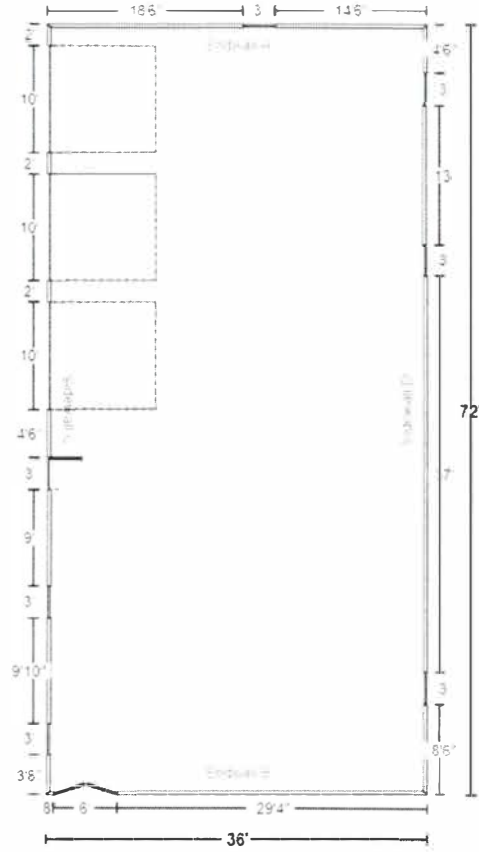
Siding Material Types:	Through Fastener Steel Panel (Pro-Rib)
Through Fastener Steel Siding:	Cut to Length Pro-Rib® Steel Panel, Color: Prairie Wheat
Steel Corner Trim Color:	Prairie Wheat
Accent Material Type:	None
Wainscot Material Type:	Through Fastener Steel Panel (Pro-Rib)
Through Fastener Steel Wainscot:	Cut to Length Pro-Rib® Steel Panel, Color: Tan
Wainscot Height:	36"
Endwall A:	Yes
Endwall B:	Yes
Sidewall C:	Yes
Sidewall D:	Yes
Wall Sheathing:	7/16 x 4 x 8 OSB(Oriented Strand Board)
Gradeboard:	2x8 Treated Gradeboard
House Wrap:	Kimberly-Clark BLOCK-IT® 9'x75'House Wrap
Gable Vents:	None

Date: 7/18/2023 - 2:40 PM
Design ID: 329258518470
Estimate ID: Estimate Unavailable

MENARDS

Design & Buy™

RESIDENTIAL POST FRAME



Date: 7/18/2023 - 2:40 PM
Design ID: 329258518470
Estimate ID: Estimate Unavailable

Roof Info

Roof Sheathing:	1/2 x 4 x 8 OSB(Oriented Strand Board)
Roofing Material Type:	Through Fastener Steel Panel
Through Fastener Steel Roofing:	Cut to Length Pro-Rib® Steel Panel, Color: Tan
SnowBar Trim:	None
Roof Underlayment:	VB Shield Synthetic Roofing Underlayment 48" x 250' (1000 sq. ft.)
Ice and Water Barrier:	Hydraguard Dual Pro High Temperature Ice & Water Barrier 39-3/8" x 61' (200 sq. ft.)
Fascia Material Type:	Steel Fascia
Fascia:	12' Steel L-6 Fascia, Color: White
Soffit Material Type:	Steel Soffit
Soffit:	Steel Vented Soffit Panel, Color: White
Gutter Material Type:	None

Openings

Service Door:	Mastercraft® Primed Steel Flush Exterior Double Door System
Service Door:	Mastercraft® 36W x 80H Primed Steel 6-Panel
Overhead Door:	Ideal Door® Traditional 10' x 10' White Insulated
Overhead Door:	Ideal Door® Traditional 10' x 10' White Insulated
Overhead Door:	Ideal Door® Traditional 10' x 10' White Insulated
Overhead Door Trim Type:	Vinyl
Windows:	36"W x 36"H JELD-WEN® Vinyl Slider
Windows:	36"W x 36"H JELD-WEN® Vinyl Slider
Windows:	36"W x 36"H JELD-WEN® Vinyl Slider
Windows:	36"W x 36"H JELD-WEN® Vinyl Slider
Windows:	36"W x 36"H JELD-WEN® Vinyl Slider
Windows:	36"W x 36"H JELD-WEN® Vinyl Slider
Vinyl Trim Color:	White

Date: 7/18/2023 - 2:40 PM
Design ID: 329258518470
Estimate ID: Estimate Unavailable

Additional Options

Ceiling Insulation:	None
Wall Insulation:	None
Ceiling Finish:	None
Wall Finish:	None
Mounting Blocks:	No
Hydronic Radiant Heat:	No
Sheathing Fasteners:	Grip Fast® 2-1/2" Ø Vinyl-Coated Smooth Shank Sinker Nail - 5 lb. Box
Truss Fastener:	FastenMaster® TimberLOK® 5/16 x 6 Hex Drive Black Hex Head Timber Screw - 50 Count

Helpful Hints for Construction of Post Frame building with 2 feet on center truss spacing

- Posts are estimated at 8 feet on center maximum with a continuous header system to support the trusses.
- When the building length is not divisible by 8, a combination of posts 8, 6, or 4 feet on center spacing are estimated. For example, a 32-foot building will have posts evenly spaced at 8 feet on center. A 30-foot building will have 3 "bays" with posts at 8 feet and one "bay" with a 6-foot space between posts.
- Continuous headers are calculated based on the 8 feet on center span. Door opening headers are based on the door opening size.
- If steel is estimated (Pro-Rib or Pro-Snap), the steel lengths should be verified based off the actual framing. Plate height, truss heel and other framing should be confirmed. Steel is estimated to the inch, make sure the lengths are accurate based on final overall building design.
- Trusses included are estimated at 2 feet on center spacing. The design is based on the zip code provided, design and loading should be verified.
- Trusses should not be cut or modified with the exception of trimming the truss tails to the correct overhang.
- Dropped end trusses are estimated with 18 inch and 24 inch gable overhangs.

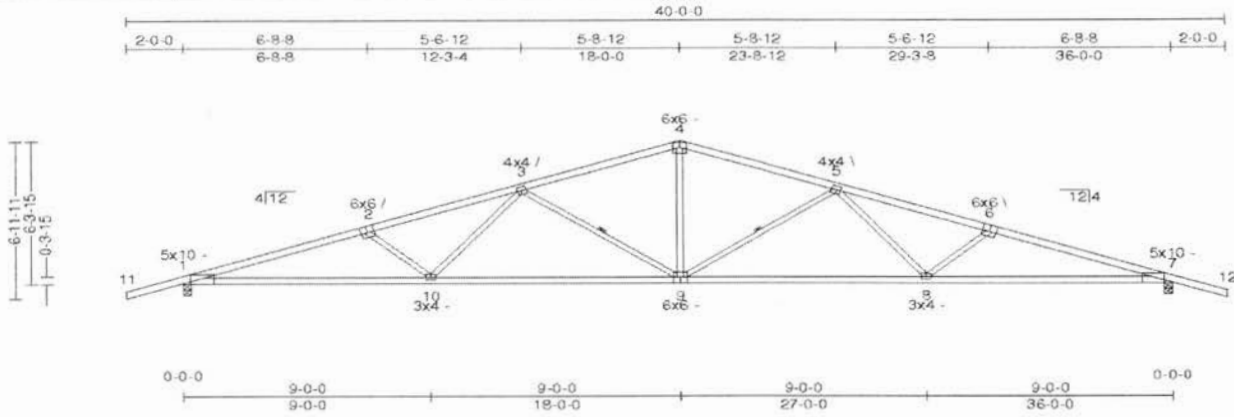


Menards Building Checklist Planning

- Get a permit. Check restrictions, building codes or local zoning to make sure your design complies with all requirements.
- Contact local utilities to ensure construction will not disturb any electrical, cable or plumbing.
- If necessary, hire a professional to help with planning and construction.
- Consider site conditions including soil type, grade, and runoff before finalizing your design.
- Material estimates provided can be changed to meet your needs.
- Menards offers professional delivery of materials. Delivery is extra based on the distance from your local Menards store to your building site.
- Practice good safety habits, use PPE including eye protection & dust masks during construction.
- Make sure to follow good building practice and all manufacturer's instructions. Use all the hardware and fasteners recommended.

Midwest Manufacturing Address 1 Address 2 City, State Zip							Truss: C11036 JobName: RES STOCK Date: 02/22/17 09:27:11 Page: 1 of 1			
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SPAN 36-0-0	PITCH 4 / 12	QTY 1	OHL 2-0-0	OHR 2-0-0	CANT L 0-0-0	CANT R 0-0-0	PLYS 1	SPACING 24 in	WGT/PLY 117 lbs
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All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI Summary	Deflection	L/	(loc)	Allowed
TCLL: 42 Snow/P/fig: 4269 TCDL: 10 BCLL: 0 BCDL: 10	Bldg Code: IRC 2015/ TPI 1-2007 Rep Mbr Increase: Yes Lumber D.O.L.: 115%	TC: 1.00 (3-6) BC: 0.74 (7-8) Web: 0.98 (4-9)	Vert TL: 0.85 in Vert LL: 0.53 in Horz TL: 0.22 in	L / 503 L / 797	(3-9) 9 7	L / 180 L / 240

Reaction Summary

IT	Brig Combo	Brig Width	Rod Brig Width	Max React	Max Crav Uplift	Max MWFRS Uplift	Max C&C Uplift	Max Uplift	Max Horiz
1	1	3.5 in	3.10 in	2,440 lbs			362 lbs	362 lbs	7 lbs
7	1	3.5 in	3.10 in	2,440 lbs			362 lbs	362 lbs	

Material Summary

TC	SPF #2 2 x 4	except	8-12	SPF 1650/1.5 2 x 4
BC	SPF 1650/1.5 2 x 4			
Web	SPF 2100/1.8 2 x 4			
	SPF Stud 2 x 3			

Bracing Summary

TC Bracing:	Sheathed
BC Bracing:	Sheathed or Purlins at 10-0-0, Purlin design by Others.

Loads Summary

- This truss has been designed for the effects of balanced and unbalanced snow loads for hip/gables in accordance with ASCE7 - 10 with the following user defined input: 60 pef ground snow load, Terrain Category B, Exposure Category Fully Exposed (Ce = 0.9), Risk Category II (I = 1.00), Thermal Condition Cold ventilated (Ct = 1.1), DOL = 1.15. Unventilated. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- This truss has been designed to account for the effects of ice dams forming at the eaves.
- This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 115 mph (Factored), Exposure B, Enclosed, Gable/Hip, Risk Category II, Overall Bldg Dims 25 ft x 60 ft, h = 15 ft, End Zone Truss, Both end webs considered. DOL = 1.00
- Minimum storage attic loading has been applied in accordance with IRC 301.5

Member Forces Summary

TC	1-2	0.978	-3,763 lbs	3-4	0.846	-3,646 lbs	3-6	1.004	-5,255 lbs
BC	2-3	1.004	-5,255 lbs	4-5	0.846	-3,646 lbs	6-7	0.978	-3,763 lbs
Web	3-10	0.738	5,380 lbs	8-9	0.859	-4,352 lbs	9-10	0.699	4,382 lbs
	3-10	0.283	676 lbs	4-9	0.959	-1,580 lbs	5-9	0.959	-1,580 lbs
	3-10	0.505	838 lbs	4-9	0.976	1,623 lbs	5-8	0.505	838 lbs

JSI Summary

1 = 0.91, 2 = 0.88, 3 = 0.81, 4 = 0.99, 5 = 0.81, 6 = 0.88, 7 = 0.91, 8 = 0.94, 9 = 1.00, and 10 = 0.94

Notes

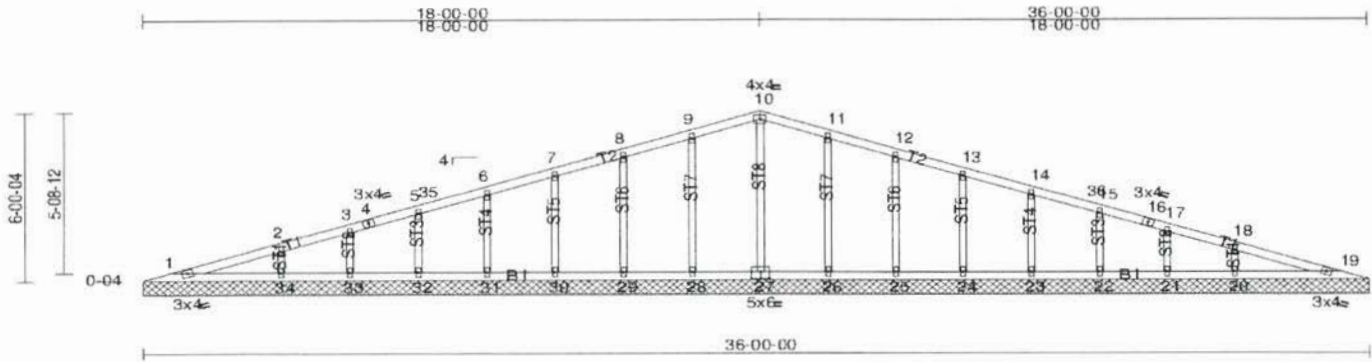
- Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- When this truss has been chosen for quality assurance inspection, the Double Polygon Method per TPI 1-2007/Chapter 5 shall be used.
- The fabrication tolerance for this roof truss is 5% (Cq = 0.95).
- Brace bottom chord with approved sheathing or purlins per Bracing Summary.
- Ceep has been considered in the analysis of this truss.
- L indicates lateral bracing, required perpendicular to the plane of the truss at either the midpoint (one shown) or third points (two shown), bracing by others. See BCSI-B3 for additional information.
- Listed wind uplift reactions based on MWFRS & C&C loading.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

TrueBuild® Software v5.5.2.240
 Eagle Metal Products
 Dallas, TX 75234

Job QTREC0523091	Truss T2DE	Truss Type COMMON	Qty 15	Ply 1	Job Reference (optional)
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Midwest Manufacturing, Eau Claire, WI Run: 8.120 s Aug 1 2017 Print: 8.120 s Aug 1 2017 MiTek Industries, Inc. Wed Aug 30 09:45:36 2017 Page: 1
 ID: qEhsKoaUFXSdEypqp?145by/hz1 YnSD15widzZkg9NMNW2LeCzblvA5TVMT4POIKyhXj



Scale = 1:51.1

Plate Offsets (X, Y): [27:3-00,3-00]

Loading	(psf)	Spacing	2-00-00	CSI		DEFL	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL (roof)	70.0	Plate Grip DOL	1.15	TC	0.22	Vert(L)	n/a	-	n/a	999	MT20	197/144
Snow (Ps/Pg)	69.3/100	Lumber DOL	1.15	BC	0.15	Vert(TL)	n/a	-	n/a	999		
TCDL	10.0	Rep Stress Incr	YES	WB	0.36	Horiz(TL)	0.00	19	n/a	n/a		
BCLL	0.0*	Code	IRC2015/TPI2014	Matrix-R								
BCDL	10.0											
											Weight: 119 lb	FT = 15%

LUMBER
 TOP CHORD 2x4 SPF No.2
 BOT CHORD 2x4 SPF No.2
 OTHERS 2x3 SPF Stud

BRACING
 TOP CHORD
 BOT CHORD

Structural wood sheathing directly applied or 6'-0-0 oc purlins.
 Rigid ceiling directly applied or 10'-0-0 oc bracing.

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS All bearings 36-00-00.
 (lb) - Max Horiz 1=75(LC 14)
 Max Uplift All uplift 100 (lb) or less at joint(s) 1, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34
 Max Grav All reactions 250 (lb) or less at joint(s) 1, 19 except 20=583(LC 32), 21=279(LC 2), 22=423(LC 21), 23=488(LC 21), 24=489(LC 21), 25=487(LC 21), 26=504(LC 21), 27=343(LC 2), 28=504(LC 20), 29=487(LC 20), 30=489(LC 20), 31=488(LC 20), 32=423(LC 20), 33=279(LC 2), 34=583(LC 31)

FORCES (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown
 WEBS 10-27= 303/0, 9-28= 464/51, 8-29= 446/60, 7-30= 448/57, 6-31= 450/57, 5-32= 375/59, 3-33= 266/49, 2-34= 474/81, 11-26= 464/51, 12-25= 448/60, 13-24= 448/57, 14-23= 450/57, 15-22= 375/59, 17-21= 266/49, 18-20= 474/81

NOTES

- 1) Unbalanced roof live loads have been considered for this design.
- 2) Wind: ASCE 7-10; Vult=115mph (3-second gust) Vasd=91mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; endosed; MWFRS (envelope) exterior zone and C-C Exterior(2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- 3) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- 4) TCLL: ASCE 7-10; Pr=70.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=100.0 psf (ground snow); Ps=69.3 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category II; Exp B; Fully Exp; Ct=1.1
- 5) Roof design snow load has been reduced to account for slope.
- 6) Unbalanced snow loads have been considered for this design.
- 7) All plates are 1.5x4 MT20 unless otherwise indicated.
- 8) Gable requires continuous bottom chord bearing.
- 9) Gable studs spaced at 2'-0-0 oc.
- 10) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 11) * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3'-6-0 tall by 2'-0-0 wide will fit between the bottom chord and any other members.
- 12) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 28, 29, 30, 31, 32, 33, 34, 26, 25, 24, 23, 22, 21, 20.
- 13) This truss is designed in accordance with the 2015 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

AFFIDAVIT OF MAILING

I, Milton White, hereby certify that on the ^{now} ~~27th~~ ^{28th} day of July, 2023, 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.

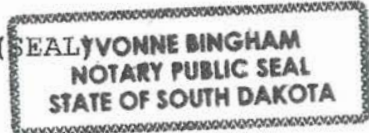
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the ^{6th} ~~27th~~ day of July, 2023.

Milton White
(Name)
Affiant

Subscribed and sworn to before me this 26 day of July, 2023.

Vonne Bingham
Notary Public - South Dakota
My commission expires: 9/14/28



NOTIFICATION

July 24, 2023

Milton White
2959 Olive Grove Court
Rapid City, SD 57703

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 8th day of August, 2023 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build a single family dwelling in a Lakeside Commercial District (LC) per Article 11 Section 1107. Said property is legally described as Lot 1, Metz-Peterson Addition, in the N1/2 of the NE1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 3002 West 8th St, Yankton, South Dakota

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

Sincerely,
Milton White
Petitioner

3 SONS PROPERTIES LLC (D)
21078 LAKE AVE
LE MARS IA 51031

ABEL, MICHAEL REVOC TRUST (D)
2611 WEST 11 ST
YANKTON SD 57078

BALENTINE, JAMES J (D)
3102 WEST 11 ST
YANKTON SD 57078

BARKL, CHRIS (D)
3009 WEST 8 ST
YANKTON SD 57078

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

BECKER, DOYLE L (D)
407 W 11TH ST
YANKTON SD 57078

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

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

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

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

BYE, BRIAN (D)
825 S 190 ST
ELKHORN NE 68022

CATON, REBECCA (D)
105 WAYNE ST
YANKTON SD 57078

EBBENS, DANIEL W (D)
3111 WEST 8 ST
YANKTON SD 57078

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

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

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

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

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

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

MEGARD, DAN (D)
1005 MERIWETHER TR
YANKTON SD 57078

MEGARD, DANIEL (D)
1005 MERIWETHER TR
YANKTON SD 57078

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

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

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

NESS, JAIME L REVOCABLE TRUST (D)
2707 WEST 11 ST
YANKTON SD 57078

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

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

PETERSON, MARK REV TRUST (D)
3002 WEST 8 ST
YANKTON SD 57078

PHIL SPADY CHRYSLER-JEEP-DODGE (
316 CAPITOL ST
YANKTON SD 57078

PHIL SPADY HOLDINGS INC (D)
316 CAPITOL ST
YANKTON SD 57078

SCHNEPF, LYNN M REV TRUST (D)
5119 WEST 66 ST
SHAWNEE MISSION KS 66208

SCOTT, NOELLE FAMILY TRUST (D)
1001 MERIWETHER TRL
YANKTON SD 57078

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

SPRINGWATER LLC (D)
263 KNIEST AVE
YANKTON SD 57078

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

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

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

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

Yankton County, South Dakota

Receipt

Paid by
Milton White
miltonberlewhite@gmail.com

Payment number
Date paid
Payment method

1249
July 18, 2023 03:37 PM
Check

\$300.00 paid on July 18, 2023

Variance, Conditional Use and Rezoning Application

Application ID: CUP-2023-96

Description	Amount
Fee	\$300.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/17/2023

Applicant

Svendsen - 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:

Plat of Tract 1, Svendsen Addition, in the NE1/4 of the NW1/4 of Section 2, T94N, R55W of the 5th P.M., Yankton County, South Dakota (**Mission Hill North**)

Please Check Plat Type:

Final Amended Preliminary Revision

-----**Development Information**-----

Plat Name: Plat of Tract 1, Svendsen Addition,

Section No: 2 Township No: 94

Range: 55 Number of Lots/Tracts: 1

Number of Acres: 5.21

How is the property currently being used? AG

What is the proposed use of the property? AG

-----**Surveyor/Engineer Information**-----

Firm Name: Brandt Land Surveying

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: John Brandt

Phone: 6056658455

-----**Property Owner Information**-----

Name: Randy Svendsen

Address: 1505 SUMMIT LN APT 303

City: Yankton State: SD Zip: 57078

Contact person: John Brandt

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____

Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? Yes No

2. What is/are the lot size(s) 5.21

3. Is this (plat) an existing farmstead? Yes No

4. If a farmstead, how many acres are surrounding it? 5.21 acres

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? Yes No

6. Is this property to have construction on it? Yes No
If yes:

Name, address and phone number of contractor(s)

-----**Owner certification**-----

This is to certify that Randy Svendsen
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Randy Svendsen
Owner Signature

Owner Signature

This is to certify that _____
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____
County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

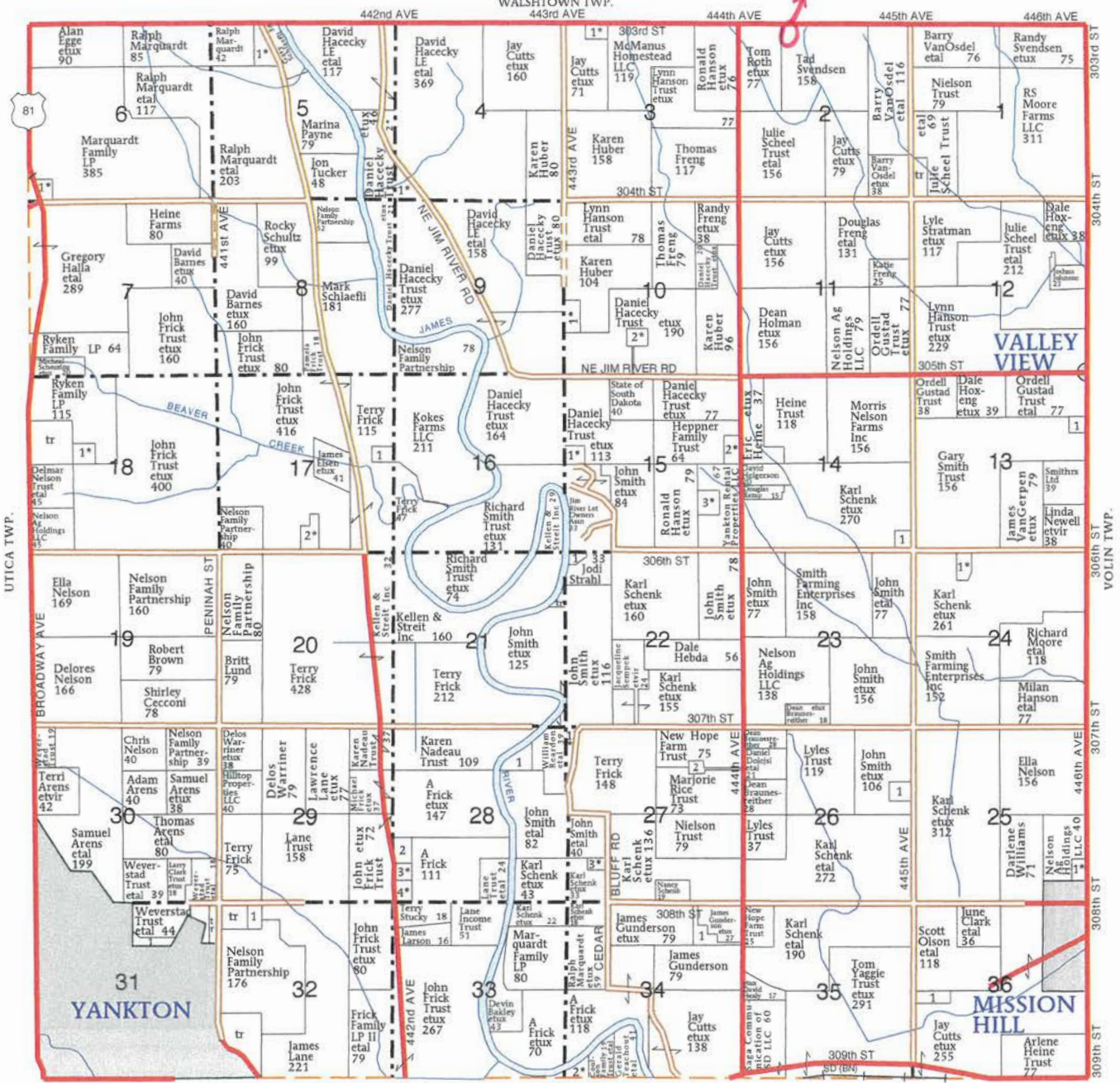
- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- 8. County Planning Commission Chair signature?
- 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- 10. County Commission Chairs signature?
- 11. County Auditor's signature?
- 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 08/08/2023

Board of Adjustment date: 08/15/2025

(Landowners)

Location



MISSION HILL 'S' TWP.

MISSION HILL 'N'
TOWNSHIP

SECTION 3

- 1. Knode, Dale etux 8

SECTION 4

- 1. Hacecky Trust, Daniel etux 25

SECTION 5

- 1. Marquardt, Ralph etal 10
- 2. Hacecky LE, David etal 7

SECTION 6

- 1. Jones, Boyd etux 5

SECTION 10

- 1. Hacecky LE, David etal 15
- 2. Wathier, George etux 8

SECTION 13

- 1. Quatier, Todd 6

SECTION 14

- 1. Helgerson, David 6

SECTION 15

- 1. Larson, Jeffery etux 6

SECTION 17

- 1. Kokes Farms LLC 9
- 2. Frick, Christopher 9

SECTION 18

- 1. Likness, Micah etux 10

SECTION 22

- 1. Jim River Lot Owners Assn 6

SECTION 24

- 1. Adams, Richard etux 9

SECTION 25

- 1. Palmer, Evan etux 12

SECTION 26

- 1. Sarringar, Margaret 10

SECTION 27

- 1. Reardon, William etal 5
- 2. Nelson, Christopher 9
- 3. Olson, Gordon etux 6

SECTION 28

- 1. Smith Farming Enterprises Inc 10
- 2. Luben LLC 9

SECTION 3

- 1. Montagne, Pierre etux 5

SECTION 31

- 1. City of Yankton 12

SECTION 32

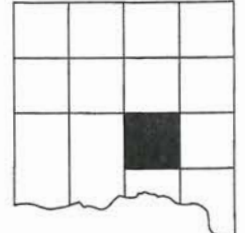
- 1. Lotz, Eric 7

SECTION 34

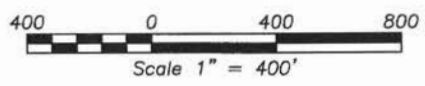
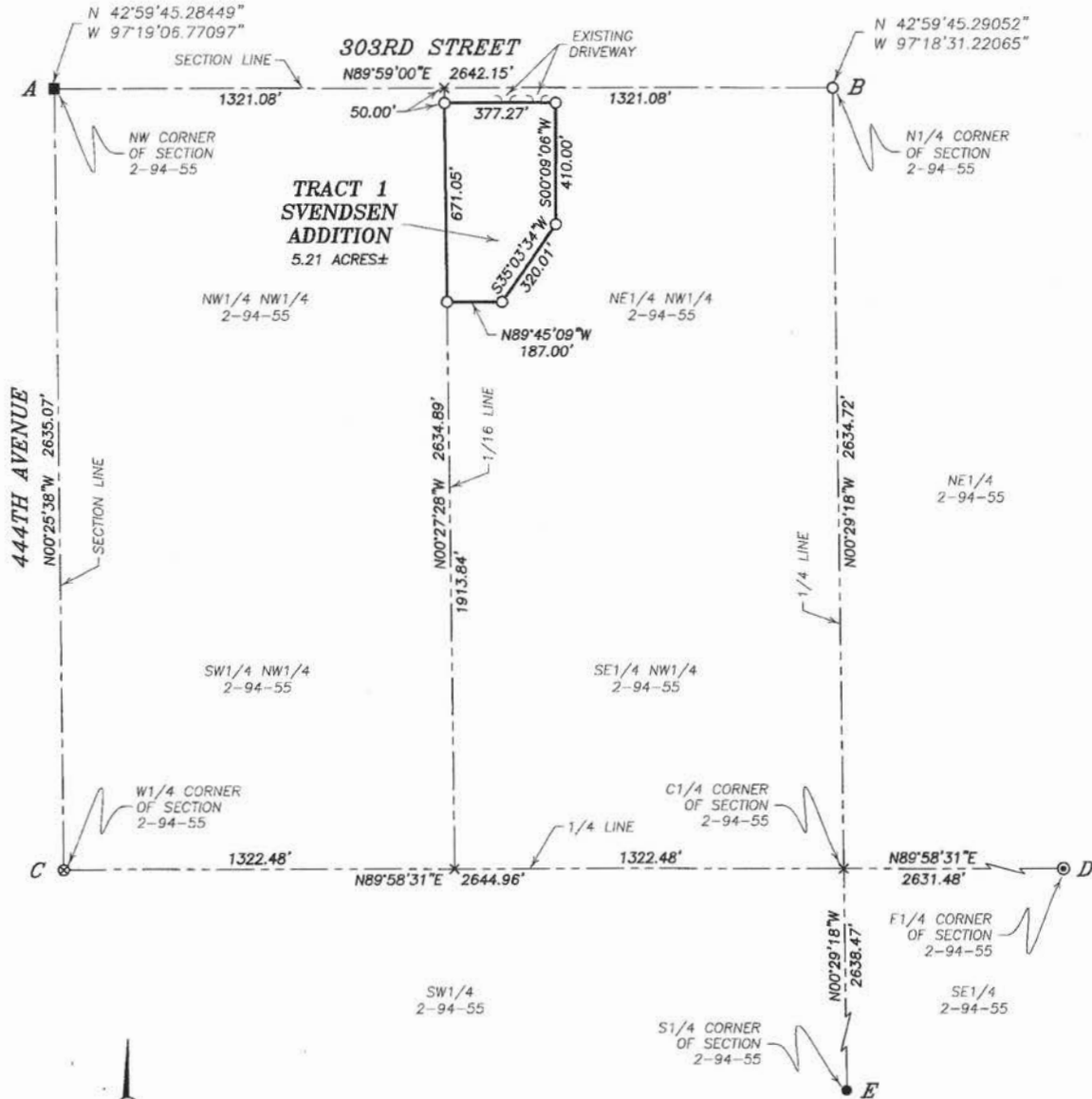
- 1. Aune, David 11
- 2. Hacecky Trust, Daniel etux 15

SECTION 36

- 1. Town of Mission Hill 12



PLAT OF TRACT 1, SVENDSEN ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 2, T94N, R55W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION

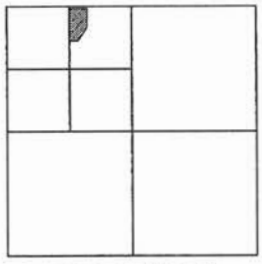
PREPARED BY:
 BRANDT LAND SURVEYING
 1202 WILLOWDALE ROAD
 YANKTON, SD 57078
 (605) 665-8455

LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "JK RLS 6841"
- FOUND 5/8" REBAR
- ⊙ FOUND NAIL, SET 5/8" REBAR
- ⊗ SET "X" NAIL AND WASHER
- × CALCULATED CORNER

CORNER REFERENCE TIES

- A. NORTHWEST CORNER OF SEC. 2, T94N, R55W**
1. 64.35' NW TO A DOUBLE HEADED NAIL IN A CORNER POST.
 2. 90.69' NNE TO A DOUBLE HEADED NAIL IN A FENCE POST.
 3. 64.07' SE TO A DOUBLE HEADED NAIL IN A CORNER POST.
- B. NORTH 1/4 CORNER OF SEC. 2, T94N, R55W**
1. 69.71' N TO A DOUBLE HEADED NAIL IN A CORNER POST.
 2. 49.62' S TO A DOUBLE HEADED NAIL IN A CORNER POST.
 3. 62.37' SE TO A DOUBLE HEADED NAIL IN A BRACE POST.
- C. WEST 1/4 CORNER OF SEC. 2, T94N, R55W**
1. 40.22' W TO A DOUBLE HEADED NAIL IN A CORNER POST.
 2. 40.81' E TO A DOUBLE HEADED NAIL IN A CORNER POST.
 3. 47.52' SW TO A DOUBLE HEADED NAIL IN A BRACE POST.
- D. EAST 1/4 CORNER OF SEC. 2, T94N, R55W**
1. 13.80' W TO A LANDSCAPE SPIKE.
 2. 40.83' E TO A DOUBLE HEADED NAIL IN A BRACE POST.
 3. 34.84' ESE TO A DOUBLE HEADED NAIL IN A FENCE POST.
- E. SOUTH 1/4 CORNER OF SEC. 2, T94N, R55W**
1. 32.93' N TO A NAIL & SHINER IN A CORNER POST.
 2. 34.02' S TO A NAIL & SHINER IN A CORNER POST.
 3. 45.88' SW TO A NAIL & SHINER IN A BRACE POST.



LOCATION (N.T.S.)
 SECTION 2-94-55

PLAT OF TRACT 1, SVENDSEN ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 2, T94N, R55W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF TRACT 1, SVENDSEN ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 2, T94N, R55W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 5TH DAY OF JULY, 2023.


JOHN L. BRANDT REG. NO. 5349



COUNTY COMMISSIONER'S RESOLUTION

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

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, AT THE REGULAR MEETING ON THE _____ DAY OF _____, 20____.

COUNTY AUDITOR

OWNER'S CERTIFICATE

I, RANDY E. SVENDSEN, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS _____ DAY OF _____, 20____.

RANDY E. SVENDSEN

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RANDY E. SVENDSEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO 303RD STREET IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE ON THE _____ DAY OF _____, 20____, HAVE BEEN PAID IN FULL.

COUNTY TREASURER

ZONING ADMINISTRATOR

THE UNDERSIGNED, COUNTY ZONING ADMINISTRATOR OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THIS PLAT HAS BEEN REVIEWED BY ME OR MY AUTHORIZED AGENT IN ACCORDANCE WITH SECTION 513 (FARMSTEAD, MINIMUM LOT REQUIREMENTS) OF THE YANKTON COUNTY SUBDIVISION REGULATIONS, AND TRACT 1, SVENDSEN ADDITION DOES QUALIFY AS A FARMSTEAD.

DATED THIS _____ DAY OF _____, 20____.

ZONING ADMINISTRATOR

DIRECTOR OF EQUALIZATION

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

DIRECTOR OF EQUALIZATION

COUNTY PLANNING COMMISSION

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

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, PLANNING COMMISSION

REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20____.

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

REGISTER OF DEEDS

Plat Approval Fees Paid
 Application \$100.00
 147320
 Applicant Created
 Bill Conkling July 6, 2023

Number
 147320

Final | Plat of Tract 1, Svendsen
 Addition, in the NE1/4 of the
 NW1/4 of Section 2, T94N,
 R55W of the 5th P.M., Yankton
 County, South Dakota | Randy
 Svendsen | 1505 SUMMIT LN
 APT 303 | 06.002.100.200
 Submitted by bconkling on
 7/6/2023



Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 7/6/2023 9:07 AM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
06.002.100.200	44425 303 ST	MISSION HILL	SVENDSEN, RANDY (D)	158.010

Requested Information Completed On 7/6/2023 9:11 AM EST by bconkling

Fee
 \$100.00

Plat Type
 Final

Development Information

Plat Name

Section No:

2

Township No:

94

Range

55

Number of Lots/Tracts

1

Number of Acres

5.21

How is this property currently being used?

AG

What is the proposed use of the property?

AG

Surveyor/Engineer Information

Firm Name

Brandt Land Surveying

Address

1202 Willowdale Rd

City

Yankton

State

SD

Zip

57078

Contact Person

John Brandt

Phone

6056658455

Property Owner Information

Owner Name

Randy Svendsen

Address

1505 SUMMIT LN APT 303

City

Yankton

State

SD

Zip

57078

Owner Phone

6056658455

Contact Person

John Brandt

If the property owner is represented by an authorized agent, please provide the following:

Agent's name

Agent's Title

Plat Information

Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?

Yes

What is/are the lot size(s)

5.21

Is this plat an existing farmstead

Yes

If a farmstead, how many acres are surrounding it

5.21 acres

The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?

Yes

Is this property to have construction on it

No

If Yes:

Construction contractors Name, Address, and phone number (If applicable)

Plat Approval Items Completed On 7/7/2023 2:29 PM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

[Svendsen.pdf](#)

Plat Approval Applicant Checklist ⓘ

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 7/7/2023 2:29 PM EST by bconkling

Owner Certification

Owner(s)

Randy Svendsen

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton County Zoning Ordinance.

Owner Signature



Owner Signature

If represented by an Agent, please provide name and signature below

Agent Name

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Payment Completed On 7/19/2023 2:06 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	035173
Amount Paid	\$100.00

Planning Commission Review Completed On 7/19/2023 2:06 PM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures and County Treasurer's signature?

Ownership verified by Director of Equalization and signed?

Plat name has been approved by Register of Deeds?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

Planning Commission date:

08/08/2023

Plat Approval Application (Planning Commission) Completed On 7/19/2023 2:07 PM EST by bconkling

[Plat Approval Application \(Planning Commission\)](#)

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Receipt

Paid by
Bill Conkling
Bill@co.yankton.sd.us

Payment number
Date paid
Payment method

035173
July 19, 2023 02:06 PM
Check

\$100.00 paid on July 19, 2023

Plat Approval Application

Application ID: 147320

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/14/2023

Applicant **James Cwach Revocable Trust - 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:

Plat of Tract 1, Brandon Cwach's Addition, in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M., Yankton County, South Dakota (**Utica North**)

Please Check Plat Type:

Final Amended Preliminary Revision

Development Information

Plat Name: Plat of Tract 1, Brandon Cwach's

Section No: 25 Township No: 94

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 10.17

How is the property currently being used? Farmstead - AG

What is the proposed use of the property? Farmstead - AG

Surveyor/Engineer Information

Firm Name: Meridian Land Surveying

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: Brian Benson

Phone: 4028604332

Property Owner Information

Name: James and Elizabeth Cwach

Address: 4600 W City Limits rd

City: Yankton State: SD Zip: 57078

Contact person: Brian Benson

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____

Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? Yes No

2. What is/are the lot size(s) 10.17

3. Is this (plat) an existing farmstead? Yes No

4. If a farmstead, how many acres are surrounding it? 10.17

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? Yes No

6. Is this property to have construction on it? Yes No
If yes :

Name, address and phone number of contractor(s)

Owner certification

This is to certify that Cwach Revocable Trust the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Brian Benson
Owner Signature

Owner Signature

This is to certify that _____ acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____
County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

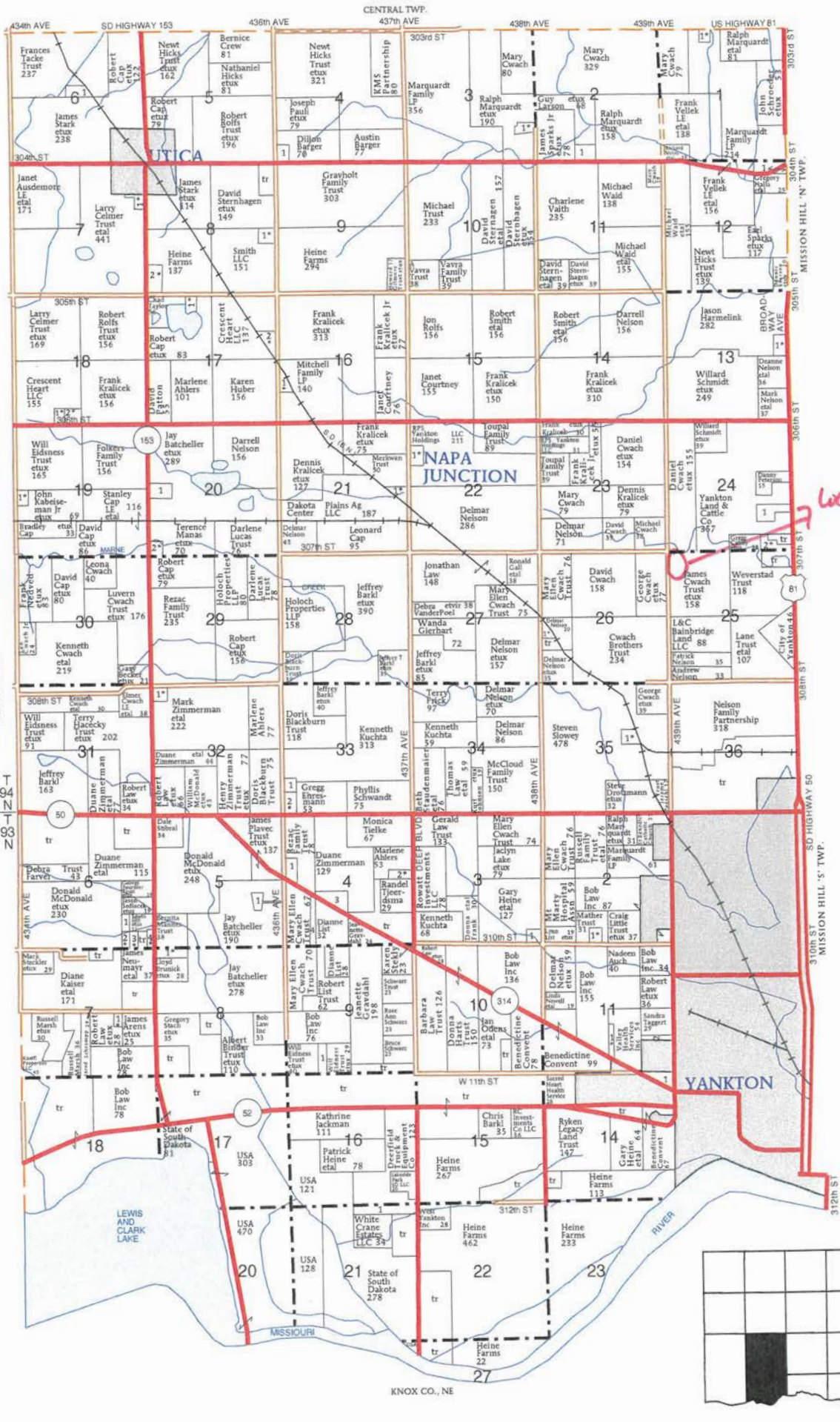
In order to insure prompt approval of your plat, please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- 8. County Planning Commission Chair signature?
- 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- 10. County Commission Chairs signature?
- 11. County Auditor's signature?
- 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 08/08/2023

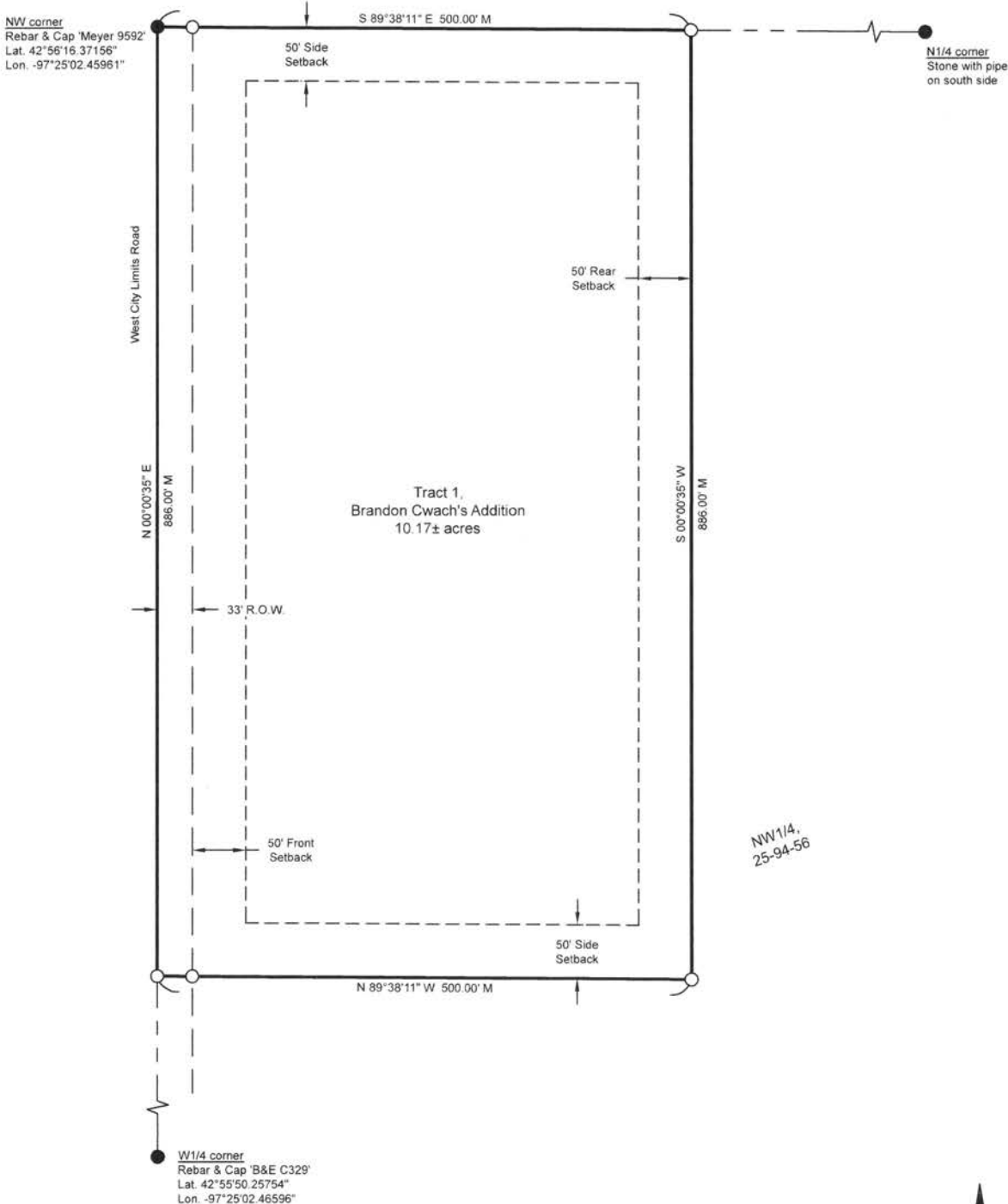
Board of Adjustment date: 08/15/2023



- UTICA TOWNSHIP**
- SECTION 1N**
1. Siebrandt, Jacob etux 5
- SECTION 2N**
1. Kralicek, Melissa 11
- SECTION 2S**
1. Holdahl, Robert etux 5
- SECTION 3N**
1. Grate, Leo etux 11
- SECTION 3S**
1. Holtzmann Family Trust 7
- SECTION 4N**
1. Nedved, Mark 7
- SECTION 4S**
1. Larson, Robert 8
2. Brandt Trust, Merle etal 11
- SECTION 5S**
3. Zimmerman, Steve 20
4. List Trust, Robert 18
- SECTION 6N**
1. Batcheller, Jay 8
- SECTION 6S**
1. Maska, Leann 5
2. Olivier, Curtis etux 6
3. Loecker, Mark etux 5
4. Blaha, Jon etux 5
- SECTION 7N**
1. Anthony, Craig etux 10
- SECTION 7S**
1. Phillips, Timothy etux 5
- SECTION 8N**
1. Christianson, David etux 6
2. Hughes, Scott etux 13
- SECTION 8S**
1. Fanta, Timothy etux 9
- SECTION 9S**
1. Rokahr, Steven 9
- SECTION 11S**
1. Heceky Trust, Terrance etux 11
2. 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. Kralicek, Frank etux 5
- SECTION 21S**
1. White Crane Estates LLC 18
- SECTION 22N**
1. Taggart, William etux 9
- SECTION 24**
1. Marquardt, Doug 13
2. Keller, Dallas etux 10
- SECTION 26**
1. Barnes, David etux 7
- SECTION 32**
1. Zimmerman Trust, Henry etal 12
- SECTION 33**
1. Delozier, Darrik 6
2. Waddell, Edward etux 8
- SECTION 35**
1. Slowey, Steven etux 14

Location

Plat of Tract 1, Brandon Cwach's Addition
in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M.,
Yankton County, South Dakota



Surveyor's Certificate

I, Brian J. Benson, a Licensed Land Surveyor under the Laws of South Dakota, did at the direction of the owner, survey Tract 1, Brandon Cwach's Addition in the Northwest Quarter of the Northwest Quarter of Section 25, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota, as shown on the above plat. This survey was performed by me or under my direct supervision and is to the best of my knowledge and belief a true description of said property.

Brian J. Benson, LS #11950 _____ Date _____

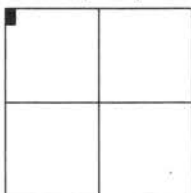
Preliminary



Legend

- Found Corner (As Noted)
- Set 1/2"x24" Rebar & Cap Stamped "LS 11950"
- M Measured Distance

Section 25, T94N, R56W



Date: 7/17/2023
Job Number: 23030
Drawn by: BRIANB
Page: 1 of 2

Meridian
LAND SURVEYING, LLC

Brian J. Benson
1109 Douglas Ave.
Yankton, SD 57078

402-860-4332
brian@meridianrls.com

**Plat of Tract 1, Brandon Cwach's Addition
in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M.,
Yankton County, South Dakota**

Owners Certificate

I, the undersigned, do hereby certify that I am the owner of the Northwest Quarter of Section 25, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota; that this Plat was made at my request and under my direction for the purpose of defining and describing the property as shown by this plat and shall hereafter be known as Tract 1, Brandon Cwach's Addition in the Northwest Quarter of the Northwest Quarter of Section 25, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota. The development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Dated this _____ day of _____, _____.

James and Elisabeth Cwach Revocable Trust

State of _____)
)
County of _____)

Be it remembered that on this _____ day of _____, _____ before me the undersigned, a Notary Public within and for the county and state aforesaid, personally appeared _____ known to me to be the person who is described in and who executed the within and foregoing instrument and certificate and acknowledged to me that they executed the same.

My commission expires _____

Notary Public

Zoning Administrator

The undersigned, County Zoning Administrator of Yankton County, South Dakota, hereby certifies that this plat has been reviewed by me or my authorized agent in accordance with Section 513 (Farmstead Minimum Lot Requirements) of the Yankton County Subdivision Regulations, and does qualify as a farmstead.

Dated this _____ day of _____, 20_____.

Zoning Administrator

Approval of Highway Authority

State of South Dakota County of Yankton

The location of the existing proposed access roads abutting the County or State highway as shown hereon is hereby approved. Any change in the location of the existing or proposed access shall require additional approval.

Highway Authority

County Planning Commission Approval

Approval of the final plan of Tract 1, Brandon Cwach's Addition in the Northwest Quarter of the Northwest Quarter of Section 25, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota, is hereby granted by the Yankton County Planning Commission on this _____ day of _____, 20_____.

Chair, County Planning Commission
Yankton County, South Dakota

County Commission Approval

I hereby certify that the final plan of Tract 1, Brandon Cwach's Addition in the Northwest Quarter of the Northwest Quarter of Section 25, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the _____ day of _____, 20_____.

Chairman County Commission
Yankton County, South Dakota

Director of Equalization Certificate

I, the undersigned Director of Equalization of Yankton County, South Dakota, certify that I have received a copy of the foregoing plat.
Dated this _____ day of _____, _____.

Director of Equalization
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

Treasurer Certificate

I, Treasurer of Yankton County, South Dakota, 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.

Treasurer
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

Preliminary

Date: 7/17/2023
Job Number: 23030
Drawn by: BRIANB
Page: 2 of 2



Plat Approval Fees Paid
 Application \$100.00
 151171
 Applicant Created
 Bill Conkling July 17, 2023

Number
 151171

Final | Plat of Tract 1, Brandon Cwach's Addition, in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M., Yankton County, South Dakota | James and Elizabeth Cwach Revocable Trust | 4600 W City Limits rd | 10.025.400.100 Submitted by bconkling on 7/17/2023



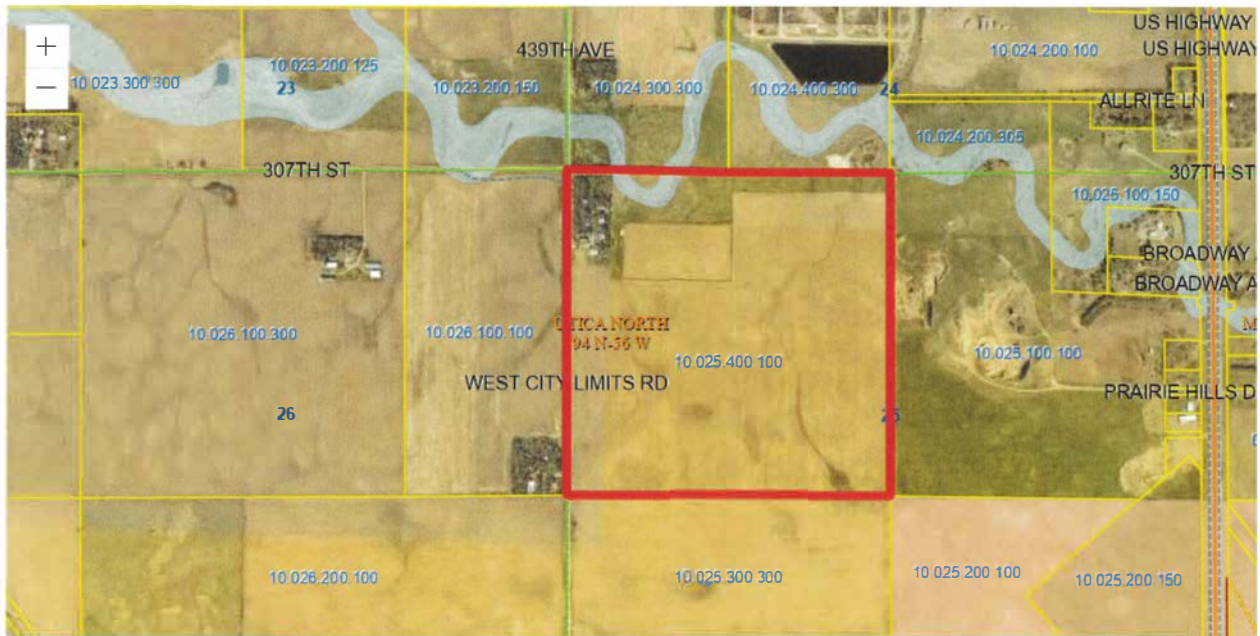
Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 7/17/2023 11:21 AM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
10.025.400.100	4600 WEST CITY LIMITS RD	YANKTON	CWACH, JAMES REV TRUST (D) CWACH, ELISABETH REV TRUST (D)	158.000

Submit Application Completed On 7/17/2023 11:27 AM EST by bconkling

Owner Certification

Owner(s)

Cwach Revocable Trust

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton County Zoning Ordinance.

Owner Signature

Owner Signature

If represented by an Agent, please provide name and signature below

Agent Name

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Plat Approval Items Completed On 7/18/2023 8:56 AM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

[James Cwach Trust.pdf](#)

Plat Approval Applicant Checklist ⓘ

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Requested Information Completed On 7/18/2023 1:57 PM EST by bconkling

Fee

\$100.00

Plat Type

Final

Development Information

Plat Name

Plat of Tract 1, Brandon Cwach's Addition, in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M., Yankton County, South Dakota

Section No:

25

Township No:

94

Range

56

Number of Lots/Tracts

1

Number of Acres

10.17

How is this property currently being used?

Farmstead - AG

What is the proposed use of the property?

Farmstead - AG

Surveyor/Engineer Information

Firm Name

Meridian Land Surveying

Address

1109 Douglas

City

Yankton

State

SD

Zip

57078

Contact Person

Brian Benson

Phone

4028604332

Property Owner Information

Owner Name

James and Elizabeth Cwach Revocable Trust

Address

4600 W City Limits rd

City

Yankton

State

SD

Zip

57078

Owner Phone

4028604332

Contact Person

Brian Benson

If the property owner is represented by an authorized agent, please provide the following:

Agent's name

Agent's Title

Plat Information

Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?

Yes

What is/are the lot size(s)

10.17

Is this plat an existing farmstead

Yes

If a farmstead, how many acres are surrounding it

10.17

The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?

Yes

Is this property to have construction on it

No

If Yes:

Construction contractors Name, Address, and phone number (If applicabile)

Payment Completed On 7/19/2023 9:16 AM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	2123
Amount Paid	\$100.00

Planning Commission Review Completed On 7/19/2023 9:16 AM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures and County Treasurer's signature?

Ownership verified by Director of Equalization and signed?

Plat name has been approved by Register of Deeds?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

Planning Commission date:

08/08/2023

Plat Approval Application (Planning Commission) Completed On 7/19/2023 9:16 AM EST by bconkling

[Plat Approval Application \(Planning Commission\)](#)

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Receipt

Paid by
Bill Conkling
Bill@co.yankton.sd.us

Payment number
Date paid
Payment method

2123
July 19, 2023 09:16 AM
Check

\$100.00 paid on July 19, 2023

Plat Approval Application

Application ID: 151171

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/20/2023

Applicant

Jorgensen - 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:

Plat of Tyler Jorgensen Addition, in the NE1/4 of the SE1/4 of Section 35, T95N, R56W of the 5th P.M., Yankton County, South Dakota (**Central**)

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

<input checked="" type="checkbox"/> Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- 8. County Planning Commission Chair signature?
- 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- 10. County Commission Chairs signature?
- 11. County Auditor's signature?
- 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 08/08/2023

Board of Adjustment date: _____

Please Check Plat Type:

Final Amended Preliminary Revision

Development Information

Plat Name: Plat of Tyler Jorgensen Addition, in

Section No: 35 Township No: 95

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 9.97

How is the property currently being used? AG - Farmstead

What is the proposed use of the property? AG - Farmstead

Surveyor/Engineer Information

Firm Name: Brandt Land Surveying

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: John Brandt

Phone: 6056658455

Property Owner Information

Name: Tyler Jorgensen

Address: 30257 439 AVE

City: Yankton State: SD Zip: 57078

Contact person: John Brandt

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____

Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? Yes No

2. What is/are the lot size(s) 9.97

3. Is this (plat) an existing farmstead? Yes No

4. If a farmstead, how many acres are surrounding it? 9.97

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? Yes No

6. Is this property to have construction on it? Yes No

If yes: Name, address and phone number of contractor(s)

Owner certification

This is to certify that Tyler Jorgensen the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Tyler Jorgensen
Owner Signature

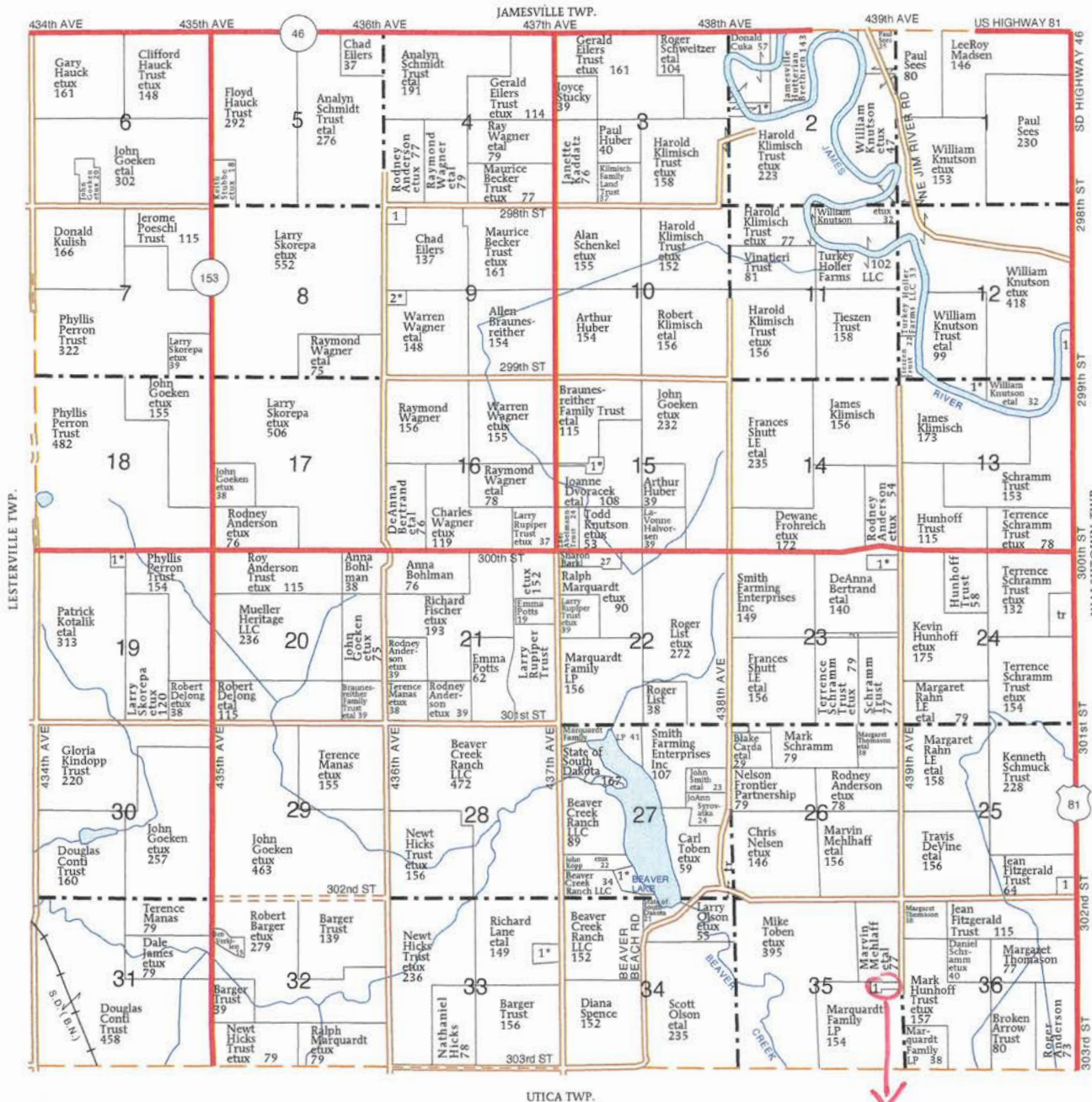
Owner Signature

This is to certify that _____ acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____
County Commission Date: _____

(Landowners)



UTICA TWP.

Location

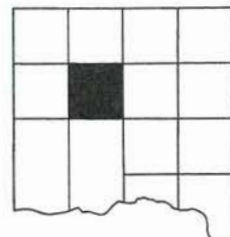
CENTRAL TOWNSHIP

- 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 19**
- 1. Kotalik, Steven etux 5

- SECTION 23**
- 1. Hunhoff, Brian etux 11
- 2. Schramm Trust 5
- 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



Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/20/2023

Applicant

Jorgensen - 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:

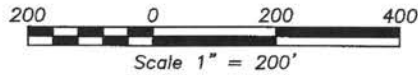
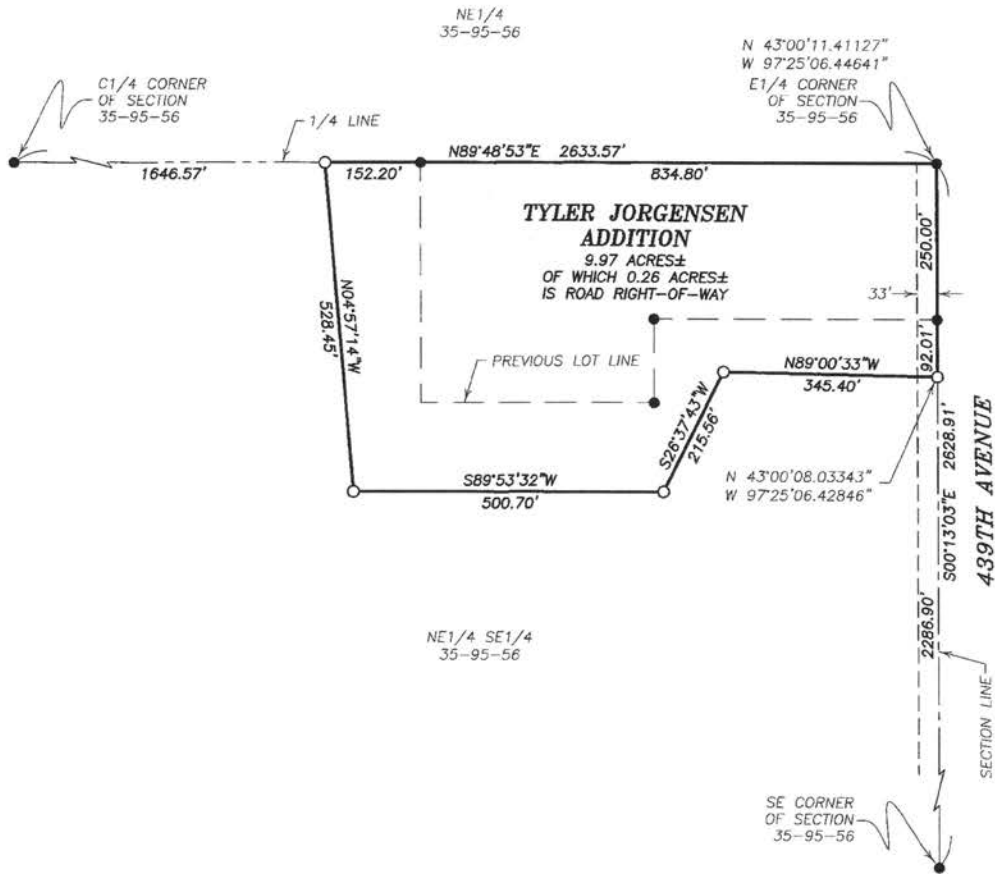
Proposed sidewall height:

Affects Section:

NOTE:

Plat of Tyler Jorgensen Addition, in the NE1/4 of the SE1/4 of Section 35, T95N, R56W of the 5th P.M., Yankton County, South Dakota (**Central**)

PLAT OF TYLER JORGENSEN ADDITION, IN THE NE1/4 OF THE SE1/4 OF SECTION 35, T95N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

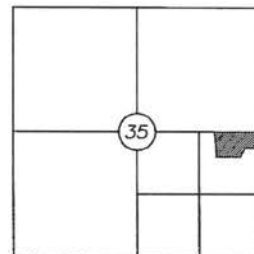


LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT L.S. 5349"

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

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



LOCATION (N.T.S.)
SECTION 35-95-56

PLAT OF TYLER JORGENSEN ADDITION, IN THE NE1/4 OF THE SE1/4 OF SECTION 35, T95N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY AND PLAT OF TYLER JORGENSEN ADDITION, IN THE NE1/4 OF THE SE1/4 OF SECTION 35, T95N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 12TH DAY OF JULY, 2023.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

I, TYLER JORGENSEN, DO HEREBY CERTIFY THAT I AM THE OWNER OF A PORTION OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS _____ DAY OF _____, 20____.

TYLER JORGENSEN

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TYLER JORGENSEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

OWNER'S CERTIFICATE

I, RALPH MARQUARDT, GENERAL PARTNER OF THE MARQUARDT FAMILY LIMITED PARTNERSHIP, DO HEREBY CERTIFY THAT THE MARQUARDT FAMILY LIMITED PARTNERSHIP IS THE OWNER OF A PORTION OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS _____ DAY OF _____, 20____.

RALPH MARQUARDT, GENERAL PARTNER

MARQUARDT FAMILY LIMITED PARTNERSHIP

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RALPH MARQUARDT, WHO ACKNOWLEDGED HIMSELF TO BE GENERAL PARTNER OF THE MARQUARDT FAMILY LIMITED PARTNERSHIP, AND THAT HE AS GENERAL PARTNER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

COUNTY PLANNING COMMISSION

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

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, PLANNING COMMISSION

COUNTY COMMISSIONER'S RESOLUTION

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

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, AT THE REGULAR MEETING ON THE _____ DAY OF _____, 20____.

COUNTY AUDITOR

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO 439TH AVENUE IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

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

MY OFFICE ON THE _____ DAY OF _____, 20____, HAVE BEEN PAID IN FULL.

COUNTY TREASURER

DIRECTOR OF EQUALIZATION

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

DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

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

REGISTER OF DEEDS

Plat Approval
Application
152464

Fees Paid
\$100.00

Applicant
Bill Conkling

Created
July 20, 2023

Number
152464

Final | Plat of Tyler Jorgensen
Addition, in the NE1/4 of the
SE1/4 of Section 35, T95N,
R56W of the 5th P.M., Yankton
County, South Dakota | Tyler
Jorgensen | 30257 439 AVE |
11.035.200.150
Submitted by bconkling on
7/20/2023



Applicant

Bill Conkling

[6052604447](tel:6052604447)

Bill@co.yankton.sd.us

Parcel search Completed On 7/20/2023 11:57 AM EST by bconkling



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
11.035.200.150	30257 439 AVE	YANKTON	JORGENSEN, TYLER (D)	5.955

Requested Information Completed On 7/20/2023 12:00 PM EST by bconkling

Fee

\$100.00

Plat Type

Final

Development Information

Plat Name

Section No:

35

Township No:

95

Range

56

Number of Lots/Tracts

1

Number of Acres

9.97

How is this property currently being used?

AG - Farmstead

What is the proposed use of the property?

AG - Farmstead

Surveyor/Engineer Information

Firm Name

Brandt Land Surveying

Address

1202 Willowdale Rd

City

Yankton

State

SD

Zip

57078

Contact Person

John Brandt

Phone

6056658455

Property Owner Information

Owner Name

Tyler Jorgensen

Address

30257 439 AVE

City

Yankton

State

SD

Zip

57078

Owner Phone

6056658455

Contact Person

John Brandt

If the property owner is represented by an authorized agent, please provide the following:

Agent's name

Agent's Title

Plat Information

Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?

Yes

What is/are the lot size(s)

9.97

Is this plat an existing farmstead

Yes

If a farmstead, how many acres are surrounding it

9.97

The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?

Yes

Is this property to have construction on it

No

If Yes:

Construction contractors Name, Address, and phone number (If applicable)

Plat Approval Items Completed On 7/20/2023 12:49 PM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

[Jorgensen plat.pdf](#)

Plat Approval Applicant Checklist ⓘ

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 7/20/2023 12:49 PM EST by bconkling

Owner Certification

Owner(s)

Tyler Jorgensen

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton County Zoning Ordinance.

Owner Signature



Owner Signature

If represented by an Agent, please provide name and signature below

Agent Name

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Payment Completed On 7/27/2023 11:03 AM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	8360
Amount Paid	\$100.00

Planning Commission Review Completed On 7/27/2023 11:04 AM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures and County Treasurer's signature?

Ownership verified by Director of Equalization and signed?

Plat name has been approved by Register of Deeds?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

Planning Commission date:

08/08/2023

Plat Approval Application (Planning Commission) Completed On 7/27/2023 11:04 AM EST by bconkling

[Plat Approval Application \(Planning Commission\)](#)

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Receipt

Paid by
Bill Conkling
Bill@co.yankton.sd.us

Payment number
Date paid
Payment method

8360
July 27, 2023 11:03 AM
Check

\$100.00 paid on July 27, 2023

Plat Approval Application

Application ID: 152464

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/20/2023

Applicant

Blackburn - PLAT

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

LC – Lakeside Commercial RT-Rural Transitional

Variance needed:

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

Section 715 Section 805

Other 605

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

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

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

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

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

A Replat of Lot 9, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 and a portion of the SE1/4 of the NW1/4 all in Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota, Hereafter to be known as; Lot 9A and Lot 9B, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Please Check Plat Type:

Final Amended Preliminary Revision

Development Information

Plat Name: A Replat of Lot 9, Lakeview

Section No: 18 Township No: 93

Range: 56 Number of Lots/Tracts: 2

Number of Acres: 1.04, 1.04

How is the property currently being used? MD

What is the proposed use of the property? MD

Surveyor/Engineer Information

Firm Name: Brandt Land Surveying

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: John Brandt

Phone: 6056658455

Property Owner Information

Name: John Blackburn

Address: 175 Lakeview Terrace

City: Yankton State: SD Zip: 57078

Contact person: John Brandt

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____

Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? Yes No

2. What is/are the lot size(s) 1.04 acres

3. Is this (plat) an existing farmstead? Yes No

4. If a farmstead, how many acres are surrounding it? _____

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? Yes No

6. Is this property to have construction on it? Yes No

If yes: Single family dwelling
Name, address and phone number of contractor(s)

Owner certification

This is to certify that John Blackburn
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Owner Signature

Owner Signature

This is to certify that _____
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____
County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

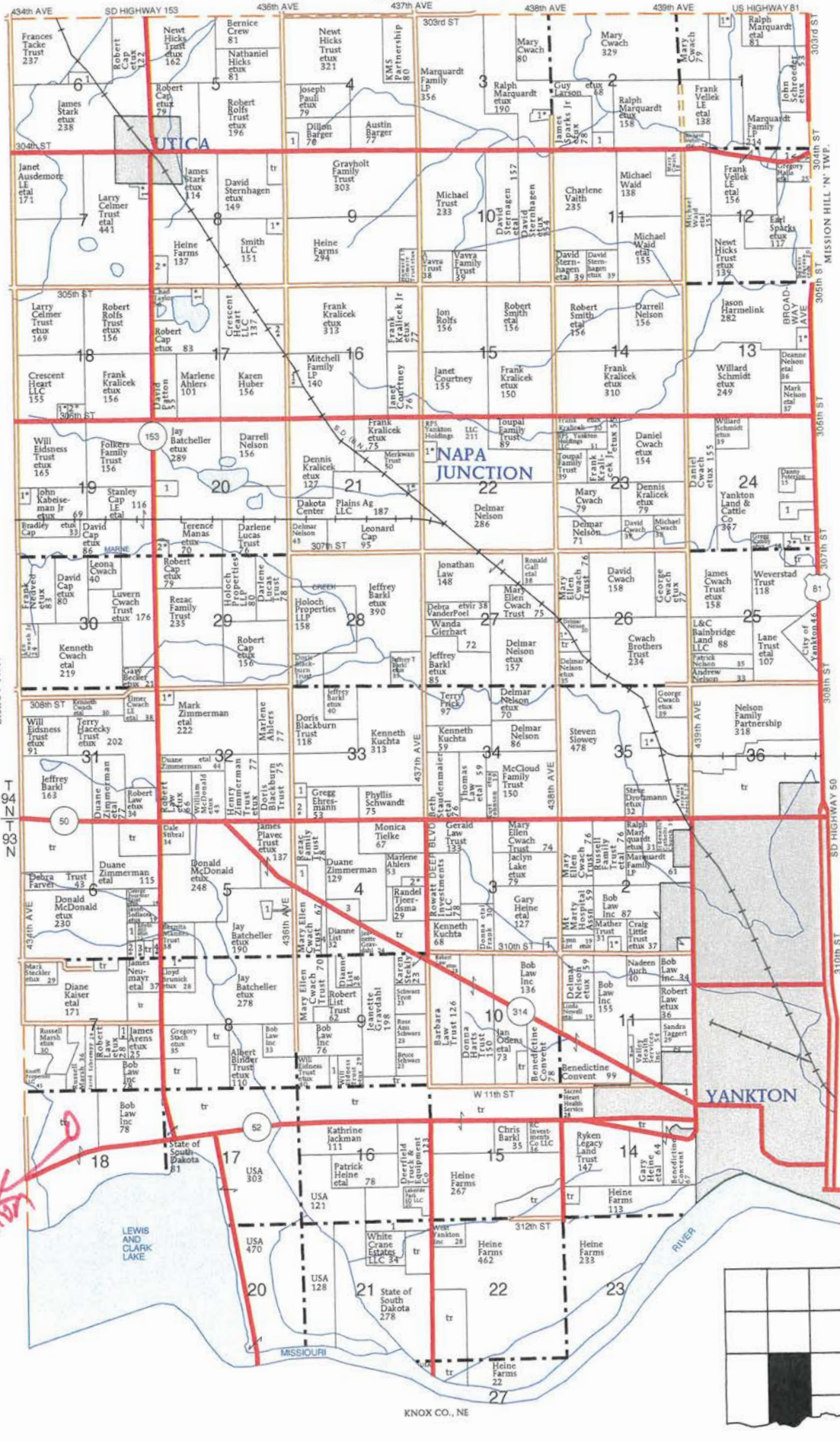
<input checked="" type="checkbox"/> Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- 8. County Planning Commission Chair signature?
- 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- 10. County Commission Chairs signature?
- 11. County Auditor's signature?
- 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 08/08/2023

Board of Adjustment date: _____

CENTRAL TWP.



UTICA TOWNSHIP

SECTION 1N

1. Siebrandt, Jacob etux 5

SECTION 2N

1. Kralicek, Melissa 11

SECTION 2S

1. Holdahl, Robert etux 5

SECTION 3N

1. Grate, Leo etux 11

SECTION 3S

1. Holtzmann Family Trust 7

SECTION 4N

1. Nedved, Mark 7

SECTION 4S

1. Larson, Robert 8

2. Brandt Trust, Merle etal 11

3. Zimmerman, Steve 20

4. List Trust, Robert 18

SECTION 5S

1. Batcheller, Jay 8

SECTION 6N

1. Town of Utica 6

SECTION 6S

1. Maska, Leann 5

2. Olivier, Curtis etux 6

3. Loecker, Mark etux 5

4. Blaha, Jon etux 5

SECTION 7N

1. Anthony, Craig etux 10

SECTION 7S

1. Philips, Timothy etux 5

SECTION 8N

1. Christianson, David etux 6

2. Hughes, Scott etux 13

SECTION 8S

1. Fanta, Timothy etux 9

SECTION 9S

1. Rokahr, Steven 9

SECTION 11S

1. Hecky Trust, Terrance etux 11

2. 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. Kralicek, Frank etux 5

SECTION 21S

1. White Crane Estates LLC 18

SECTION 22N

1. Taggart, William etux 9

SECTION 24

1. Marquardt, Doug 13

2. Keller, Dallas etux 10

SECTION 26

1. Barnes, David etux 7

SECTION 32

1. Zimmerman Trust, Henry etal 12

SECTION 33

1. Delozier, Darrik 6

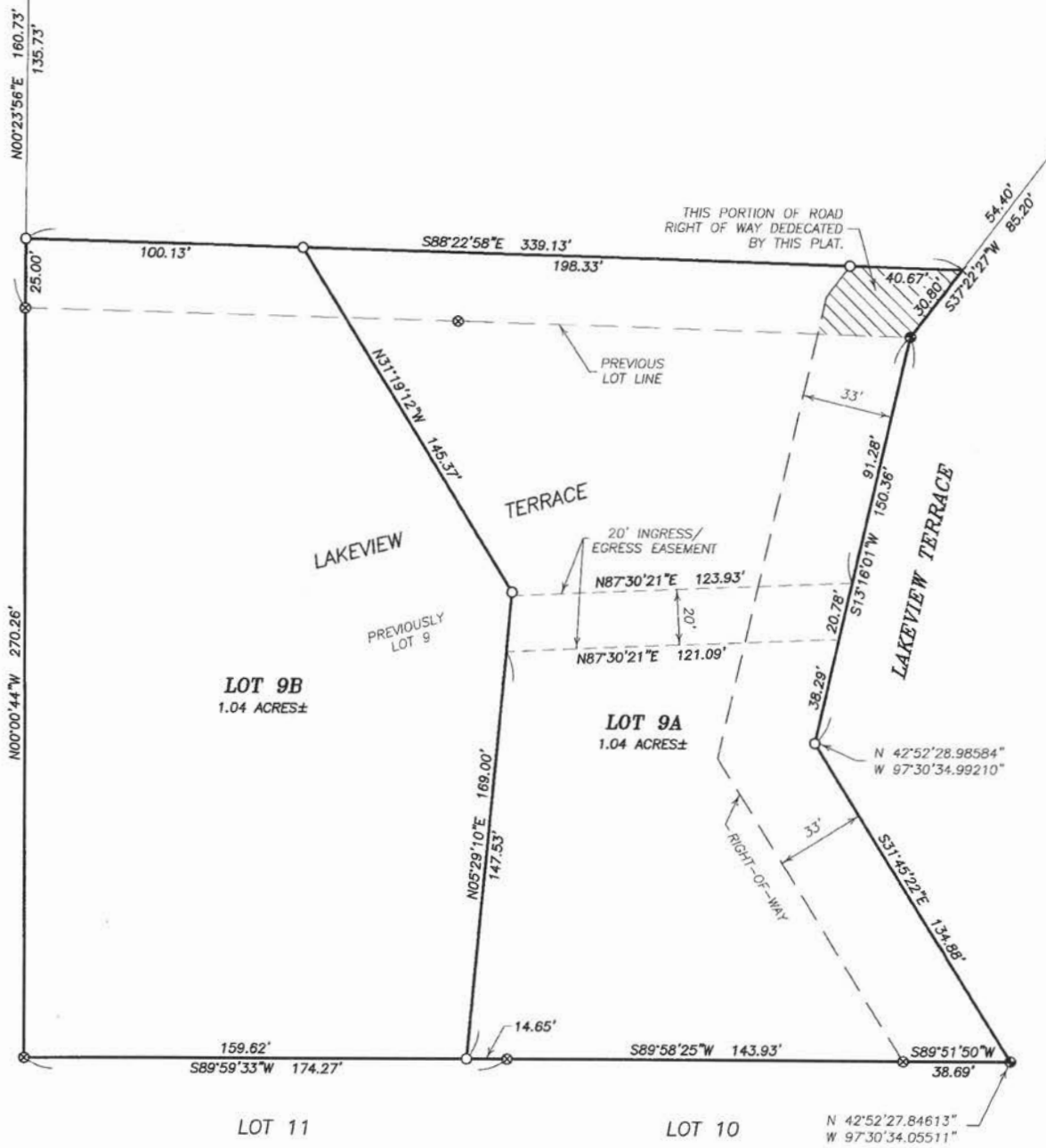
2. Waddell, Edward etux 8

SECTION 35

1. Slowey, Steven etux 14

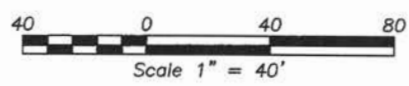
A REPLAT OF LOT 9, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 AND A PORTION OF THE SE1/4 OF THE NW1/4 ALL IN SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOT 9A AND LOT 9B, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "JOHNSON LS 2919"
- ⊗ FOUND 5/8" REBAR
- FOUND IRON PIPE
- FOUND 3/8" REBAR
- × CALCULATED CORNER



NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

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



*A REPLAT OF LOT 9, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 AND A PORTION OF THE SE1/4 OF THE NW1/4 ALL IN SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS;
 LOT 9A AND LOT 9B, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.*

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY AND REPLAT OF LOT 9, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 AND A PORTION OF THE SE1/4 OF THE NW1/4 ALL IN SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOT 9A AND LOT 9B, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 11TH DAY OF JULY, 2023.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

I, JOHN BLACKBURN, DO HEREBY CERTIFY THAT I AM THE OWNER OF A PORTION OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND REPLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THIS PLAT HEREBY VACATES LOT 9, LAKEVIEW TERRACE, IN THE SE1/4 OF THE NW1/4 AND IN THE NE1/4 OF THE SW1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, AS RECORDED IN BOOK SB OF PLATS, PAGE 28. I ALSO HEREBY GRANT THE 20' INGRESS/EGRESS EASEMENT AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 20____.

 JOHN BLACKBURN

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOHN BLACKBURN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

OWNER'S CERTIFICATE

I, CAROLYN L. KISSEL, TRUSTEE OF THE CAROLYN L. KISSEL LIVING TRUST, DO HEREBY CERTIFY THAT THE CAROLYN L. KISSEL LIVING TRUST IS THE OWNER OF A PORTION OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND REPLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I ALSO HEREBY DEDICATE THE 33' RIGHT OF WAY AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 20____.

 CAROLYN L. KISSEL, TRUSTEE
 CAROLYN L. KISSEL LIVING TRUST

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED CAROLYN L. KISSEL, WHO ACKNOWLEDGED HERSELF TO BE TRUSTEE OF THE CAROLYN L. KISSEL LIVING TRUST, AND THAT SHE AS TRUSTEE, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

JOB NO. 23060
 PAGE 2 OF 2

COUNTY PLANNING COMMISSION

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

DATED THIS _____ DAY OF _____, 20____.

 CHAIRMAN, PLANNING COMMISSION

COUNTY COMMISSIONER'S RESOLUTION

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

DATED THIS _____ DAY OF _____, 20____.

 CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, AT THE REGULAR MEETING ON THE _____ DAY OF _____, 20____.

 COUNTY AUDITOR

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

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

 HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE ON THE _____ DAY OF _____, 20____, HAVE BEEN PAID IN FULL.

 COUNTY TREASURER

DIRECTOR OF EQUALIZATION

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

 DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

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

 REGISTER OF DEEDS

Plat Approval Fees Paid
 Application \$100.00
 152539
 Applicant Created
 Bill Conkling July 20, 2023

Number
 152539

Final | A Replat of Lot 9,
 Lakeview Terrace, in the SE1/4
 of the NW1/4 and in the NE1/4
 of the SW1/4 and a portion of
 the SE1/4 of the NW1/4 all in
 Section 18, T93N, R56W of the
 5th P.M., Yankton County, South
 Dakota, Hereafter to be known
 as; Lot 9A and Lot 9B, Lakeview
 Terrace, in the SE1/4 of the
 NW1/4 and in the NE1/4 of the
 SW1/4 of Section 18, T93N,
 R56W of the 5th P.M., Yankton
 County, South Dakota | John
 Blackburn | 175 Lakeview
 Terrace | 09.018.700.109
 Submitted by bconkling on
 7/20/2023



Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 7/20/2023 2:14 PM EST by bconkling



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.018.700.109	175 LAKEVIEW TER	YANKTON	BLACKBURN, JOHN P (D)	1.930

Requested Information Completed On 7/20/2023 2:22 PM EST by bconkling

Fee
 \$100.00

Plat Type
 Final

Development Information

Plat Name

A Replat of Lot 9, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 and a portion of the SE1/4 of the NW1/4 all in Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota, Hereafter to be known as; Lot 9A and Lot 9B, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Section No:

18

Township No:

93

Range

56

Number of Lots/Tracts

2

Number of Acres

1.04, 1.04

How is this property currently being used?

MD

What is the proposed use of the property?

MD

Surveyor/Engineer Information

Firm Name

Brandt Land Surveying

Address

1202 Willowdale Rd

City

Yankton

State

SD

Zip

57078

Contact Person

John Brandt

Phone

6056658455

Property Owner Information

Owner Name

John Blackburn

Address

175 Lakeview Terrace

City

Yankton

State

SD

Zip

57078

Owner Phone

6056658455

Contact Person

John Brandt

If the property owner is represented by an authorized agent, please provide the following:

Agent's name

Agent's Title

Plat Information

Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?

Yes

What is/are the lot size(s)

1.04 acres

Is this plat an existing farmstead

No

If a farmstead, how many acres are surrounding it

The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?

Yes

Is this property to have construction on it

Yes

If Yes:

Single family dwelling

Construction contractors Name, Address, and phone number (If applicable)

Plat Approval Items Completed On 7/20/2023 2:23 PM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

[Blackburn plat.pdf](#)

Plat Approval Applicant Checklist ⓘ

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 7/20/2023 2:23 PM EST by bconkling

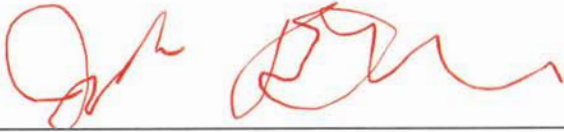
Owner Certification

Owner(s)

John Blackburn

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton County Zoning Ordinance.

Owner Signature



Owner Signature

If represented by an Agent, please provide name and signature below

Agent Name

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Payment Completed On 7/25/2023 4:53 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	797
Amount Paid	\$100.00

Planning Commission Review Completed On 7/25/2023 4:54 PM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures and County Treasurer's signature?

Ownership verified by Director of Equalization and signed?

Plat name has been approved by Register of Deeds?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

Planning Commission date:

08/08/2023

Plat Approval Application (Planning Commission) Completed On 7/25/2023 4:54 PM EST by bconkling

[Plat Approval Application \(Planning Commission\)](#)

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Receipt

Paid by
Bill Conkling
Bill@co.yankton.sd.us

Payment number
Date paid
Payment method

797
July 25, 2023 04:53 PM
Check

\$100.00 paid on July 25, 2023

Plat Approval Application

Application ID: 152539

Description	Amount
Fee	\$100.00

DEFINITIONS

Definitions

For the purpose of this Ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall means mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word lot includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

Terms

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: **(Amended June 21, 2022)**

Abandoned Sign/Billboard - a sign or sign structure that is blank, obliterated or displays obsolete advertising material for a period in excess of twelve continuous months. The twelve-month period for determining if a sign is abandoned commences upon notification of violation to the offender.

Abut - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Agricultural Structure - A structure customarily incidental and necessary to farming and the raising of animals including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

Accessory Building - A subordinate building, the use of which is purely incidental to the main building. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park (MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, "shipping crate", and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters in all Yankton County Zoning Districts. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include 'RVs' and camping trailers. **(Amended May 19, 2020)**

Accessory Use or Structure - A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park (MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, "shipping

crate”, and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters in all Yankton County Zoning Districts. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include ‘RVs’ and camping trailers.

Actual Construction - Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially commenced, preparatory to building, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Addition - Any construction that increases the size of a building such as a porch, attached garage or carport, or a new room.

Administrative Review - A process brought forth by the Zoning Administrator to clarify a provision of the Zoning Ordinance. A review may include policy interpretation or procedural questions but shall not include the appeals process as detailed herein.

Adult Entertainment - Any premises or part thereof in which a principal feature or characteristic is the nudity or partial nudity of any person; to include a place or part thereof where, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Advertising Sign - An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such advertising sign is located or to which it is affixed, but does not include those business signs which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Agribusiness – A business which directly supports the agricultural industry, such as suppliers of feed, seed, chemicals, fertilizer, farm equipment, and equipment parts, farm equipment repair services, veterinary services, drain tile installers, and commercial grain elevators. **(Amended August 19, 2021)**

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soybean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus: **(Amended August 19, 2021)**

1. Establishes that the person suffered an injury, an invasion of a legally protected interest that is both concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. Shows that a causal connection exists between the person's injury and the conduct of which the person complains. The causal connection is satisfied if the injury is fairly traceable to the challenged action, and not the result of the independent action of any third party not before the court; (3) Shows it is likely, and not merely speculative, that the injury will be redressed by a favorable decision, and; (4) Shows that the injury is unique or different from those injuries suffered by the public in general.

Alley - A way which affords only a secondary means of access to abutting property.

Amendment - A change in the wording or substance of this ordinance or a change in the boundaries or classifications upon the Official Zoning Map.

Amusement Park - A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment and restaurants and souvenir sales.

Animal Feeding Operation: An animal feeding operation is a lot or facility where 200 or greater animal units, excluding aquaculture, are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure. **(Amended August 19, 2021)**

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	<u>500 - 10,000</u>
Class B	<u>200 - 499</u>

Animal Feeding Operation or CAFO, New - An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed

contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein. **(Amended May 19, 2020)**

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units: **(Amended August 19, 2021)**

Cow, feeder, or slaughter beef animal, including cow/calf pairs	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.
Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs, goats	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Apartment - A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Applicant - For purposes of this Ordinance a person shall be deemed to be an applicant if they are the owner of the proposed facility; an officer or director of the owner thereof; or an owner of any interest, direct or indirect, in any company, except a publicly traded company, which is the owner of the proposed development.

Aquaculture - Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

Arcade - A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.

Auction Barn - Any premises used predominantly as a livestock auction facility and may include the auction of agriculturally related items on an incidental or accessory basis only. The term may also include a building or structure or lands used for the storage of goods and materials which are to be sold on the premises by public auction, and for the sale of the said goods and materials by public auction and on an occasional basis.

Auction Yard - Any premises used predominantly as an auction pavilion or any area dedicated to consignment auctions or similar activities. A yard may include structures, open, and fenced display areas.

Automobile-Machinery Service Station - Building and premises where motor fuel, oil, grease, batteries, tires, and vehicle accessories may be supplied and dispensed at retail, and where, in addition, customary repair services may be rendered.

Automobile Wrecking Yard - Any premises on which two or more self-propelled vehicles not in running order or operating condition are stored in the open. See also Junkyard and Salvage Yard.

Back-To-Back Sign: An off-site or on-site sign consisting of two sign facings oriented in the opposite direction with not more than one face per side.

Bar - A building or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

Basement - A portion of a building with the floor located below the mean grade level. For the purpose of this ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four (4) feet above grade level.

Bed and Breakfast - A dwelling occupied by a family and used incidentally to provide accommodation and meals to guests for remuneration, but shall not include a boarding house, residential care facility, hotel, motel, or other similar uses.

Billboard - See Sign, Off-Site.

Board of Adjustment - The Yankton County Commission shall serve as the Board of Adjustment.

Bona fide practitioner-patient relationship” means: (Amended November 4, 2021)

- a. A practitioner and patient have a treatment or consulting relationship, during course of which the practitioner has completed an assessment of the patient’s medical history and current medical condition, including an appropriate in-person physical examination;
- b. The practitioner has consulted with the patient with respect to the patient’s debilitating medical condition; and
- c. The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;

Buildable Area - The portions of a lot remaining after required yards have been provided.

Building - The word "building" includes the word structure and is a structure that is entirely separate from any other structure by space or by walls in which there is no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building Line, Front - A line parallel to the street, or right-of-way intersecting the foremost point of the building, excluding uncovered steps.

Building Permit - A type of authorization that must be granted by a government or other regulatory body before the construction of a new or expansion of existing building can legally occur. **(Amended August 19, 2021)**

Building Setback Lines - A line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

Building Site - A lot or parcel, or portion thereof, whether a lot of record or described by metes and bounds, used or intended to be used as the location of a building for housing one or two families.

Building, Alterations of - Any change or rearrangement of the supporting members (such as bearing walls, beams, columns, or girders) of a building, an addition to a building, or movement of a building from one location to another. See Structural Alterations.

Building, Height of - The vertical distance measured from the average grade of the building level of the highest and lowest elevations of the site covered by the building to the top of the roof or parapet of the highest story.

Building, Principal - A building in which is conducted the main use of the lot on which said building is located.

Bus Depot - A building or premises where commercial motor vehicles pick up and discharge fare-paying, passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

Business Sign - A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed. See also on-site and off-site signs.

Camper - See Travel Trailer.

Campground - Any premises where two (2) or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying to the public camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures, uses or intended for use or intended wholly, or in part, for the accommodation of transient campers.

Camping Unit - Any vehicle, tent, trailer or portable shelter used for camping purposes.

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not;

the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant or cannabidiol in a drug product approved by the United States Food and Drug Administration. The term does not include the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis. **(Amended October 21, 2021)**

Cannabis, Allowable amount : **(Amended November 4, 2021)**

- a. Three ounces of cannabis or less;
- b. A quantity of cannabis products with an equivalent cannabis weight as established by rules promulgated by the department under § 34-20G-72;
- d. If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
- e. If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;

Cannabis Cultivation Facility: a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment. **(Amended October 21, 2021)**

Cannabis Dispensary: a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.
(Amended October 21, 2021)

Cannabis Establishment: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary. **(Amended October 21, 2021)**

Cannabis Establishment, Non-licensed: an entity which would otherwise meet the definition of a cannabis establishment but which is not legally licensed. **(Amended October 21, 2021)**

Cannabis product- any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils and tinctures. **(Amended November 4, 2021)**

Cannabis Product Manufacturing Facility: a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary. **(Amended October 21, 2021)**

Cannabis Testing Facility: a legally licensed entity legally authorized to analyze the safety and potency of cannabis. **(Amended October 21, 2021)**

Cardholder - a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card **(Amended November 4, 2021)**

Car Wash - An establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices. This definition may also include a self-service operation.

Casino - A room or rooms in which legal gaming is conducted.

Cellar - A portion of a building between two floor levels which is partly or wholly underground and which has more than one-half ($\frac{1}{2}$) of its height, from finished floor to finished ceiling or to the underside of the floor joists of the story next above, as the case may be, below the average finished grade level adjacent the exterior walls of the building.

Cemetery - Land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Church - A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

Clinic - A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, podiatrists, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associate with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club - A building owned, leased, or hired by a non-profit association of persons the use of which is generally restricted to due-paying members and their guests. Such club may periodically be rented, or leased, to non-members for gathering such as weddings, anniversaries, and dances, but no portion of the building shall continuously be used for business purposes.

Common Wall – A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof **(Amended October 18, 2022)**

Company - For purposes of this ordinance the term, "company" includes, but is not limited to, any corporation, partnership, limited liability company, limited liability partnership, limited partnership, business trust and any other business entity.

Comprehensive Plan - Any legally adopted part or element of the Yankton County Comprehensive Plan.

Commissioners - the Yankton County Board of County Commissioners (**Amended November 4, 2021**)

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that is previously defined meets one or more of the following criteria: (**Amended August 19, 2021**)

1. Contains at least 500 animal units
2. Utilizes a Liquid Manure System (see definitions)
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing: Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. (**Amended August 19, 2021**)

Conditional Use - A conditional use is a use that would not be appropriate, generally or without restriction, throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as conditional uses, if specific provision for such conditional use is made in this Ordinance.

Congregate Housing - Housing units that provide a semi-independent living environment, which offers residential accommodations, central dining facilities (where at least one (1) meal a day is provided seven (7) days a week), related facilities, and supporting staff and services to persons of at least sixty-two (62) years of age or with disabilities.

Construction Services - A yard, structure, or combination thereof of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, which is adjoining.

Contractor - The person who contracts with an individual or developer to construct a building on a parcel of land prepared by a developer.

Convenience Store - A retail store in which articles for sale are restricted to gasoline sales and a limited range of food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy. Retail sales may also include the limited sale of magazines, books, house wares, toiletries, bait, alcoholic beverages and tobacco.

Court - Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

Covenant - An agreement, convention, or promise of two or more parties, by deed in writing, signed and delivered, by which either of the parties pledges himself to the other that something is either done, or shall be done, or shall not be done. The term is currently used primarily with respect to promises in conveyance or other instruments relating to real estate.

Cul-de-sac - A local right-of-way with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic turnaround.

Cultivation facility - an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment. **(Amended November 4, 2021)**

Day Care - The providing of care and supervision of children or adults as a supplement to regular parental or home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

Day Care Center - Any type of group day care programs including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for pre-school children, programs covering after-school care for school children provided such establishment is licensed by the State and conducted in accordance with State requirements.

Day Care, Family - The provision of regular care and supervision of no more than twelve (12) children including the provider's own children who are under the age of six (6) years for part of a twenty-four (24) hour period as a supplement to regular parental care.

Day Care, Group Family Home - The provision of regular care and supervision of thirteen (13) to twenty (20) children either in the provider's home or in a facility outside the provider's home for part of a twenty-four (24) hour period as a supplement to regular parental care.

Debilitating medical condition – **(Amended November 4, 2021)**

- a. chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
- b. Any other medical condition or its treatment added by the department, as provided

for in SDCL 34-20G-26;

Deck - A structure abutting a dwelling with no roof or walls except for visual partitions and railings that is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department - the Department of Health (**Amended November 4, 2021**)

Designated caregiver - a person who: (**Amended November 4, 2021**)

- a. Is at least twenty-one (21) years of age;
- b. Has agreed to assist with a qualifying patient's medical use of cannabis;
- c. Has not been convicted of a disqualifying felony offense; and
- d. Assists no more than five (5) qualifying patients with the medical use of cannabis, unless the designated caregivers' qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed

Developer - The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this Ordinance. The developer shall also be defined as the builder or contractor if they are responsible for the construction of buildings and/or structures or permanent improvements.

Directional Sign - A sign erected for the convenience of the public, such as directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities and bearing no advertising in the message.

Disqualifying felony offense - a violent crime that was classified as a felony in the jurisdiction where the person was convicted. (**Amended November 4, 2021**)

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Dormitory - A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Double Faced Sign - An off-site or on-site sign with two adjacent faces oriented in the same

direction and not more than 10-feet apart at the nearest point between the two faces.

Drive-in Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Due Diligence - Such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent man under the particular circumstances; not measured by any absolute standard, but depending on the relevant facts of the special case.

Dwelling - A building or portion of a building designed for residential purposes, including one and two family dwellings, but not including hotels, motels or lodging houses.

Dwelling Unit - A room or suite of rooms designed for and occupied by one family and having not more than one kitchen facility.

Dwelling, Efficiency Unit - A dwelling unit having only one room exclusive of bathroom, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted in a multi-family dwelling.

Dwelling, Multiple Family - A residential building designed for, or occupied by, three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single Family - A detached residential dwelling unit other than a manufactured home designed for or occupied by one (1) family only.

Dwelling, Two Family - A building containing two dwelling units designed exclusively for occupancy by two families living independently of each other.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property. For the purposes of this Ordinance the term shall primarily be used to describe utility access.

Edible cannabis products - any product that: **(Amended November 4, 2021)**

- a. Contains or is infused with cannabis or an extract thereof;
- b. Is intended for human consumption by oral ingestion; and
- c. Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;

Employee(s) - In regard to off right-of-way parking requirements, all who work in the enterprise, including owners.

Enclosed, locked facility - any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation. **(Amended November 4, 2021)**

Exhibition Areas - A building, group of buildings, or place where art, objects, articles, or livestock or agricultural projects are placed on display for the public.

Extraterritorial Zoning Jurisdiction - The area illustrated within the Official Zoning Map of Yankton County ~~not exceeding one (1) mile in width immediately adjoining the City of Yankton as described per Article 1 Section 103 Jurisdiction.~~

Facility - A building, piece of land or any combination thereof owned and operated by the same owner and dedicated to a specific use or uses. The term shall include those operations where indoor and outdoor activities may be conducted in concert and are integral or compliment the operation as a whole. An example may be an automobile dealership with office spaces, a small indoor display area, separate maintenance facility, and an outdoor display area.

Fairground - An agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horseracing and other sports events are held and on occasion for auctions, flea markets and concession stands.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption. This definition shall not include foster families as regulated by the State.

Farm Building - All buildings and structures needed in agricultural operation. **(Amended July 20, 2021)**

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which

the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel. **(Amended August 19, 2021)**

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section 516. **(Amended August 19, 2021)**

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Financial Institutions - The premises of a bank, trust, finance, mortgage, or investment company.

Fireworks, Sales - A building, structure, or place where fireworks are sold, pursuant to all applicable state statutes.

Fishery - As defined by South Dakota Administrative Rules, Sections 74:51:02:02 and 74:51:02:03 (January 17, 1999). Yankton County as described in Section 74:51:02:68.

- Lakes Marindahl and Yankton (Section 74:51:02:03(4)) are warm water permanent fish life propagation waters;
- State or Beaver Lake and Westside Kid's Pond (Section 74:51:02:03(6)) are warm water marginal fish life propagation waters.
- The Missouri River (Section 74:51:03:05(1,4,7,8,11)) is a domestic water supply, warm water permanent fish life propagation waters, immersion recreation waters, limited contact recreation waters, and commerce and industry waters.
- James River (Section 74:51:03:20(5,8)) is a warm water semi permanent fish life propagation waters and limited contact recreation waters;
- Beaver Creek, Mud Creek (Section 74:51:03:20(6, 8)), Clay Creek, and Turkey Creek (Section 74:51:03:25(6, 8)) are warm water marginal fish life propagation waters and limited contact recreation waters.

Flammable or Combustible Liquids, or Hazardous Material - Flammable material is any material that will readily ignite from common sources of heat, or that will ignite at a temperature of 600° F or less. Flammable liquid is any liquid having a flash point below 100°F and having vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100°F. Combustible liquid is any liquid having a flash point at or above 100°F. Hazardous material includes any flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials,

unstable materials, hyperbolic materials, pyrophoric materials, and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of wetlands, lakes, streams, tributaries, or other water bodies; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - The official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without an accumulative increase in the water surface.

Food Product Processing Facility - A commercial establishment in which food or food-related products are processed, packaged, or otherwise prepared for human consumption but not consumed on the premises.

Footprint – The land area covered or occupied by a building and a facility as defined herein. The term shall also include any land area dedicated to a use such as outdoor storage or any area utilized for storage, display, or livestock confinement as part of or in support of the building or use.

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Gaming Device or Gaming Equipment - Any mechanical contrivance or machine used in connection with gaming or any game.

Gaming or Gambling - The dealing, operating, carrying on, conducting, maintaining, or exposing for pay of any game.

Gaming or Gambling Establishment - Any premises wherein or whereon gaming is done.

Garage - An accessory building or portion of a building including a carport which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garage, Public - A building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as “gasoline stations” or “service stations”.

Gasoline Station - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning such vehicles.

Golf Course - A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, driving ranges, and miniature golf courses, and similar uses.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Grandfather - For the purposes of this ordinance the term “grandfather” shall be defined as a lay term used to describe structures, land uses, facilities, operations or similar activities in existence prior to adoption of the zoning ordinance. The term is generally applied to uses not allowed or further regulated within the new ordinance. The act or condition of grandfathered is more fully addressed in the nonconforming Article herein.

Greenhouse, Commercial - A building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

Group Home - See Residential Care Facility.

Highway - Every way or place of whatever nature open to the public, as a matter of right, for purposed of vehicular travel, is a highway. The term “highway” shall also include private access easements and roadways.

Home Occupation - A business activity customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal household operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of traffic in excess of that experienced on an average right-of-way of similar design, noise, electrical interference, fumes, odors, etc.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Hospital - An institution devoted primarily to the operation of facilities of the diagnosis, treatment, and cure of disease, illness, injury, or other abnormal physical conditions with provisions for keeping patients overnight.

Hotel - An establishment of transient guests having sleeping rooms without individual cooking facilities for more than six (6) persons for compensation and may or may not provide meals.

Interchange - A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting right-of-ways.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Junkyard - A place where non-recyclable waste, having no economic values, or waste, which is recyclable, but has no chance of being recycled is deposited.

Kennel - Any place where more than twenty (20) dogs, cats, or other domesticated animals of breeding age are housed, groomed, bred, boarded, trained, harbored, kept, or sold for commercial purposes.

Lagoon - Any pond, basin, or other impoundment made by excavation or earthen fill for storage or treatment of human sewage or animal waste.

Landing Strip - A strip of ground used or capable of being used for the landing and take-off of aircraft.

Loading Area - A completely off right-of-way, space, or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public right-of-way.

Loading Space, Off Right-of-Way - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off right-of-way loading space is not to be used as off right-of-way parking space in computation of required off right-of-way parking space.

Locker - A meat processing plant and any other facility where meat, poultry or eggs are cooked, cured, smoked, or otherwise processed or packed, provided that all activities are carried out indoors. This term shall not include a delicatessen, stockyard, slaughterhouse, tannery, a poultry killing establishment, an animal food factory, or an animal by-products plant.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public right-of-way, or on an approved private right-of-way, and may consist of a single lot of record; a portion

of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Coverage - The percent of the area of a lot occupied by buildings, or structures, including accessory building or structures.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Frontage - The portion of the lot nearest the right-of-way; for the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to right-of-ways shall be considered frontage, and yards shall be provided as indicated under "Yards" in this ordinance.

Lot Frontage, Pie Shaped - A lot usually abutting a cul-de-sac. For the purpose of determining frontage, said distance shall be measured perpendicularly to the said lot lines at a point thirty (30) feet from the front line.

Lot Line - The legally defined limits of any lot.

Lot, Corner - A lot situated at the intersection of two (2) right-of-ways, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

Lot, Double Frontage - A lot having frontage on two (2) non-intersecting right-of-ways, as distinguished from a corner lot.

Lot Line, Exterior - The side lot line, which abuts the right-of-way on a corner lot.

Lot Line, Rear - The lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

Lot Line, Side - A lot line other than a front or rear lot line.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. For the purposes of this Ordinance, a legally transacted parcel prior to adoption may be considered as a lot of record.

Lot Width - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth or the same distance measured at the front building line.

Lot, Corner - A corner lot is defined as a lot located at the intersection of two (2) or more right-of-ways. A lot abutting on a curved right-of-way(s) shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Interior - An interior lot is defined as a lot other than a corner lot with only one frontage on a right-of-way.

Lot, Through - A through lot is defined as a lot other than a corner lot with frontage on more than one right-of-way. Through lots abutting two right-of-ways may be referred to as double frontage lot.

Lot, Reversed Frontage - A reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner or a through lot.

Main Building – A building in which is conducted the primary or predominant use of the lot on which it is located. **(Added June 21, 2022)**

Major Road Plan - The Transportation Plan in the Yankton County Comprehensive Plan.

Major Recreational Equipment - Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Manufactured Home - A moveable or portable dwelling which is eight (8) feet or more in width and thirty-two (32) feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units, separately transportable, but designed to be joined together into one integral unit. Manufactured homes are built according to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Manufactured homes are not mobile homes.

The following shall not be included in this definition:

1. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
2. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing, and heating systems.

Manufactured Home Park - A parcel of land under single ownership, which has been planned and improved for the placement of, manufactured homes for non-transient use.

Manufacturing - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Manufacturing Light - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or

storing or adapting for sale of any goods, substance, article, thing or service. Light manufacturing shall have no more than ten employees.

Manure System Definitions: (Amended August 19, 2021)

1. Solid Manure System – Any style of manure not conforming to the definition of “Liquid Manure”. Example systems include floor-raised poultry, deep-bedded housing systems, and dry lots. Vast majority (>90%) of excreted manure will be maintained in form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots
2. Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example systems include slatted floor facilities and facilities where manure can be transferred via gravity.

Massage Establishment - Any premises or part thereof where massages are given, offered or solicited in pursuance of a trade or calling, business or occupation provided that the service is rendered by a person duly trained, licensed and registered under the appropriate statute.

Medical use - includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptom associated with the patient’s debilitating medical condition. The term does not include: **(Amended November 4, 2021)**

- a. The cultivation of cannabis by a nonresident cardholder;
- b. The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the card holder’s registry identification card; or
- c. The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility

Mobile Home - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Home - A structure or building module that is manufactured at a location other than the site upon which it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term includes the plumbing, heating, air conditioning, and electrical systems contained within the structure.

Motel - A group of attached or detached buildings on the same lot containing sleeping quarters for rental to transients.

Motor Vehicle Track or Play Area - An area of land utilized for the racing or recreational riding of motor vehicles with or without a defined area or track. The term may include a racetrack with spectators and an established racing affiliation or a day use area utilized by a club, group, or independent individuals. A motor vehicle may include cars, trucks, motorcycles, all-terrain vehicles or similar items. **(Amended May 19, 2020)**

Museum - A building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

Navigable Waters - A body of water presently being used or is suitable for use for transportation and commerce, or if it has been so used or was suitable for such use in the past, or if it could be made suitable for such use in the future by reasonable improvements.

Nonconforming Lot - A lot of record existing on the date of passage of this ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

Nonconforming Structure - A lawful structure which exists on the date of passage of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard setbacks, or other characteristics of the structure.

Nonconforming Use - A land use or building or structure or portion thereof lawfully existing at the effective date of this ordinance or at the time of any amendment thereto, which does not conform to the regulations of the zone in which it is located.

Nonresident cardholder - a person who: **(Amended November 4, 2021)**

- a. Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
- b. Is not a resident of this state or who has been a resident of this state for fewer than forty-five (45) days;
- c. Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and.
- d. Has submitted any documentation required by the department and has received confirmation of registration

Noxious - When used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery, Swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size. **(Amended August 19, 2021)**

Nursing Home, Rest Home, Convalescent Home - A place which undertakes through its ownership or management to provide maintenance, personal, or nursing care for three or more persons who by reason of illness, physical deformity, or old age are unable to care for themselves.

Obstruction - Any structure or vegetation that blocks the complete vision of people.

Off-Site Sign - A sign/billboard that advertises goods or services not available at the location of the billboard or advertising sign.

Office - A building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.

On-Site Sign - A sign identifying an establishment's activities, products or services conducted or available on the property upon which it is located and signs advertising the sale or lease of the property upon which they are located.

Open Sales Area - Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft, and monuments.

Outdoor Storage Area - Any open land or area used for the purpose of storage of any product or part of a product either before, during, or after manufacturing, servicing, or repairing and not displayed for retail sale. This does not include open sales areas.

Owner - The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided.

Ownership Line - A line defining ownership of property under one owner of record.

Parcel - A legally defined piece of property including a platted lot, legally described portion, or similarly described piece of property primarily used as an identifier within taxation.

Park - An area consisting largely of open space, which may include a recreational area, playground, or similar use but shall not include a mobile home park, a campground or trailer park.

Parking Space - An off right-of-way space available for parking of a motor vehicle and which is held to be an area for dimension of which are ten (10) feet by twenty (20) feet or which covers two hundred (200) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto. Off right-of-way parking shall be on or adjacent to the property on which the principal use is located.

Parking Space, Off Right-of-Way - For the purposes of this ordinance, an off right-of-way parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a right-of-way and maneuvering room. Required off right-of-way parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any right-of-way, and so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off right-of-way parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off right-of-way parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.

Pawnshop - An establishment where money is loaned on the security of personal property pledged in the keeping of the pawnbroker.

Performance Standards –

Criterion established for the purposes of:

1. Assigning proposed land uses to proper districts; and
2. Controlling noise, odor, glare, smoke, toxic matter, aesthetics, vibration, fire/explosive hazards generated by, or inherent in, uses of land or buildings.

Permitted Use - A use by right, which is specifically authorized in a particular zoning district.

Permitted Special Use - A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.

(Amended August 19, 2021)

Person - Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Places of Assembly - Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

Place of worship - a structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, or architectural or other features. **(Amended November 4, 2021)**

Plat - a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Planning Commission - The Planning Commission of Yankton County. The term Planning Commission shall be synonymous with Planning and Zoning Commission and Commission, but shall not include Board of Adjustment or Zoning Board.

Planning Official: The Planning (Zoning) Administrator and his/her designee charged with the administration and enforcement of the Yankton County Zoning Ordinance.

Plaza - A public square or similar open area.

Portable Processing Plant - Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

Practitioner - a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence. **(Amended November 4, 2021)**

Principal Use - The main use of land or structures as distinguished from a secondary or accessory use.

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Property Line - The division between two parcels of land, or between a parcel of land and the right-of-way.

Public - Promotion of a public cause or service, including utilities having a franchise from Yankton County or other governmental entity, but excluding other for-profit organizations.

Public Building - Any building which is owned, leased, primarily used, and/or primarily occupied by a school district or municipal, county, state, or federal government, or any subdivision or agency of the school district, municipal, county, state, or federal government.

Publicly Traded Company - For purposes of this Ordinance a “publicly traded company” means a company, the shares or other interests in which are regularly traded on the New York Stock Exchange, the American Stock Exchange, NASDAQ or similar recognized security market.

Qualifying patient - a person who has been diagnosed by a practitioner as having a debilitation medical condition. **(Amended November 4, 2021)**

Quarry - A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Recreational Equipment - The term recreational equipment shall include boats and boat trailers, jet skis, snowmobiles, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recycling Center - A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Registry identification card - a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to SDCL 34-20G-29 to SDCL 34-20G-42 inclusive. **(Amended November 4, 2021)**

Remote Fuel Depots - A structure, usually unmanned, that is used for the sale of gasoline, diesel, or other motor vehicle fuel.

Rent-All Shop - A building or part of a building where residential and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

Repair Shop, Auto Body - A general industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a motor vehicle repair shop, an impounding yard, an automobile service station or a gas station.

Repair Shop, Motor Vehicle - A service commercial or general industrial establishment for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, shocks, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or a gas station.

Residential Care Facility - A family home, group care facility, or similar facility for twenty-four (24) hour non-medical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for the protection of the individual.

Restaurant - A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

Restaurant, Drive-In - A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to eat either off the premises or within automobiles parked on the premises.

Restaurant, In-House - A private business establishment consisting of a kitchen, with or without a dining room, whose primary purpose is to prepare and serve food to be eaten by employees of the principal employer. For the purposes of this ordinance, the term "cafeteria" shall be synonymous with "Restaurant, In-House."

Rest Home - See Nursing Homes.

Retail Sales - A building where goods, wares, merchandise, substances, articles, or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles, or items sufficient only to service such store.

Retail Store - A building where goods, wares, merchandise, substances, articles or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or items sufficient only to service such store.

Retaining Wall - A structure constructed to hold back or support an earthen bank.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

Right-of-Way ; ROW - An area of land that is legally described in a registered deed for the provision of public access within which there is usually a road or street. The term right-of-way shall include any defined access route or point including but not limited to public and private accesses, road easements, streets, roads, and drives other than a private drive serving a single owner.

Right-of-Way Line - A dividing line between a lot, tract, or parcel of land and the public right-of-way.

Roadside Stand - A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises, bait, and other approved products.

Rodeo Grounds - A building or place where rodeo events such as roping and riding are done for practice or competition.

Row of Trees - Ten (10) or more trees planted in a line, separated by a distance of forty (40) feet or less.

Running Gear - The parts which allow a manufactured home to be mobile including the tires, wheels, axles, running lights, and hitch. This definition shall include all mobility items exclusive of the parts of the chassis that make up the structural integrity of the manufactured home.

Salvage Yard - The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Satellite Dish/Receiver - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish or cone designed and used for the reception of television signals related back to earth from a terrestrially and/or orbital based communications satellite.

School, Boarding - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools, accredited by the State of South Dakota and provides room and board for its students; but

excluding private trade or commercial schools. “Day Care Centers” as herein defined, shall not be considered schools as applicable to this definition.

School, Denominational or Private - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools and accredited by the State of South Dakota; but excluding private trade or commercial schools. “Day Care Centers” as herein defined, shall not be considered schools as applicable to this definition.

School, Public - A school under the sponsorship of a public agency providing elementary or secondary curriculum, and accredited by the State of South Dakota; but excluding private trade or commercial schools.

School, Trade or Commercial - An establishment other than an accredited or licensed public, private or denominational school, offering training or instruction in art, occupation or trade.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Secondhand Shop - The use of land, or building or structure or part thereof where used goods, wares, merchandise, substances, or articles are offered or kept for sale but shall not include a pawnshop.

Security Dwelling Unit - A building or portion thereof designed for occupancy by a security employee.

Self-Storage Warehouse - A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Semi-Portable Agricultural Structures - Anything that requires placement on the ground for agriculture related purposes. Semi-portable agricultural structures include, but are not limited to, feed bunks, calving, lambing, or farrowing sheds, and temporary grain storage facilities.

Services - Establishments, primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair, and amusement services, health, legal, engineering, and other professional services, educational institutions, membership organizations, and other miscellaneous services.

Service Establishment - Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair, and amusement services,

health, legal, engineering, and other professional services, educational institutions, membership organizations and other miscellaneous services.

Setback - The minimum horizontal distance from a lot line, to a wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such lot lines.

Shared Wall Structure – A structure that contains two (2) or more units that share common walls (known as party walls). Shared wall structures include: dwellings two family, dwellings multiple families, residential and commercial buildings. **(Amended October 18, 2022)**

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Side Wall - The measurement from the highest point of the finished floor at grade to the height of the highest point of wall framing.

Sight Triangle - See “Traffic Visibility Triangle”.

Signs/Billboards - Any sign defined in this ordinance which displays or conveys any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, business activity, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays.

Sign Structure - The sign face and support members that are permanently affixed to the ground or attached to a structure.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification or premises not having commercial connotations;
2. Flags and insignias of any government, except when displayed in connection with commercial promotion;
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural feature of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Banner - A temporary sign, which has a maximum area of twelve (12) square feet, composed of lightweight material either enclosed or not in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere (i.e., pennants, twirling signs, balloon, or other gas-filled figures, ribbons, or other similar moving devices) and intended to be displayed for a limited period of time.

Sign, Bulletin Board - An exterior sign, which has a maximum area of thirty-five (35) square feet, used by public, charitable, and religious institutions for the purpose of informing the public about activities of their organization.

Sign, Directional Off-Site - An exterior sign that is generally informational, that has a purpose secondary to the use of the primary use on a property that is not adjacent to the property on which the directional off-site sign exists. Said sign shall include only those signs placed by a political subdivision and shall include those signs standardized by the South Dakota Department of Transportation.

Sign, Directional On-Site - An exterior sign that is generally informational, that has a purpose secondary to the use of the property on which it is located, such as “no parking,” “entrance,” and “loading only.” Said sign shall conform to standards adopted or approved by the regulating public agency.

Sign, Easement and Utility - An exterior sign, which has a maximum area of five (5) square feet, used to identify the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access.

Sign, Exterior On-site - An exterior sign relating in subject to the premises upon which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards, which are off-site signs.

Sign Facing - That portion of a sign structure upon which advertising is affixed or painted and visible in one direction at one time.

Sign, Flag - Any fabric or bunting containing distinctive colors, patterns, or symbols, which has a maximum area of twenty (20) square feet and is used as a symbol of government, political subdivision, or other entity.

Sign, Ground and Monument - An exterior sign permanently attached to the ground to identify churches, schools, institutional, and public uses. Said sign may also identify a specific neighborhood by displaying the name of the tract. Ground and monument signs:

1. Are generally constructed of concrete or other masonry material;
2. Shall not exceed twenty (20) feet in height above the mean right-of-way centerline or grade;
3. Shall meet a minimum of one-half (½) of the yard requirements for the district in which it is located; and

4. Shall not exceed one hundred (100) square feet on one (1) side or two hundred (200) square feet on all sides of any one (1) premise.

Sign, Mounted Wall - A sign, which has a maximum area of one hundred (100) square feet, that is attached to or erected against a wall of a building and shall project no more than twelve (12) inches from the wall of the building. Said sign is intended to be read from directly in front of the face of the building.

Sign, Name and Address Plate - A sign, which has a maximum area of two (2) square feet, that is affixed to the side of a building informing the public as to the residents, occupation, and/or address of the building.

Sign, Off-Site - A sign other than an on-site sign. Off-site signs are conventionally know as billboards regardless of size.

Sign, Portable - Any sign, which has a maximum area of twenty (20) square feet, not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs. Signs attached to or painted on vehicles parked and visible from the public right-of-way shall not be included in this definition and shall be prohibited unless said vehicle is used in normal day-to-day operations of the business. Said sign is intended to be displayed for a limited period of time.

Sign, Projecting - Any sign, which has a maximum area of one hundred (100) square feet, that is affixed to a building or wall in such a manner that its face is perpendicular to the face of the building and the sign extends more than twelve (12) inches beyond the surface of such building or wall.

Sign, Real Estate - An exterior sign for the purpose of advertising the sale, rental, lease of real property. Said sign is located on the premises for sale, rental, or lease and shall be of a temporary nature and shall have a maximum area of four (4) square feet except in the Commercial, Highway Commercial, or Industrial Districts where the maximum area shall be thirty-two (32) square feet.

Sign, Roof - Any sign, which has maximum area of three hundred (300) square feet that is erected upon, against, or directly above a roof or on top of the parapet of a building.

Solar Energy System, Building Mounted (BMSES): A device or structural design feature intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating. The primary purpose or use of the BMSES shall be customary & clearly incidental to the principal use and only mounted to the roof or exterior sidewall of an accessory building, building, residential building, or detached building.

Solar Energy System, Utility-Scale (USES): Any non-building mounted SES with the primary purpose of delivering solar energy for heating/cooling, electricity generating, or water heating and distributing energy to the end user by electric utilities or power system

operators. USES can also be referred to as a Solar Farm.

Solar Energy Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Farms Solar energy farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and have an alternating current (AC) rated capacity greater than fifty (50) kilowatts AC. Solar energy farms require a conditional use permit. Solar energy farms are allowed up to eight (8) megawatts AC.

Solar Energy Systems Solar energy systems are any combination of solar panels on a parcel of property with a combined energy rated capacity not to exceed fifty (50) kilowatts AC. Solar energy systems ten (10) kilowatt AC and not exceeding fifty (50) kilowatts are permitted uses in all zoning districts. Solar energy systems over fifty (50) kilowatts AC in an Agricultural District only require a conditional use permit.

Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(Amended August 19, 2021)

Street - A right-of-way established by a recorded plat to provide the primary means of access to abutting property. The term shall also include the term “road” or other similar means of conveyance or access.

Street Line - The right-of-way line of a street.

Street, Arterial - A public street or highway intended to be used primarily for fast or heavy through traffic.

Structure - Anything constructed or erected which requires location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include, but are not limited to, buildings and manufactured homes. This definition does not include semi-portable agricultural structures.

Structural Alterations - Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles. See Building, Alterations of.

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Tank Farm - A facility having two or more storage containers for the transfer of inorganic liquids or gases and from which wholesale sales of fuel to the public is or may be conducted.

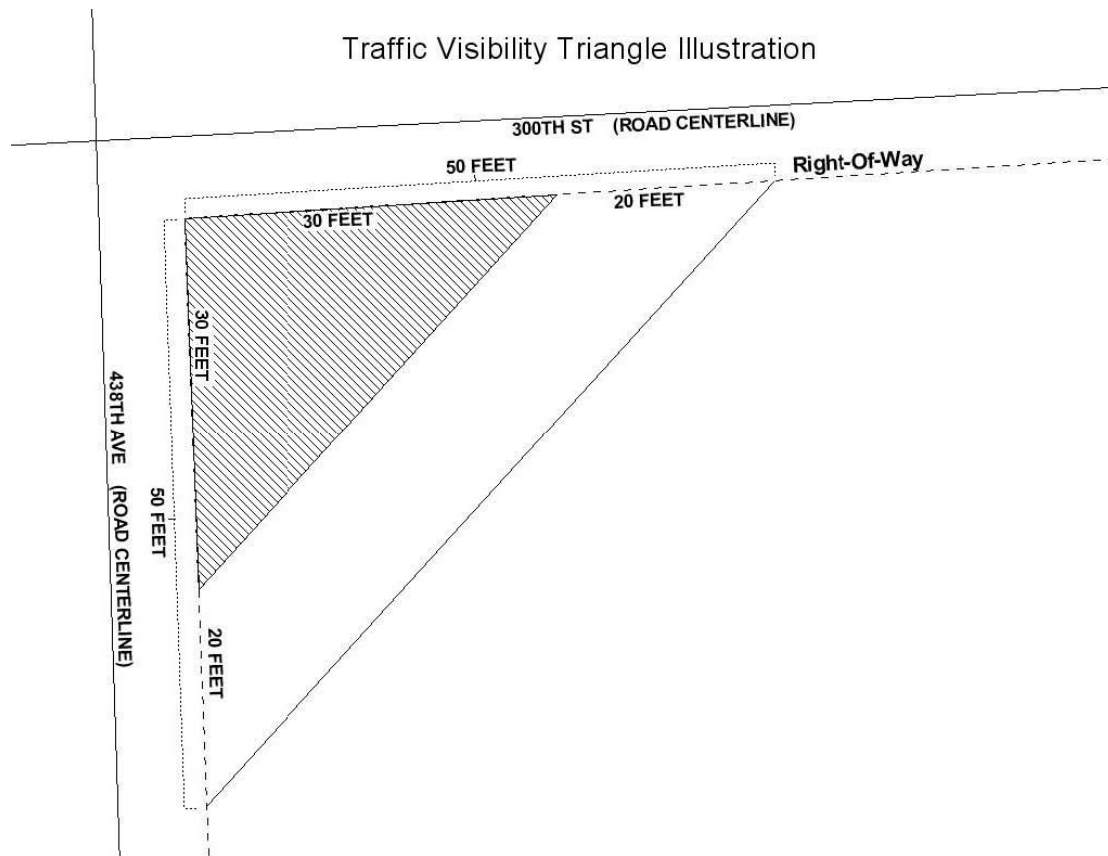
Temporary Construction Facilities - Parcels of land or structures where construction or mining support facilities are constructed or placed at or near a job site to provide materials and support mechanisms for construction or mining projects. The term shall include but is not limited to portable offices, signage, trailers, stationary and mobile equipment, and scales. Common uses include portable concrete, processing, or asphalt plants, job site trailers, and areas for equipment parking, material storage or stockpiling. The term temporary shall be flexible yet is generally tied to a related construction project with defined start-up and completion times.

Temporary Signs - Signs and sign structures that are temporary in nature used in conjunction with a specific event, that are placed or erected in such a manner to be easily removed from the property and are not permanently affixed. All political signs shall be considered temporary signs. Temporary signs shall not exceed 32 square feet in size.

Thrift Shop - A shop operated by a charitable organization, which sells, donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

Tower - A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for governmental dispatch communications.

Traffic Visibility Triangle - The triangular space formed by the right-of-way lines of a corner lot and driveways with a line drawn from a point in one right-of-way line to a point in the other right-of-way line, each such point being thirty (30) feet from the point of intersection of the right-of-way lines (measured along the right-of-ways lines). Where the two (2) right-of-way lines do not intersect at a point, the point of intersection of the right-of-way lines shall be deemed to be the intersection of the projection of the right-of-way lines or the intersection of the tangents to the right-of-way lines. In the case of arterial highways intersecting with other arterial highways or railways, the distances establishing the sight triangle shall be increased to fifty (50) feet.



Trailer Park - This definition shall include the following existing trailer courts or parks:

1. Country Acres, legally described as LT C exc LTS H2 & all LT D lane's S/D;
2. Country Liven', legally described as Lot A NE4 SW4 10-93-55;
3. Country View, legally described as LT A & S2 LT B & W30' N2 NE4 NE4 16-93- 55;
4. Sunrise, legally described as Parcel C LT 2 NE4 less LTS H1 & H2 16-93-55;
5. Hansen's Court, legally described as LT D N2 NE4 NE4 less Lot H1 16-93-55;
6. Lakeside Court, legally described as Lakeside SE4 SE4 (10.66 A) 16-93-56;
7. Crosley Court, legally described as Lot 4 truck/trailer S/D 15-93-55;
8. Blue Shak Rentals, legally described as Vera Van Epps Add'n exc Lot H1 & H2 SW4 NW4 (2.47 a) 3-93-55;
9. Marquardt's Trail Acres, legally described as Lots 2-4 trail acres Lot G of Gov LT 1 1- 93-55;
10. Lakeview, legally described as LTS F1 & F2 Fitzgerald Park & E6' W150' orig.

Fitzgerald Park 17-93-56;

11. Black Walnut, legally described as N2 N2 NE4 exc Parcels 17-93-56;

12. Shreve's, legally described as Parcel A LT 5 NW4 SE4 3-93-55;

13. Eastwinds, legally described as Blk 1 Edna's Add'n & Par A W2 SW4 SE4 10-93-55;

14. Country Manor Estates, legally described as LT 2, ex W170' & NW4 NW4 exc E417.4' & S417.4' W482.2' S220' N578.7' & Parcel C exc W170' NW4 NW4 16-93-55; and

15. Larson's Landing, legally described as E2 LT 2 Shore Acres 27-93-56.

Travel Trailer - A moveable vehicle with wheels designed or used as living and sleeping quarters or for recreation or business purposes, and such vehicles that have not had the wheels removed. Including campers, recreation vehicles, and trailer coaches.

Truck or Equipment Terminal - A building, structure or place where six (6) or more commercially licensed trucks are rented, leased, kept for hire, stored, or parked for compensation, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include warehouse space.

Use - Use shall mean the purpose for which a lot or a building or structure, or any portion thereof, is designed, arranged, intended, occupies, or maintained, and "used" shall have a corresponding meaning.

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, a private citizen, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. **(Amended August 19, 2021)**

Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district or because of conditions created by the landowner.

Veterinary Clinic - A building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. No outside runs, pens, or facilities shall be permitted.

Veterinary Service - Shall be defined as a veterinary clinic except that outside pens and runs are allowed.

Video Rental Shop - The use of land, building or structure for the purpose of renting video cassette recorders and/or video disc players and/or the rental of video tapes and/or discs.

Vision Clearance - An unoccupied triangular space at the intersection of right-of-ways with other right-of-ways or at the intersection of right-of-ways with railroads. See Traffic Visibility Triangle.

Warehouse - A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

Wholesale - The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade of business is the consumer or end user of the commodity.

Wind Energy System - A structure or place, such as a wind turbine, designed and constructed to generate power for distribution to off-site users. This definition shall not include private facilities with a single tower or turbine less than seventy-five (75) feet in height and not designed for distribution of power to off-site users.

Windbreak - Any non-opaque manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

Written certification - a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition. **(Amended November 4, 2021)**

Yard - An open space at grade, other than a court or plaza, between a structure and the adjacent lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard, Front - An open, unoccupied space on a lot facing a right-of-way and extending across the front of the lot between the side lot lines; measured from the road right-of-way to the structure.

Yard, Rear - An open, unoccupied space extending across the rear of a lot from one side lot line to the other side lot line.

Yard, Side - An open, unoccupied space on the same lot with a building situated between the building and sideline of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a sideline.

Zero Lot-Line – A common lot line on which a wall of a structure may be constructed.
(Amended October 18, 2022)

Zero Lot-Line Structure – A multi-family dwelling located on a single lot line that is (a) constructed as one (1) unit, (b) but is intended to be sold as separate sites and (c) otherwise meets all requirements of the zone in which it is located. **(Amended October 18, 2022)**

Zone - An area within which, in accordance with the provisions of this Ordinance, certain uses of lands, buildings, and structures are permitted and certain others are prohibited, where yards and other open spaces are required, where lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone and district in which they apply.

Zoning Administrator - An official of the County appointed by the Chairman and confirmed by the County Commission, charged with the responsibility of administrating this ordinance.

ARTICLE 5

AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):
(Amended August 19, 2021)

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
8. Utility facilities **under 50 kilowatts; and per Solar Energy System, Building Mounted or Solar Energy System Utility-Scale Definitions**
9. Veterinary services;
10. Cannabis Cultivation Facility;
11. Cannabis Dispensary;
12. Cannabis Product Manufacturing Facility;
13. Cannabis Testing Facility;

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

(Amended June 21, 2022)

1. Accessory structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;
12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate;
16. Stock dams; and

Section 506 Permitted Special Uses (Amended August 19, 2021)

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of

25 % over current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.

7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

Section 507 Conditional Uses (Amended August 19, 2021)

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Agricultural, fertilizer, and chemical sales and applications;
2. Agricultural product processing facilities;
3. Aquaculture;
4. Auction yards and barns;
5. Bars;
6. Bed and breakfast operations;
7. Buying stations;
8. Churches;
9. Concentrated Animal Feeding Operations and Concentrated Animal Feeding Operation expansion over 25% of current operation size.
10. Construction services;
11. Day cares, group family home;
12. Exhibition areas;
13. Fairgrounds;
14. Fireworks sales;
15. Game farms;
16. Game lodges;

17. Golf courses;
18. Grain elevators;
19. Indoor shooting/archery ranges;
20. Kennels;
21. Landing Strips;
22. Manufacturing, light;
23. Motor vehicle tracks or play areas;
24. Manure irrigation;
25. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
26. Open sales areas;
27. Outdoor shooting/archery ranges;
28. Parks;
29. Portable processing plants;
30. Private recreation areas;
31. Private shooting preserves;
32. Quarries, pursuant to Section 1515;
33. Remote fuel depots;
34. Repair shops, auto-body;
35. Repair shops, motor vehicle and equipment;
36. Riding stables;
37. Rodeo arenas;
38. Salvage yards;
39. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
40. Solar Energy systems/farms over fifty (50) Kilowatts and up to ninety-nine (99)

Kilowatts and projects equal to or above one hundred (100) Kilowatts after SD Public Commission permit approval;

41. Spreading, injection, or other application of manure or animal waste generated -from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);
42. Temporary construction facilities; and
43. Towers, pursuant to Article 25 & Article 26;
44. Wildlife and game production areas; and
45. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5). **(Amended August 19, 2021)**

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements (Amended August 19, 2021)

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.

5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

Section 515 Minimum Yard Requirements (Amended August 19, 2021)

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

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than fifty (50) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Agriculture and Natural Resources regulations.
6. Non-conforming lots of record that are allowed to develop must meet the following setbacks: All allowable uses 50' Minimum Front Yard, 10' Minimum Side Yard and 50' Minimum Rear Yard. **(Added June 21, 2022)**

	Lot Size	Min. Front Yard	Min. Side Yard	Rear Yard
Single Family Dwelling	Under 20 Acres	50'	10'	50'
Other Allowable Use	Under 20 Acres	50'	10'	50'

Section 516 New Residence Requirements (Amended August 19, 2021)

The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.

1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of

the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:

- a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
 - b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
 - c. Be signed by the building permit applicant; and
 - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
 3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. No perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The

Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials. **(Amended August 19, 2021)**

Section 519 Concentrated Animal Feeding Operation Performance Standards (Amended August 19, 2021)

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:
 - a. **Site description information:**
 - i. The owners', managers', management company's or similar entities' name, address and telephone number.
 - ii. A legal description of the site and proposed 911 address for the location.
 - iii. The type and number of animals to be housed at the site.
 - iv. Site diagram of all existing and proposed buildings and structures.
 - v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
 - vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
 - vii. Provide a Farm Service Agency wetland map.
 - viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.
 - b. **A facility management plan shall include:**
 - i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
 - ii. The methods utilized to control pests and flies.
 - iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
 - iv. A *review* of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor

reduction technologies. Applicant shall identify which practices will be utilized, subject to approval of Planning Commission and Board of Adjustment.

- v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
- vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP

c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:

- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
 - ii. A state general permit is required if any of the following situations are met.
 - 1 Any CAFO greater than or equal to 1000 animal units.
 - 2 A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3 A general permit is required by Yankton County as a condition of approval.
 - 4 The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
 - iii. Proposed maintenance of waste facilities.
 - iv. Number and size of containment areas.
 - v. Timeframe for removal of manure from storage containment.
 - vi. Land application process and/or methods (surface, injection, etc.).
 - vii. Legal description and map, including documented proof of area to be utilized for manure application.
 - viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.

- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations

2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe. The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school 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.

<i>Facility Setback Chart (Feet)</i>		
Class	A	B
Animal Units	500 to 10,000	200 to 499
<i>Solid Manure System*</i>		
Residence other than owner, active church, business, schools	1.98 feet per A.U. (minimum 1,320) (maximum 1.5 miles)	1,320
Municipalities	2.2 feet per A.U. (minimum 2,640) (maximum 1.5 miles)	2,640
<i>Liquid Manure System*</i>		
Residence other than owner, active church, business, schools	2.64 feet per A.U. (minimum 1,320) (maximum 1.5 miles)	1,320
Municipalities	2.64 feet per A.U. (minimum 2,640) (maximum 1.5 miles)	2,640
<i>Any Style Manure System</i>		
Public wells	1,000	1,000
Private well	250	250
Private well (operator's)	150	150
Lakes, rivers and streams	660	660
Right-of-way line	330	330
Property line delineating a change in ownership	660	660
100 year flood plain	PROHIBITED	PROHIBITED

*Operations that utilize both solid and liquid manure have a blended setback, taking into account setback distances proportional to the number of animal units of each style of manure.

Example: An operation w/1000 dry lot beef cattle and 940 AU's of finishing swine would have a setback of $(1000 \text{ AU} \times 1.98\text{ft.}) + (940 \text{ AU} \times 2.64 \text{ ft.}) = 4462'$

3. Manure application. New Animal Feeding Operations and waste facilities shall comply to the following:

- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
- b. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.
- c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
- d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
 - i. Must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.
 - ii. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
 - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
 - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
 - v. No irrigation over FSA designated wetlands.
 - vi. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
- e. Manure should not be applied over frozen or snow covered ground.
- f. No pipes or drag lines may be permanently installed in the public right-of-way.
- g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the state, flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection
- h. A notification section should be formulated by the applicant. It should be a reasonable attempt is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The

preferred hauling and application process should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons should be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
Public wells (feet)	1,000	1,000	1,000
Private wells (feet)	250	250	250
Private wells (operator's) (feet)	150	150	150
Lakes, rivers and streams (public drinking supply) (feet)	1,000	1,000	1,000
Lakes, rivers and streams (fisheries) (feet)	250	660	660
All public road right-of-ways (feet)	10	10	100
Municipalities (feet)	660	1,000	2,640
Residence other than operator's (feet)	100	330	750

Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering. (Amended August 19, 2021)

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility 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 Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility 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.

Section 521 Solar Energy Systems/Farm Performance Standards

Conditional Use Permit Application Requirements. The following shall be submitted for the consideration of a Solar Energy System Utility-Scale Conditional Use Permit:

a. Site description information:

- i. The owners', managers', management company's or similar entities' name, address and telephone number.
- ii. A legal description of the site and proposed 911 address for the location.
- iii. Site diagram of all proposed solar structures and setbacks.
- iv. Site diagram of Surface water drainage patterns.
- v. Roadway Maintenance and Haul Agreement with State/County/Township authority approval with signatures and prompt repair of any damages.

The following provisions shall apply to all solar farms/energy systems over fifty (50) kilowatts alternating current (AC).

<u>Facility Setback Chart</u>	<u>Feet</u>
Residence, active church, business, schools	1,320
Municipalities	2,640
Residence, active church, business, schools	1,320
Public wells	1,000
Private well	250
Private well (operator's)	150
Lakes, rivers and streams	660
Right-of-way line	330
Property line delineating a change in ownership	660
100 year flood plain	PROHIBITED

Design standards The design standards and bulk regulations listed in the Agricultural (Ag) District for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead.

A. Foundations. The project's engineer or another qualified engineer shall certify that the foundation and/or design of the solar panels is within accepted professional standards, given local soil and climate conditions.

B. Road Maintenance Agreement. Public Roads: Prior to commencement of construction, the permittees shall identify all state, county or township “haul roads” that will be used during the construction of the SES 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 SES. Where practical, all-weather roads shall be used to deliver cement, solar collectors and components, and all other heavy components to and from the site.

- The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the SES for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and SES components. The permittees shall notify the County of such arrangements upon request of the County.
- 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.

C. Minimum lot size. No conditional use solar farm shall be erected on any lot less than five (5) acres in size.

D. Height. Systems, equipment and structures shall not exceed twenty (20) feet in height when mounted at maximum tilt. Excluded from this height requirement, however, are electric transmission lines, communications poles, and utility poles.

E. Fencing. The solar energy system shall be fully enclosed and secured by a locked fence with a minimum height of six feet.

F. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or roadways.

G. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

H. Performance standards. All solar power plants must conform to the performance standards as set forth by any local, state, federal regulatory standards.

I. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along each perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.

J. Aviation Protection. For solar energy systems located within one thousand feet (1000) feet of an airport, the applicant must meet FAA standards.

K. Decommission plan: A plan shall be required with conditional use application to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event the plant is not in use for six (6) consecutive months, at this time the operating company and or land owner will have six (6) months to complete the decommission plan or the county will take the necessary steps to force decommission. The plan shall include provisions for removal of all structures (including equipment, fencing, roads and foundations), restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structure and/or foundations shall meet the provisions and regulations of the South Dakota Environmental Protection Agency or the United States Environmental Protection Agency.

The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from applicant or applicant successor for decommissioning costs against any real estate owned by applicant or applicant's successor, or in which they have an interest and to take all steps allowed by law to enforce said lien.

L. Liability insurance: The owner operator of the solar farm 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 two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00). The applicant/owner must provide proof of insurance to the Yankton County Zoning Office prior to construction.