

September 12, 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.

### Yankton Land and Cattle – Rezone

Applicant is requesting to rezone a parcel in a Rural Transitional District (RT) to Commercial District (C) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less (**Utica North**)

## 7:10 P.M.

### American Tower Corp. – Conditional Use Permit

Applicant is requesting a Conditional Use Permit to co-locate a new wireless carrier on an existing tower in an Agricultural District per Article 25 Section 2503. Said property is legally described as the West half (W1/2) of the Southwest Quarter (SW1/4) excepting Parcel A and the North 150 feet of the South 776.5 feet of the West 370.5 feet and Tract 2 Lucas Addition in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) AND excepting Tract one (1) Lucas Addition Lot Four (4) in the Southwest Quarter (SW1/4) of the Southwest Quarter (1/4), All in Section Thirty-one (31), Township Ninety-six (96) North, Range Fifty-five (55) west of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 29654 US HWY 81, Irene, SD (**Mayfield**)

## 7:15 P.M.

### Plats

**Yankton Land and Cattle** - Plat of Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less (**Utica North**)

**Staudenmaier** – Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South Dakota (**Mission Hill South**)

**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**)

**7:20 P.M.**

**Article 29 discussion**

**7:25 P.M**

**Public Comment**

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 7/25/2023

Applicant

Yankton Land and Cattle - 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 Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

**Development Information**

Plat Name: Plat of Lot 4 in the NE1/4 of the

Section No: 24 Township No: 94

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 94.91

How is the property currently being used? rural Transitional

What is the proposed use of the property? Commercial

**Surveyor/Engineer Information**

Firm Name: Stockwell engineers

Address: \_\_\_\_\_

City: Yankton State: SD Zip: 57078

Contact Person: Brett Kennedy

Phone: 6056658092

**Property Owner Information**

Name: Yankton Land and Cattle

Address: PO Box 774

City: Yankton State: SD Zip: 57078

Contact person: Brett Kennedy

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) 2.99 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:

Name, address and phone number of contractor(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner certification**

This is to certify that kyle gross  
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.

Kyle Gross  
\_\_\_\_\_  
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: 09/12/2023  
Board of Adjustment date: \_\_\_\_\_











Plat Approval            Fees Paid  
 Application             \$100.00  
 106581  
 Applicant                Created  
 Bill Conkling            March 24, 2023

Number  
106581

Final | Plat of Lot 4 in the NE1/4  
 of the SE1/4 of Section 24,  
 Township 94 North, Range 56  
 West of the 5th Principal  
 Meridian, Yankton County,  
 South Dakota. Containing  
 130,375 SQ.FT. (2.99 Acres)  
 More or less | Yankton Land  
 and Cattle | PO Box 774 |  
 10.024.200.100  
 Submitted by bconkling on  
 3/24/2023



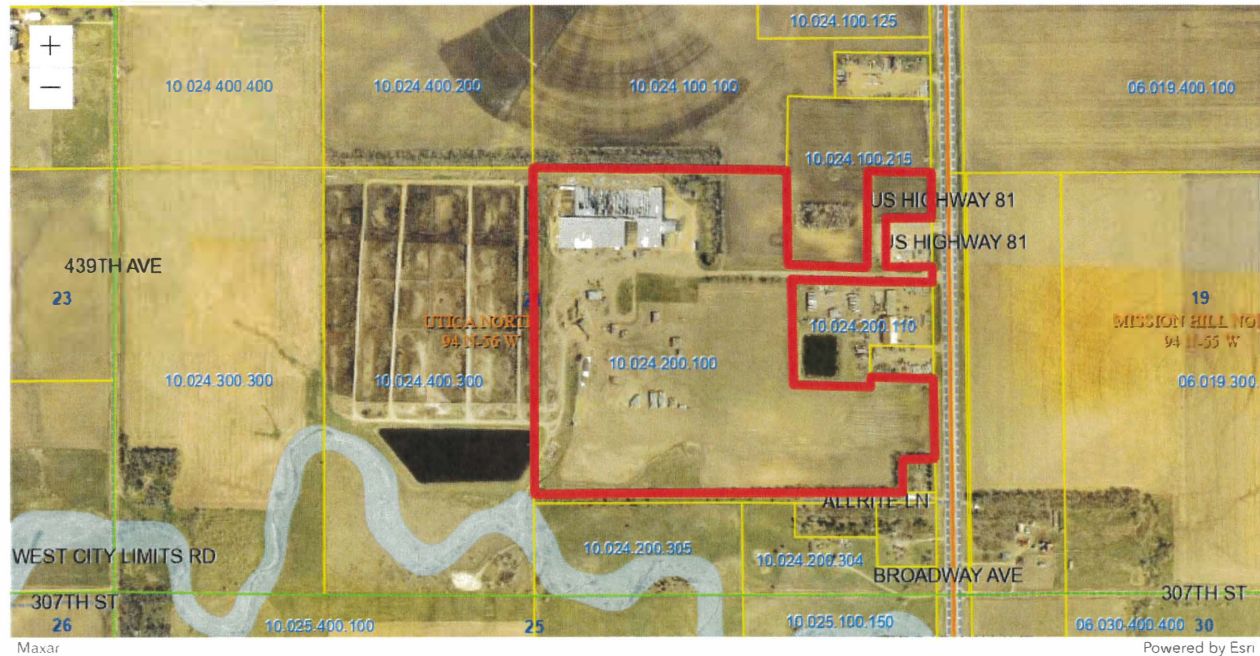
## Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 3/24/2023 1:23 PM EST by bconkling



ParcelID	Address	City	OwnerName	Acres
10.024.200.100	30651 US HWY 81	YANKTON	YANKTON LAND & CATTLE COMPANY (D)	94.910

Requested Information Completed On 3/24/2023 1:27 PM EST by bconkling

Fee  
\$100.00

Plat Type  
Final

## Development Information

Plat Name

Plat of Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less

**Section No:**

24

**Township No:**

94

**Range**

56

**Number of Lots/Tracts**

1

**Number of Acres**

94.91

**How is this property currently being used?**

rural Transitional

**What is the proposed use of the property?**

Commercial

## Surveyor/Engineer Information

**Firm Name**

Stockwell engineers

**Address**

201 Walnut

**City**

Yankton

**State**

SD

**Zip**

57078

**Contact Person**

Brett Kennedy

**Phone**

6056658092

## Property Owner Information

**Owner Name**

Yankton Land and Cattle

**Address**

PO Box 774

**City**

Yankton

**State**

SD

**Zip**

57078

**Owner Phone**

6056658092

**Contact Person**

Brett Kennedy

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?

No

**What is/are the lot size(s)**



2.99 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

No

If Yes:

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

**Plat Approval Items** Completed On 4/12/2023 11:16 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

[23064 - Lot 4 24-94-56 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 4/12/2023 11:17 AM EST by bconkling

## Owner Certification

Owner(s)

kyle gross

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 4/12/2023 11:17 AM EST by bconkling

### Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

### Confirmation Data

Payment Method	Cash
Confirmation Number	
Amount Paid	\$100.00

Planning Commission Review Completed On 7/25/2023 2:55 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:

09/12/2023

External Notes

Documents

Internal Notes

Documents

# Yankton County, South Dakota

# Receipt

**Payment number** ee8c9c57e84e43b795391c3c8c309aee  
**Date paid** April 12, 2023 11:17 AM  
**Payment method** Cash

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

## \$100.00 paid on April 12, 2023

Plat Approval Application

Application ID: 106581

Description	Amount
Fee	\$100.00

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

Date filed: 7/27/2023

Applicant **Staudenmaier- PLAT**

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

LC – Lakeside Commercial  RT-Rural Transitional

Variance needed:

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

Section 715  Section 805

Other 605

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

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

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

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

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South Dakota

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

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

Plat Name: Replat of Lot 38, block 4, Sunrise

Section No: 10 Township No: 93

Range: 55 Number of Lots/Tracts: 1

Number of Acres: 1.57

How is the property currently being used? Commercial

What is the proposed use of the property? Commercial

-----**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: Nick STAUDENMAIER

Address: 702 NORTH 19 ST

City: Norfolk State: NE Zip: 68701

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) 1.57 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: Commercial building  
Name, address and phone number of contractor(s)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

This is to certify that Nick Staudenmaier  
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.

Nick Staudenmaier  
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:

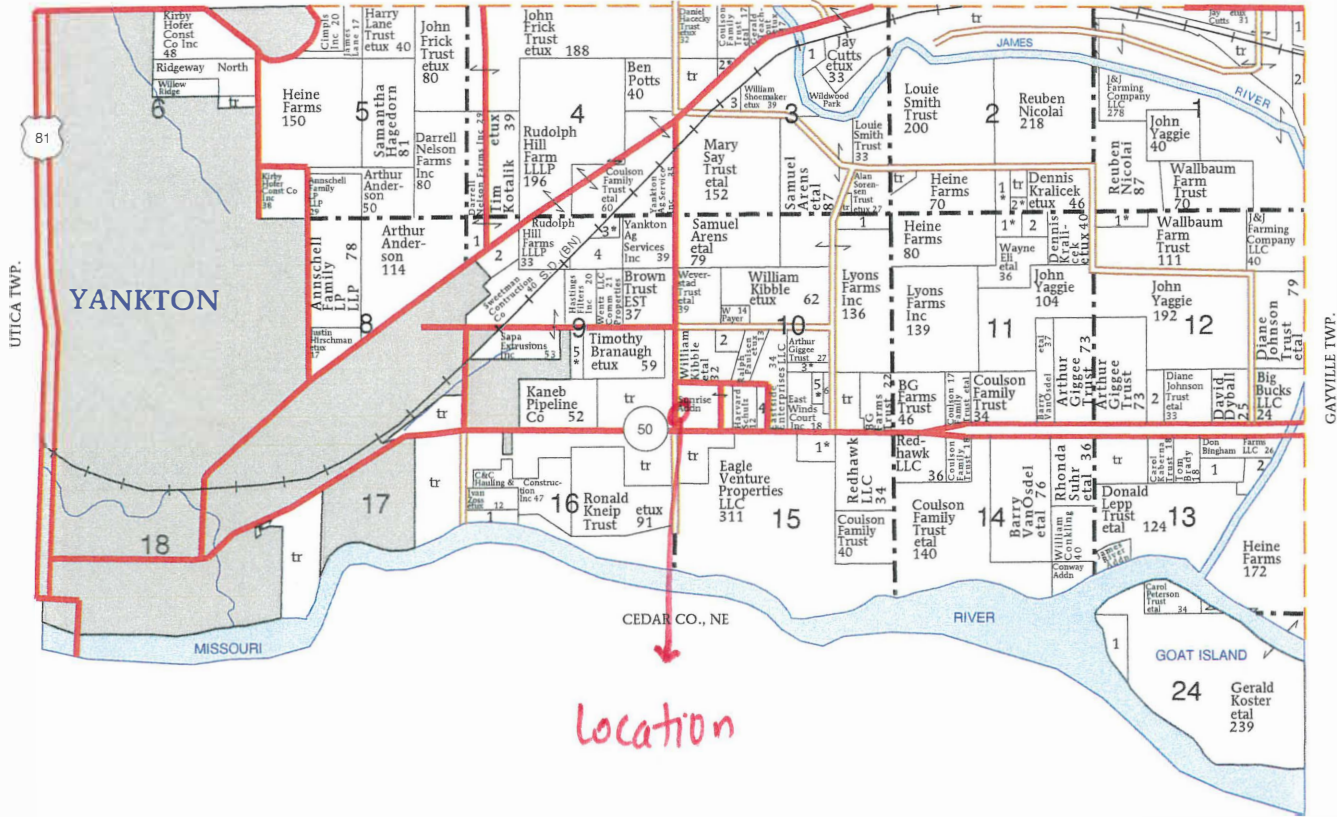
Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 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: 09/12/2023  
Board of Adjustment date: \_\_\_\_\_



(Landowners)  
MISSION HILL 'N' TWP.



**MISSION HILL 'S'**  
**TOWNSHIP**

- SECTION 1**  
1. RWH Land LLC 6  
2. Nelson, Nancy 13

- SECTION 2**  
1. Palecek, Lance etux 15  
2. Willman, David etux 5

- SECTION 3**  
1. State of South Dakota 9

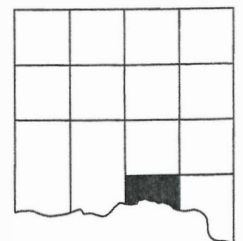
2. Anderson, Richard etux 9  
3. Loecker, Reynold 9

- SECTION 9**  
1. Keehr, Mark 5  
2. Northwestern Public Service 15  
3. Eide, Mark etux 6  
4. Yankton Area Progressive Growth Inc 25

5. Holmstrom, Thomas etux 10  
**SECTION 10**  
1. Madson Trust, Clifford 14  
2. Goeden, Josephine 10  
3. Brasel, Anthony etux 6  
4. Schulz Trust, Harvard 6  
5. Tackle, Dan etal 7  
6. Tackle, Dan 5

- SECTION 11**  
1. Jensen Trust, Gary etux 10  
2. Merkwan, Daryl 10  
**SECTION 12**  
1. Kopejtka, Jeff etux 8  
2. Kaberna Trust, Carol 8  
**SECTION 13**  
1. Brady Tree Farm & Landscape LLC 27  
2. Brady, Thomas 8

- SECTION 15**  
1. Harper, John etux 8  
**SECTION 16**  
1. National Field Archery Assn Foundation 12  
**SECTION 24**  
1. Henning, Mary 15









Plat Approval      Fees Paid  
 Application       \$100.00  
 155139  
 Applicant         Created  
 Bill Conkling     July 27, 2023

Number  
155139

Final | Replat of Lot 38, block 4,  
 Sunrise Addition in the SW1/4  
 of the SW1/4 of Section 10,  
 T93N, R55 W of the 5th P.M.,  
 Yankton County, South DAKOTA |  
 Nick STAUDENMAIER | 702  
 NORTH 19 ST | 05.010.300.380  
 Submitted by bconkling on  
 7/27/2023



## Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 7/27/2023 3:23 PM EST by bconkling



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
05.010.300.380	1112 EAST SIDE DR	YANKTON	STAUDENMAIER, NICHOLAS R (D)    STAUDENMAIER, LORI (D)    STAUDENMAIER, GREGORY (D)	1.570

Requested Information Completed On 7/27/2023 3:26 PM EST by bconkling

### Fee

\$100.00

### Plat Type

Final

## Development Information

Plat Name

Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South DAKota

**Section No:**

10

**Township No:**

93

**Range**

55

**Number of Lots/Tracts**

1

**Number of Acres**

1.57

**How is this property currently being used?**

Commercial

**What is the proposed use of the property?**

Commercial

## Surveyor/Engineer Information

**Firm Name**

Meridian Land Surveying

**Address**

1109 douglas Ave

**City**

Yankton

**State**

SD

**Zip**

57078

**Contact Person**

Brian Benson

**Phone**

4028604332

## Property Owner Information

**Owner Name**

Nick STAUDENMAIER

**Address**

702 NORTH 19 ST

**City**

Norfolk

**State**

NE

**Zip**

68701

**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)**

1.57 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:

Commercial building

Construction contractor's Name, Address, and phone number (if applicable)

**Plat Approval Items** Completed On 8/29/2023 12:50 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

[Staudenmaier.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 8/29/2023 12:51 PM EST by bconkling

## Owner Certification

Owner(s)

Nick Staudenmaier

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



Nick Staudenmaier

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

Submittal Email Completed On 8/29/2023 12:51 PM EST by bconkling

Delivered on Tuesday, August 29, 2023 at 12:51 PM CDT

Options

Send to the applicant? Yes  
Send to members of the following roles:  
Zoning

Recipients

To:

andrea@co.yankton.sd.us  
gary@co.yankton.sd.us  
bill@co.yankton.sd.us

Subject: Plat Approval Application Submitted

A Plat Approval Application has been submitted for review.

Number: 155139  
Workflow: Plat Approval Application  
Description: Final | Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South Dakota | Nick STAUDENMAIER | 702 NORTH 19 ST | 05.010.300.380  
Created On: 7/27/2023

[View Application](#)

Email to Pay Completed On 8/29/2023 12:51 PM EST by bconkling

Delivered on Tuesday, August 29, 2023 at 12:51 PM CDT

Options

Send to the applicant? Yes  
Send to members of the following roles:

Zoning  
Zoning Director

**Recipients**

To:

andrea@co.yankton.sd.us  
gary@co.yankton.sd.us  
bill@co.yankton.sd.us

**Subject:** Payment Required: Plat Approval Application

Your Plat Approval application has been received and payment is required. Payment can be made in person at the Zoning office. Once payment is received, we will proceed with the review process for your request. Please return to your application and make payment online.

Total Amount Due: \$100.00

Please bring the Mylar Plats and at least two original copies to the Zoning Office.

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

**Number:** 155139

**Workflow:** Plat Approval Application

**Description:** Final | Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South DAKota | Nick STAUDENMAIER | 702 NORTH 19 ST | 05.010.300.380

**Created On:** 7/27/2023

[View Application](#)

**Payment** Completed On 8/29/2023 12:51 PM EST by bconkling

**Fee Summary**

Fee	\$100.00
Total Fees	\$100.00
Total Due	\$0.00

**Payments Made**

Payment Method	Paid On	Confirmation Number	Amount	
Check	August 29, 2023 12:51 PM	035194	\$100.00	<a href="#">VIEW RECEIPT</a>
			<b>Total Paid:</b> \$100.00	

**Payment Made Email** Completed On 8/29/2023 12:51 PM EST by bconkling

**Delivered** on Tuesday, August 29, 2023 at 12:51 PM CDT

**Options**

Send to the applicant? Yes  
Send to members of the following roles:  
Zoning

**Recipients**

To:



pattyv@co.yankton.sd.us  
andrea@co.yankton.sd.us  
gary@co.yankton.sd.us  
bill@co.yankton.sd.us

**Subject:** Plat Approval Application: Payment Made

Payment has successfully been made for a Plat Approval Application.

Amount Paid: \$100.00

**Number:** 155139

**Workflow:** Plat Approval Application

**Description:** Final | Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South DAKota | Nick STAUDENMAIER | 702 NORTH 19 ST | 05.010.300.380

**Created On:** 7/27/2023

[View Application](#)

Planning Commission Review Completed On 8/29/2023 12:51 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:**

09/12/2023

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**

035194  
August 29, 2023 12:51 PM  
Check

**\$100.00 paid on August 29, 2023**

Plat Approval Application

Application ID: 155139

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.

James Cwach  
\_\_\_\_\_  
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:

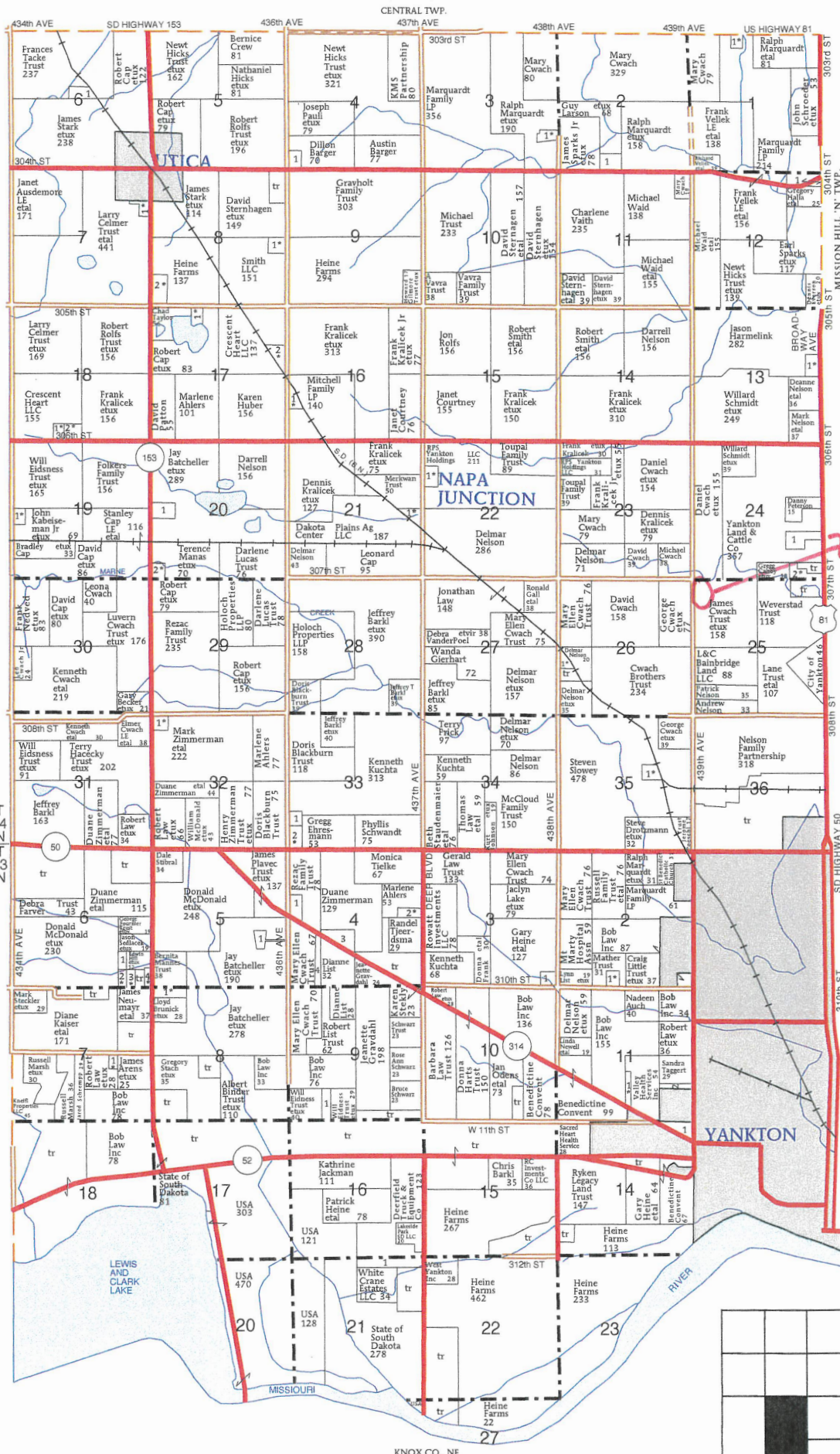
Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 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: 09/12/2023

Board of Adjustment date: 09/19/2023





**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
- 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. 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

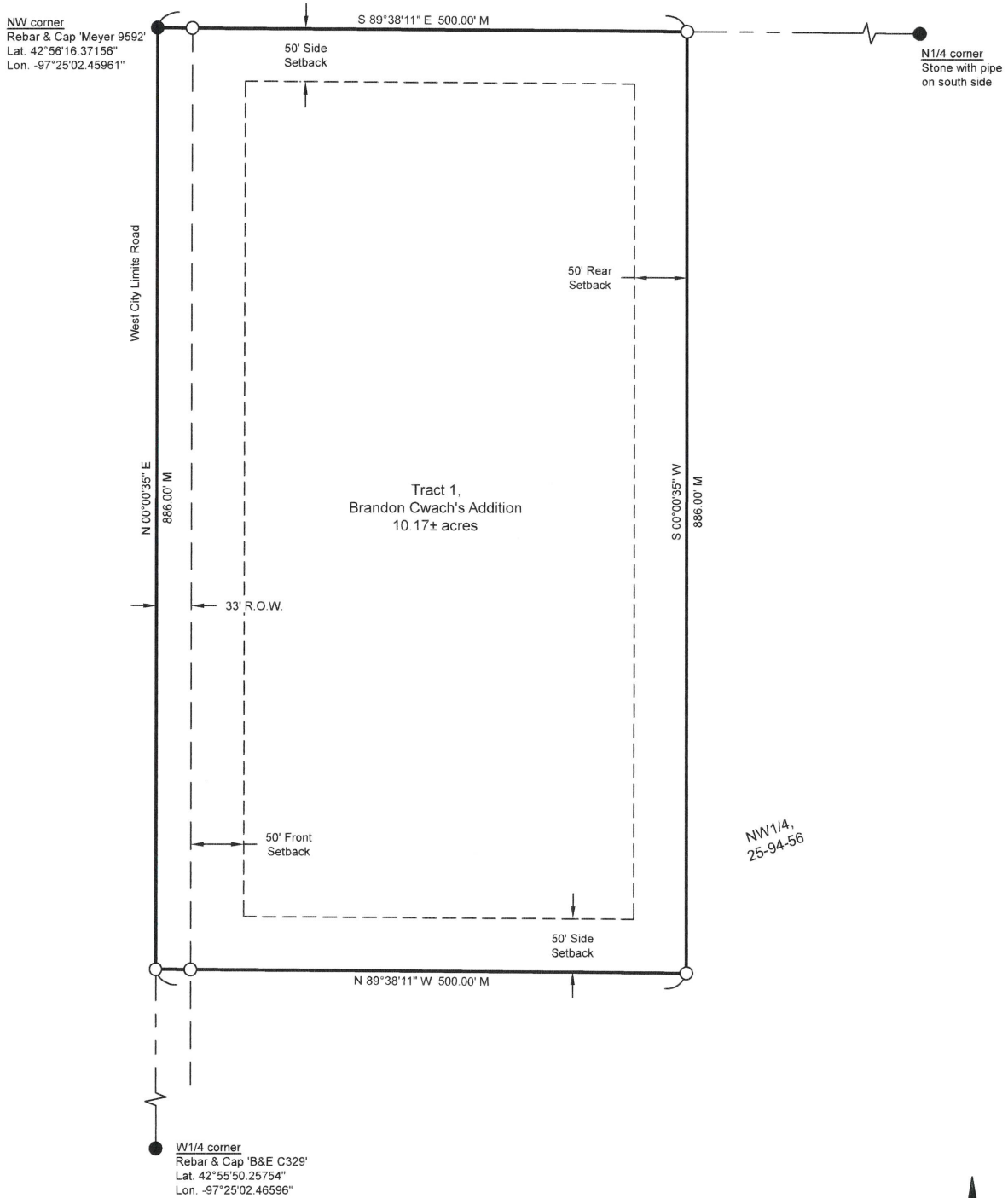
**SECTION 33**

- 1. Delozier, Darrik 6
- 2. Waddell, Edward etux 8

**SECTION 35**

- 1. Slowey, Steven etux 14

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

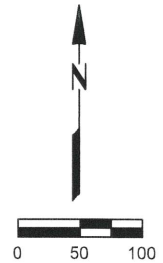


**Surveyor's Certificate**

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 \_\_\_\_\_

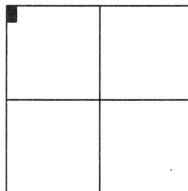
Preliminary



**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 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



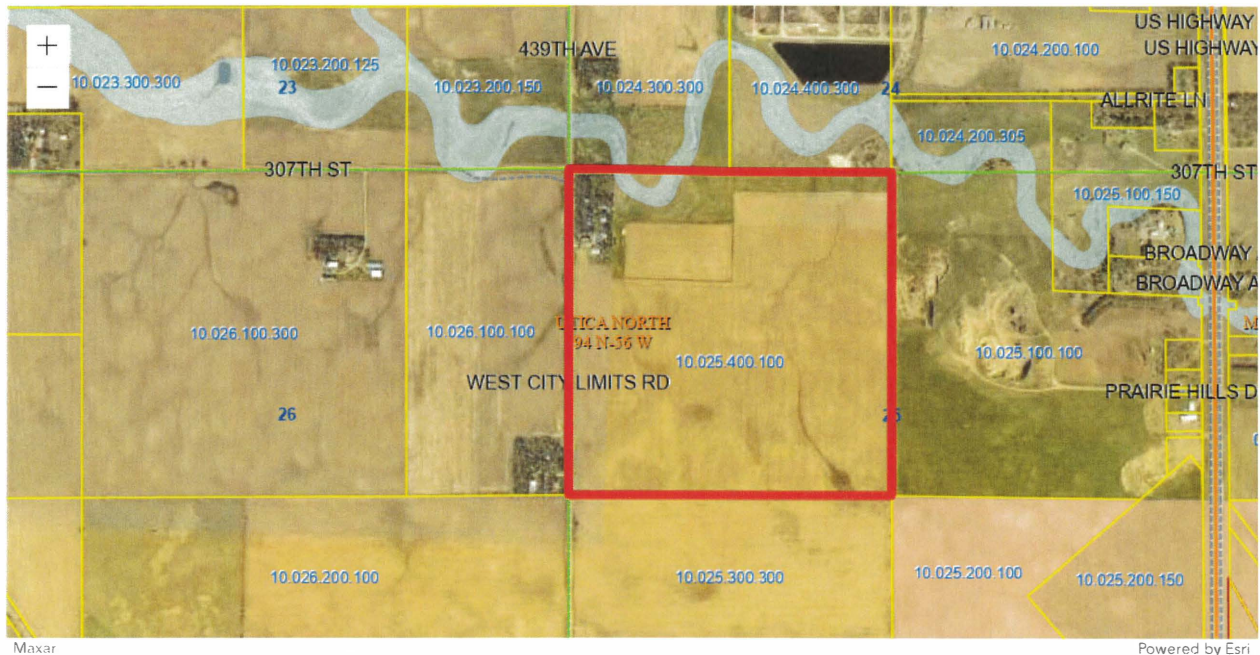
## Applicant

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

**Payment number**  
**Date paid**  
**Payment method**

2123  
July 19, 2023 09:16 AM  
Check

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

## \$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:

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~~ 09/12/2023  
Board of Adjustment date: 09/19/2023

**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

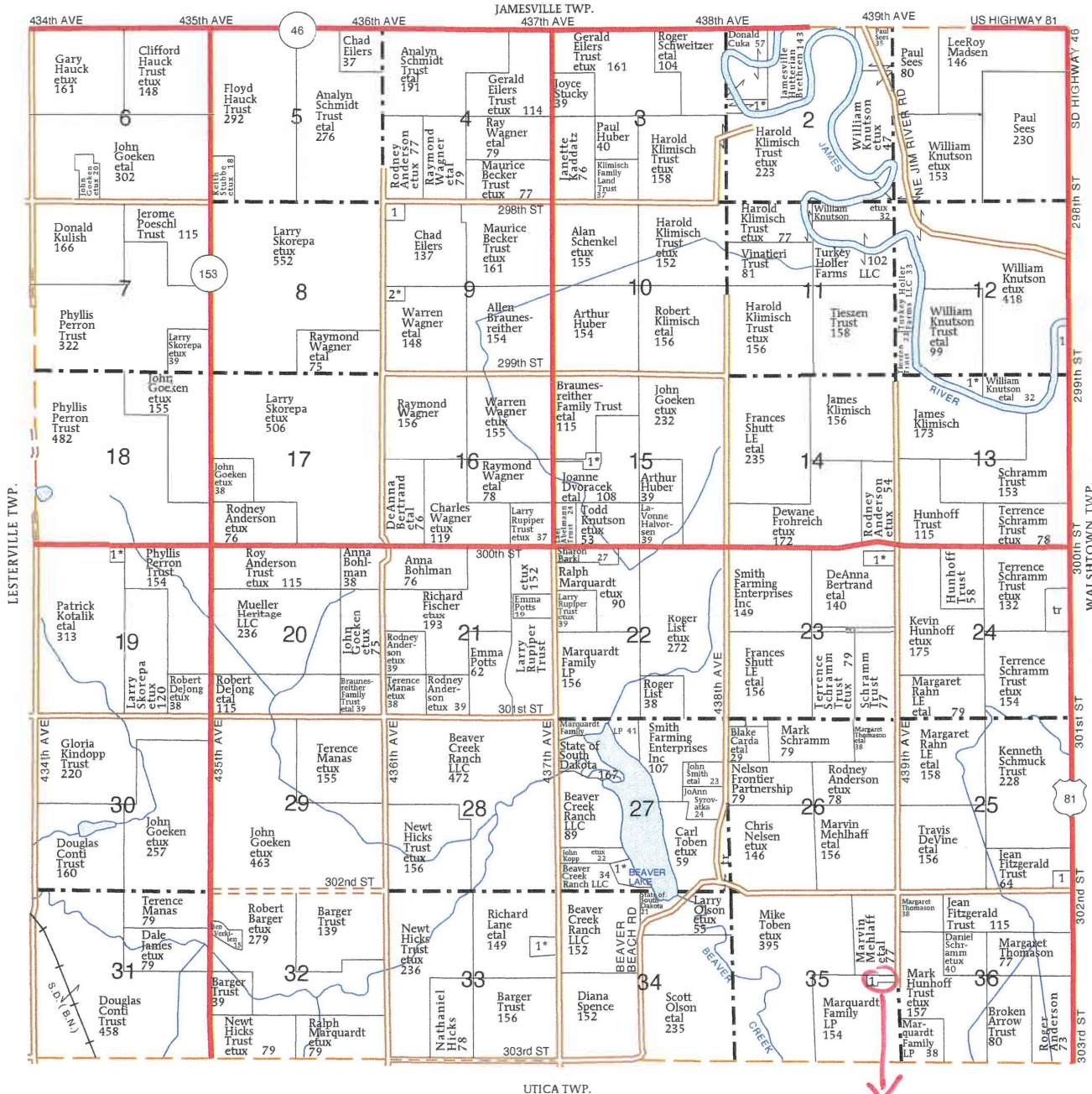
\_\_\_\_\_  
Owner Signature

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

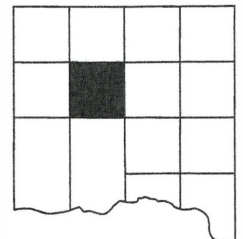
**CENTRAL TOWNSHIP**

- SECTION 2**
- 1. Schweitzer, Roger et al 9
- SECTION 9**
- 1. Becker-Jerred, Dawn 11
- 2. Wagner, Raymond et al 8
- SECTION 12**
- 1. State of South Dakota 6

- SECTION 13**
- 1. Knutson Trust, William et ux 15
- SECTION 15**
- 1. Klimisch, Daniel et ux 30
- SECTION 19**
- 1. Kotalik, Steven et ux 5

- SECTION 23**
- 1. Hunhoff, Brian et ux 11
- 2. Schramm Trust 5
- SECTION 25**
- 1. Kerr, James 8
- SECTION 26**
- 1. Lavelle, Jason 10

- SECTION 27**
- 1. List, Roger et ux 18
- SECTION 33**
- 1. Kortan, Douglas et ux 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:

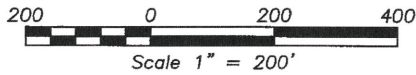
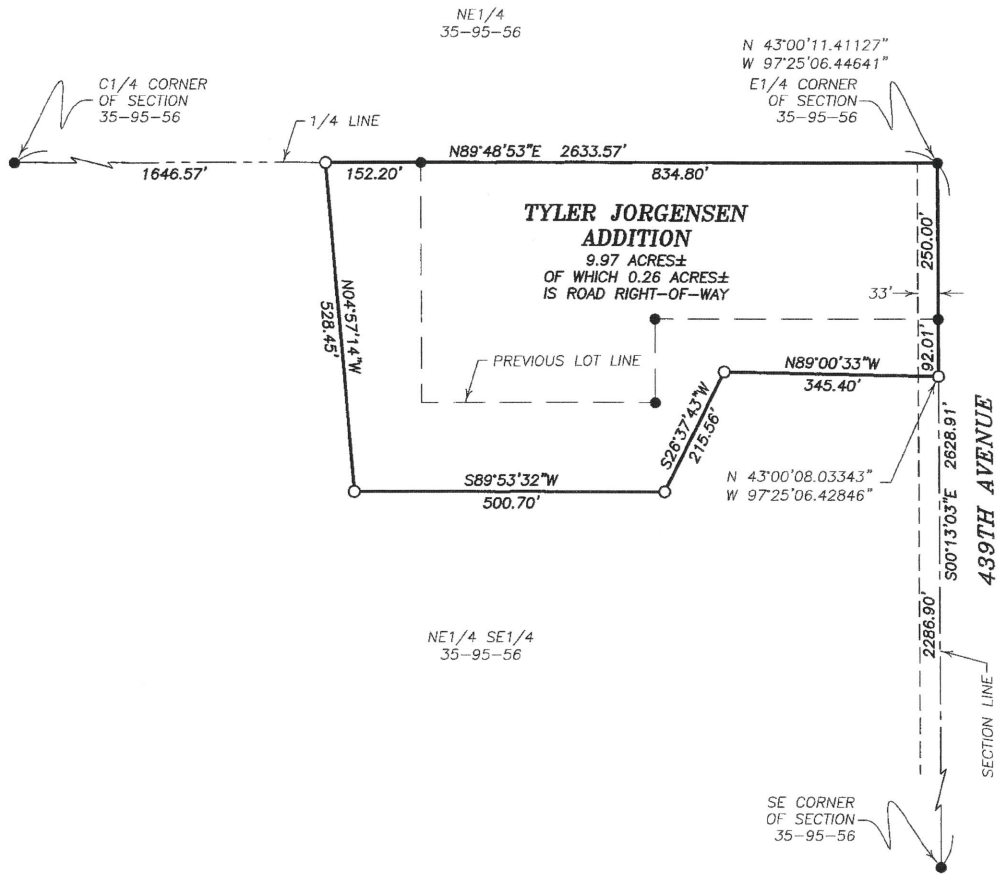
Proposed sidewall height:

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.

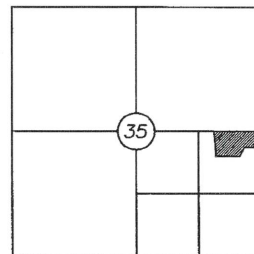


**LEGEND**

- 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 IS 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 Fees Paid  
 Application \$100.00  
 152464  
 Applicant Created  
 Bill Conkling 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  
 Bill@co.yankton.sd.us

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



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

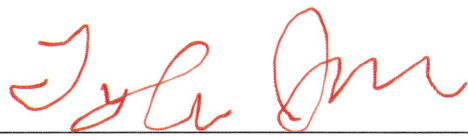
## Owner Certification

**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

## ARTICLE 29

### SOLAR ENERGY CONVERSION SYSTEMS (SECS)

#### Section 2901 Intent and Purpose

- a. Purpose. It is the purpose of this Article to outline the requirements Yankton County has for ground-mounted solar energy conversion systems (SECS). As SECS, depending upon their size and location, can be detrimental to the preservation of the predominantly rural, agricultural character of the County, and of its important natural resources, the County requires all SECS, other than those used for domestic purposes, to apply for and receive a conditional use permit.
- b. Intent. The regulations set out in this Article are intended to address the major issues generally associated with SECS. Because issues not addressed below may be deemed significant to public health, safety or welfare but only emerge during the course of the County's review of the application for conditional use permit, applicants are encouraged to maintain close consultation with the Zoning Administrator during the preparation of the plans and other requirements of this Article.
- c. SECS placed on the rooftops of structures are not subject to the regulations of this Article.

Yankton County allows domestic SECS in specified zoning districts as a permitted principle use. Commercial SECS are allowed as conditional uses in the C – Commercial District or AG-Agricultural District. Utility SECS are allowed as conditional uses on land zoned C-Commercial District or AG – Agricultural District.

#### Definitions:

Agrioltaics: The use of land for both agriculture (crop production, livestock grazing and pollinator habitat) and solar photovoltaic energy generation. This is located underneath solar panels and/or between rows of solar panels. Encouraged in C - Commercial District as well as AG – Agricultural District

Concentrating Solar Thermal Devices (CST's): CSP technologies use mirrors to reflect and concentrate sunlight onto a receiver. The energy from the concentrated sunlight heats a high temperature fluid in the receiver.

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 Conversion Systems: (SECS) 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 or Commercial District only, require a conditional use permit.~~

#### ~~SECTION 2903 Permitted Principal Uses and Structures~~

- ~~1. Domestic SECS are allowed as principal uses in the AG, R-1, R-2, R-3, MHP, C, LC, and RT zoning districts under fifty (50) kilowatts; and per Solar Energy System, Building Mounted or Solar Energy System Utility Scale Definitions.
  - ~~a. Domestic SECS are encouraged to utilize vegetation under and around solar panels in order to reduce stormwater runoff.~~~~
- ~~2. Ground-mounted domestic SECS are allowed as principal uses in the AG, R-1, R-2, R-3, MHP, C, LC, and RT zoning districts under fifty (50) kilowatts; and per Solar Energy System, Building Mounted or Solar Energy System Utility Scale Definitions.~~

#### ~~Section 2905 Permitted Accessory Uses and Structures~~

- ~~1. Agrivoltaics in the AG and RT zoning districts.~~

#### ~~Section 2907 Conditional Uses and Structures~~

- ~~1. Agrivoltaics in the R-1 zoning district.~~
- ~~2. Solar Energy Systems over fifty (50) Kilowatts and up to ninety-nine (99) megawatts and projects equal to or above one hundred (100) megawatts after SD Public Commission permit approval.~~



Section 2909 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 an 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).~~

Section 2911 Prohibited Uses and Structures

Concentrating solar thermal devices, (CSTs) are prohibited in all zoning districts.

~~All uses and structures, which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 2909, shall be prohibited.~~

Section 2913 Minimum Lot Requirements

~~All uses and structures, which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 2909, shall be prohibited.~~

- ~~1. The minimum lot area shall be the lot requirements of that designated zoning district it is in;~~
- ~~2. The minimum lot width shall be the lot width of that designated zoning district it is in.~~
- ~~3. 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 2915 Minimum Yard Requirements

~~All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios of that designated zoning district it is in.~~

Section 2917 Traffic Visibility

- ~~1. Traffic Visibility requirements will be as the designated zoning district it is in.~~

Section 2919 Solar Energy Systems- Commercial and Utility Performance Standards

~~Conditional use permit applications for commercial and utility SECS shall comply with the designated provisions.~~

**Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a ~~Solar Energy System Utility Scale SECS~~ Conditional Use Permit:

**a. Site description SECS:**

- 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 and utilities.
- 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).

**Facility Setback Requirements.** SECS shall be located no closer than the following regulations prescribe. The applicant(s) of a SECS 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.

<b><u>Facility Setback Chart</u></b>	<b><u>Feet</u></b>
Residence, active church, business, schools	1,320
Municipalities	2,640
<del>Residence, active church, business, schools</del>	<del>1,320</del>
Lakes, rivers and streams	660
Right-of-way line	330
Property line delineating a change in ownership	<del>660</del> 330
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. Ground Cover. In order to reduce soil erosion and stormwater runoff, disturbed land, and including land under and around solar panels to be covered and maintained. ~~shall be seeded with a revegetation seed mix of native grasses and flowers.~~

Soil Erosion and sediment control. All construction roadwork and site development work must meet national pollutant discharge elimination system (NPDES) permit requirements.

E. Underground Installation of Lines. All commercial and utility SECS shall install power collection lines and communication lines underground and, wherever possible, under or at the edge of the project access roads ~~and~~ in order to minimize soil disturbances.

Aboveground transmission lines may be utilized in public road right-of-ways or easements.

The requirements of a. above may be waived by the Board of Commissioners upon a

finding that there are existing conditions, which justify alternative, aboveground installation, and that such installation would not be averse to the public interest.

F. 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. ~~Minimum height of three (3) feet.~~

G. Site Design requirements: A detailed electrical grid, showing all connection points in a Solar Energy System and to an electrical grid.

H. Endangered Species and Wetlands. Applicant must **submit a plan for environmental review to County and meet** all South Dakota Department of Agricultural and Natural Resources and Game, Fish and Parks requirements.

I. Fencing. The solar energy system shall be fully enclosed and secured by a locked fence with a minimum height of six feet at the discretion of the Commission.

J. 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.

K. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

L. ~~Solar Thermal Devices. Concentrating solar thermal devices, (CSTs) are prohibited in all zoning districts.~~

M. Performance standards. ~~All solar power plants~~ SECS must conform to the performance standards as set forth by any local, state, federal regulatory standards.

N. 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.

O. Aviation Protection. For solar energy systems located within one thousand feet (1000) feet of an airport, the applicant must meet FAA standards.

P. 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 plan shall also include:

**Decommissioning Cost Estimate.** The decommissioning plan shall include a detailed decommissioning cost estimate prepared by a professional engineer preferably with solar experience.

The applicant or its successor shall compensate the County for any third-party review and analysis by an engineer of the initial cost estimate.

The applicant or its successor shall update the decommissioning cost every five (5) years or with change of ownership adjusted for actual inflation (no less than 150% of the estimated removal cost) that may have occurred during the interval following approval of the conditional use permit and compensate the County for any review and analysis of each cost estimate revision by a professional engineer preferably with solar experience. If, as a result of each five-year (5) re-calculation, the estimated decommissioning costs increase, the facility owner will increase the Decommissioning Bond amount accordingly and provide the new Decommissioning Bond to the County. (NOTE: Landowner is ultimately responsible and could have a Lien put on property if shortage on decommissioning costs)

**Notice to County.** The applicant or its successor shall provide six (6) months' written notice to the Development Services Director that it intends to commence the decommissioning process.

**Reduction to Financial Assurance.** The amount of any bond set by Yankton County for assuring decommissioning may be reduced, at the discretion of the County, if an updated cost estimate shows a decrease from an earlier cost estimate.

Within six (6) months after the cessation of use of the SECS for electrical power generation or transmission the applicant or its successor, at its sole cost and expense, shall decommission the SECS in accordance with the decommission plan approved by the Board of County Commissioners.

If the applicant or its successors fail to decommission the SECS within six (6) months following commencement of decommissioning the County has the right, but not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional use permit.

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.

Q. 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.

**And/or**

A. Surety Requirements. Developer will provide the County with an escrow which will be deposited and held in reserve by the County (or other surety as approved by the County States Attorney) as security for the obligations of the Developer under this contract to be performed. Said security shall be in the amount of one hundred thousand dollars (\$100,000). The County agrees it will credit interest to the Security on a monthly basis. In the event the Security is ever changed to a letter of credit, said letter of credit must meet the approval of the County States Attorney as to form and issuing bank (the issuing bank must be an FDIC/NCUA (AAA rated) insured bank located within 100 miles of Yankton County, SD), and must be available in its entirety to fulfill the obligations of the Developer under this Agreement. Any potential letter of credit to the County shall contain language requiring its automatic renewal prior to December 31 of each calendar year, unless Yankton County specifically approves cancellation of the letter of credit in writing.

R. Indemnity: Developer shall hold the County and its officers and employees harmless from claims made by Developer and third parties for damages sustained or costs incurred resulting from said SECS project. The Developer shall indemnify the County and its officers and employees for all costs, damages or expenses that the County may pay or incur in consequence of such claims, including attorney fees. Third parties shall have no recourse against the County under this agreement.

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



Section 2920 Conditional Use Permit for an SECS Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an SECS 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 SECS 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.