

October 10, 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.

### **Brandt - Rezone**

Applicant is requesting to Rezone a parcel that is dual zoned Rural Transitional District (RT) and Moderate Density Residential District (MD) to Moderate Density Residential District (MD) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 538.5 feet of the South 370.28 feet of the North 489.28 feet lying adjacent to Plank’s Addition AND Lots 15, 16, and 17 AND Plank’s Addition as platted in Book S7 page 77B all in Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 2605 Deer Blvd, Yankton, South Dakota (**Utica South**)

## 7:10 P.M.

### Plats

**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 5<sup>th</sup> P.M., Yankton County, South Dakota (**Mission Hill South**)

**Bartling** - Plat of Lot N in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5<sup>th</sup> Principal Meridian, Yankton County, South Dakota

(Formerly known as Lot I and J in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5<sup>th</sup> Principal Meridian, Yankton County, South Dakota Recorded in Book S20 of Plats on Page 201 and in Book S18 of Plats on Page 21) Containing 149,623 SQ FT. (3.43 Acres) More or less (**Utica South**)

**McDonald** - Plat of Mac Addition, in the SE1/4 of the NE1/4 of Section 34, T96N, R55W of the 5<sup>th</sup> P.M., Yankton County, South Dakota. (**Mayfield**)

**Bender** - Plat of Tract 1 and Tract 2 in the South 244 Feet of the Replat of Lot 1, Lake View Bluffs, in the NE1/4 of Section 16, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

## 7:15 P.M.

**Ordinance Discussion – Definitions, Article 5 (AG), Article 10 (C), Article 29 (SECS)**

## 7:20 P.M.

**Article 26 Discussion – Wind Energy Conversion Systems (WECS)**

## 7:25 P.M.

**Public Comment**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular  
DATE: 9/12/2023 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling

ROLL  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

CALL:

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

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

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

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

**Removed Staudenmaier and Jorgensen plat Motion to approve amended agenda – passed 5-0**

AGENDA ITEM: **Yankton Land and Cattle - Rezone**

ADDRESS/LEGAL: 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

COMMENTS: **Mike Stevens – for applicant**

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MOTION: **Approve based on Finding of Facts  
Passed 5-0**

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APPROVAL: MOTION BY: Kettering SECOND BY: Loest

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: **American Tower Corp. – Conditional Use Permit**

ADDRESS/LEGAL: 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

COMMENTS: Jim Moser - applicant

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MOTION: **Approve based on Findings of Facts  
Passed 5-0**

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APPROVAL: MOTION BY: Loest SECOND BY: Nelson

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: **Yankton Land and Cattle - Plat**

ADDRESS/LLEGAL: 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

COMMENTS: None

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

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

AGENDA ITEM: **Staudenmaier - Plat**

ADDRESS/LLEGAL: 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**)

COMMENTS: **Removed from agenda**

MOTION:

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

AGENDA ITEM: **James Cwach Revocable Trust - Plat**

ADDRESS/LLEGAL: 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**)

COMMENTS: None

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

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

AGENDA ITEM: **Jorgensen - Plat**  
ADDRESS/LEGAL: 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**)

COMMENTS: **Removed from agenda**

MOTION:

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

AGENDA ITEM: **Article 29 Discussion**  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: Board discussion  
Public comment - 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: None

MOTION: **Adjourn**  
**Passed 5-0**

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

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



COMMENTS:

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MOTION:

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

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

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MOTION:

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

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

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MOTION:

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

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

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MOTION:

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APPROVAL:

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

SECOND BY: \_\_\_\_\_

PLANNING:

BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

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

Applicant

**Gena Brandt– Rezone**

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**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

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**NOTE:**

Applicant is requesting to Rezone a parcel that is dual zoned Rural Transitional District and Moderate Density Residential District to Moderate Density Residential District per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 538.5 feet of the South 370.28 feet of the North 489.28 feet lying adjacent to Plank’s Addition AND Lots 15, 16, and 17 AND Plank’s Addition as platted in Book S7 page 77B all in Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 2605 Deer Blvd, Yankton, South Dakota

PC: Article 18 Section 1809

BOA: Article 18 Section 1809

Planning Commission date: 10/10/2023

Time: 7:05 PM

Board of Adjustment date: 11/ 7/ 2023, 1121/2023

Time: 6:30 PM



# Site Map



Parcel Number: 09.004.200.175

Site Description:





**FINDINGS OF FACT – REZONE**

**Brandt– REZ-2023-99**

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



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



<p>and compatibility;</p> <ol style="list-style-type: none"> <li>6. Screening and buffering with reference to type, dimensions, and character;</li> <li>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;</li> <li>8. Required yards and other open spaces; and</li> <li>9. General compatibility with adjacent properties and other property in the district.</li> </ol>	
<ol style="list-style-type: none"> <li>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.</li> </ol>	

Variance, Conditional Use and Rezoning Application

REZ-2023-99

Applicant  
Gena Brandt

Fees Paid  
\$450.00

Created  
September 12, 2023

Number  
REZ-2023-99

09.004.200.175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078  
Submitted by mgbrandt on 9/12/2023



### Applicant

Gena Brandt

6056611321

genabrandt@gmail.com

Parcel search Completed On 9/12/2023 10:39 AM EST by Anonymous



ParcelID	Address	City	OwnerName	Acres
09.004.200.175	2605 DEER BLVD	YANKTON	BRANDT, MERLE L REV TRUST (D)    BRANDT, GENA REV TRUST (D)	11.160

Site Plan Completed On 9/12/2023 10:49 AM EST by mgbrandt

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

Arrow to select items to move or rearrange

Will let you "add text" to the map

The "draw point" tool will place an X on the map

Draw polygon: Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon

Draw rectangle: Click and hold to draw a rectangle, release to finish rectangle

Draw line: Click once on the map to start drawing a line, click the map at each vertex and double click to finish drawing the line

Measure: Click once on the map to start measuring, click the map at each vertex and double click to finish. Area can be calculated by drawing a polygon.

Zoom In/Zoom Out buttons

Undo the last edit to the map

Undo all edits to the map

Zoom to initial view

Draft Building Permit Completed On 9/12/2023 10:49 AM EST by mgbrandt

Upload Draft Building Permit

Submit Completed On 9/12/2023 10:52 AM EST by mgbrandt

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

*Megan M Brandt*

Date

9/12/2023

Application Submitted Successfully Completed On 9/12/2023 10:52 AM EST by mgbrandt

Your application has been submitted for review. Thank you.

# Please click next at the bottom to continue. Thank you

Submittal Email Completed On 9/12/2023 10:52 AM EST by mgbrandt

Delivered on Tuesday, September 12, 2023 at 10:52 AM 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

genabrandt@gmail.com

## Subject: REZ Request Submitted

A request has been submitted for review.

Number: 170543

Workflow: Variance, Conditional Use and Rezoning Application

Description: 09.004.200.175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078

Created On: 9/12/2023

[View Application](#)

Planning Review Completed On 9/12/2023 10:59 AM EST by bconkling

Continue with application

Continue

## Describe what the applicant is requesting

Applicant wishes to rezone their parcel which is dual zoned Rural Transitional and Moderate Density Residential to Moderate Density Residential

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/MD

Wave Fee

Notes 

Director Email Completed On 9/12/2023 10:59 AM EST by bconkling

Delivered on Tuesday, September 12, 2023 at 10:59 AM CDT

**Options**

Send to the applicant? No

Send to members of the following roles:

Zoning Director

**Recipients**

To:

[gary@co.yankton.sd.us](mailto:gary@co.yankton.sd.us)

**Subject: CUP, Variance, Rezone Application: Director Review Required**

CUP, Variance, Rezone Application requires Zoning Director Final Review.

Number: 170543

Workflow: Variance, Conditional Use and Rezoning Application

Description: 09.004.200.175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078

Created On: 9/12/2023

[View Application](#)

Director Approval Email Completed On 9/12/2023 10:59 AM EST by bconkling

Delivered on Tuesday, September 12, 2023 at 10:59 AM CDT

**Options**

Send to the applicant? No

Send to members of the following roles:

Zoning Director

**Recipients**

To:

[gary@co.yankton.sd.us](mailto:gary@co.yankton.sd.us)

CC:

[bill@co.yankton.sd.us](mailto:bill@co.yankton.sd.us)

**Subject: REZ Request Submitted**

An approved REZ application has been submitted for Director review.

Number: 170543

Workflow: Variance, Conditional Use and Rezoning Application

Description: 09.004.200.175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078

Created On: 9/12/2023

Request Information Completed On 9/12/2023 11:42 AM EST by bconkling

**Type of Request**

Rezoning

**Fee**

\$450.00

**Reason for Request**

our parcel is currently zoned as rural transitional. We are requesting it be rezoned to Moderate Density Residential

**List Specific Hardships**

We have lived at this property for 20+ years and have run our bee operation out of our property.

We have always had great relationships with our neighbors. No problem there. As my husband and I reach retirement age, we would like to build a small home on the back of the property. We enjoy the quiet of this area and my husband has done so much to plant bee friendly trees and bushes on our land. We want to continue to enjoy that as long as we can. Our home is a very large home and our son and his family are co-owners in our bee business. Once our retirement home would be ready, our son and family would move into

## Applicant Information

Are you the owner of the property?

Yes

**Applicant Name**

Merle and Gena Brandt-

**Applicant Address**

2605 Deer Blvd Yankton, SD 57078

**Applicant Phone**

605-661-1321

## Owner Information

**Owner Name**

Merle and Gena Brandt Revocable Trust

**Owner Address**

2605 Deer Blvd Yankton, SD 57078

**Owner Phone Number**

605-661-1321

## Property Information

**Parcel ID Number**

09.004.200.175

**Legal Description**

PLANK'S ADDN, W538.3' S370.28' N489.28' & LTS 15, 16 & 17 NE4 SE4

**Site Address**

2605 DEER BLVD

**City**

YANKTON

**Zip**

57078

**Section-Township-Range**

4-93-56

**Zoning District**

DZ

**Zoning Description**

RT

**Existing Use of Property**

This property is where our home is located and we have run our bee operation out of this property for 20+ years.

**Director Review** Completed On 9/14/2023 8:02 AM EST by gvetter

**Zoning Director Review**

Approve

**Zoning Email** Completed On 9/14/2023 8:02 AM EST by gvetter

Delivered on Thursday, September 14, 2023 at 8:02 AM CDT

**Options**

Send to the applicant? No

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:** REZ Has been reviewed by the Zoning Director

REZ has been approved by the Zoning Director and is ready to proceed.

Number: 170543

Workflow: Variance, Conditional Use and Rezoning Application

Description: 09.004.200.175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078

Created On: 9/12/2023

[View Application](#)

Email to Pay Completed On 9/14/2023 8:02 AM EST by gvetter

Delivered on Thursday, September 14, 2023 at 8:02 AM 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

genabrandt@gmail.com

**Subject: Payment Required**

Your application has been received and payment is required. 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: \$450.00

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

Number: 170543

Workflow: Variance, Conditional Use and Rezoning Application

Description: 09 004.200 175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078

Created On: 9/12/2023

[View Application](#)

Payment Completed On 9/14/2023 8:12 AM EST by mgbrandt

**Fee Summary**

Fee	\$450.00
Total Fees	\$450.00
Total Due	\$0.00

**Payments Made**



Payment Method	Paid On	Confirmation Number	Amount
Online	September 14, 2023 8:12 AM	243727249	\$450.00

[VIEW RECEIPT](#)

Total Paid: \$450.00

Payment Made Email Completed On 9/14/2023 8:12 AM EST by mgbrandt

Delivered on Thursday, September 14, 2023 at 8:12 AM 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

genabrandt@gmail.com

Subject: A payment has been made

A payment has been made for a REZ request. Please log-in to the system to continue with the application process.

Amount Paid: \$450.00

Number: 170543

Workflow: Variance, Conditional Use and Rezoning Application

Description: 09.004.200.175 | Merle and Gena Brandt Revocable Trust | 2605 DEER BLVD, YANKTON, SD, 57078

Created On: 9/12/2023

[View Application](#)

PC Prep Completed On 9/14/2023 9:25 AM EST by bconkling

## Planning Commission Meeting

Planning Commission Meeting Date and Time

October 10th 2023, 7:05 pm CDT

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

09/30/2023 7:05 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

10/02/2023 7:05 PM

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

10/03/2023 7:05 PM

Date to send email to applicant

09/25/2023

Upload PC Mailing Labels

[Brandt labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

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

Upload PC Newspaper Publication

[Legals 10-10-2023.pdf](#)

Permit Number

REZ-2023-99

Receipt Number

PC App Form Completed On 9/14/2023 9:25 AM EST by bconkling

[PC App Form](#)

Schedule Email Completed On 9/14/2023 9:25 AM EST by bconkling

Scheduled for Monday, September 25, 2023 at 10:00 AM CDT (Any application data entities are evaluated when the email is sent)

Options

Send to the applicant? Yes

Send to members of the following roles:

Zoning

Recipients

To:

Subject: Preparation for Planning Commission Meeting

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

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is  $\$(PCMailingDate)$ .

$\$(PCEmailInstructions)$

Return the affidavit to me (email is fine) 8 days prior to the public meeting, by  $\$(AffidavitReturnDate)$

Place your zoning action sign 7 days prior to the public meeting, by  $\$(PlaceSignDate)$

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

External Notes

Documents

Internal Notes

Documents

AFFIDAVIT OF MAILING

I, Gena G. Brandt, hereby certify that on the 26<sup>th</sup> day of September, 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 26<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
(Name)  
Affiant

Subscribed and sworn to before me this 26<sup>th</sup> day of Sept, 2023.

  
\_\_\_\_\_  
Notary Public - South Dakota  
My commission expires: 9-18-24

(SEAL)

# NOTIFICATION

September 25, 2023

Applicant:  
Gena Brandt  
2605 Deer Blvd  
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 10th day of October, 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 to Rezone a parcel that is dual zoned Rural Transitional District and Moderate Density Residential District to Moderate Density Residential District per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 538.5 feet of the South 370.28 feet of the North 489.28 feet lying adjacent to Plank's Addition AND Lots 15, 16, and 17 AND Plank's Addition as platted in Book S7 page 77B all in Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 2605 Deer Blvd, 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,  
Gena Brandt  
Petitioner

AHRENS, JOHN (D)  
2709 DEER BLVD  
YANKTON SD 57078

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

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

BRANDT, GARNER (D)  
2515 DEER BLVD  
YANKTON SD 57078

BRANDT, MERLE L REV TRUST (D)  
2605 DEER BLVD  
YANKTON SD 57078

BUXCEL, VIRGIL (D)  
4300 HERMANS LOOP  
YANKTON SD 57078

CROSS, MARY ELLEN (D)  
4210 HERMANS LOOP  
YANKTON SD 57078

DUIN, DOYLE LYNN REV TRUST (D)  
2805 DEER BLVD  
YANKTON SD 57078

HAMBERGER, BRIAN J (D)  
4200 HERMANS LOOP  
YANKTON SD 57078

HANSEN, KENNETH L (D)  
2311 SD HWY 50  
YANKTON SD 57078

HANSON, JUDY K (D)  
2809 DEER BLVD  
YANKTON SD 57078

JUEDEN FAMILY PROTECTION TRUST  
4306 HERMANS LOOP  
YANKTON SD 57078

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

MAINS, WILLIAM LYNN REV TRUST (D)  
4202 HERMANS LOOP  
YANKTON SD 57078

MEYER, DALE E (LE) (D)  
2411 DEER BLVD  
YANKTON SD 57078

MEYER, WAYNE E (D)  
2236 SANDPIPER CRT S  
WEST LAFAYETTE IN 47906

ROTH, NORBERT C (LE) (D)  
2511 DEER BLVD  
YANKTON SD 57078

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

RUZICKA, KENT W (D)  
2405 DEER BLVD  
YANKTON SD 57078

RYKEN, VANESSA B (D)  
2415 DEER BLVD  
YANKTON SD 57078

SCHAEFER, JOHN (D)  
2503 DEER BLVD  
YANKTON SD 57078

SCHLOSS, BARRY (D)  
4206 HERMAN LOOP  
YANKTON SD 57078

SCHURMAN, DANIEL (D)  
4302 HERMANS LOOP  
YANKTON SD 57078

SEDLACEK, THOMAS JR (D)  
2409 DEER BLVD  
YANKTON SD 57078

SIVERTSON, KEVIN K (D)  
2513 DEER BLVD  
YANKTON SD 57078

SMITH, NATHAN A (C)  
911 EAST 13 ST  
YANKTON SD 57078

SWEDLUND, JERALD (D)  
PO BOX 489  
YANKTON SD 57078

TJEERDSMA, RANDY FAMILY TRUST (D)  
2601 DEER BLVD  
YANKTON SD 57078

WILLIAMS, SANDRA (D)  
2507 DEER BLVD  
YANKTON SD 57078

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

# Yankton County, South Dakota

# Receipt

**Paid by**  
Gena Brandt  
genabrandt@gmail.com

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

243727249  
September 14, 2023 08:12 AM  
Online

## \$450.00 paid on September 14, 2023

Variance, Conditional Use and Rezoning Application  
Application ID: REZ-2023-99

Description	Amount
Fee	\$450.00



2010 Legal and Public Notices

Don Kettering, Yankton County Commission Chair

ATTEST:

Patty Hojem, Yankton County Auditor

Published once at the total approximate cost of \$23.36 and can be viewed free of charge at www.sd-publicnotices.com

Published September 29, 2023.

2nd NOTICE OF ADOPTION

ORDINANCE NO. 23-ZN-05 ESTABLISHING PERMANENT ZONING REGULATIONS FOR YANKTON COUNTY SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Notice is hereby given that Ordinance No. 23-ZN-05 establishing permanent zoning regulations for Yankton County, South Dakota. Applicant is requesting to rezone a property from Article 12 Rural Transitional District (RT) to Article 7 Moderate Density Residential District (MD); Said property is 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.

Yankton County is adopting this ordinance and map in order to protect the public health, safety, and general welfare. This ordinance was duly adopted by the County Commission on the 19th day of September, 2023, and will become effective on the 19th day of October, 2023.

First Reading: September 5, 2023

Second Reading: September 19, 2023

Publication Date: September 29, 2023 (Second Notice of Adoption)

Effective Date: October 19, 2023 (20 days after 2nd Notice of Adoption)

Dated this 19th day of September, 2023.

Don Kettering, Yankton County Commission Chair

ATTEST:

Patty Hojem, Yankton County Auditor

Published once at the total approximate cost of \$23.36 and can be viewed free of charge at www.sd-publicnotices.com

Published September 29, 2023

NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for the transfer of location of a Retail (on-off sale) Mah Beverage & SD Farm Wine License for July 1, 2023, to June 30, 2024, from DBC, LLC db/a Bro Brgr Bar (Laura Soukup, Owner), 304 W. 3rd Street, Yankton, South Dakota to DBC, LLC db/a Bro Brgr Bar (Laura Soukup, Owner), 2101 Broadway Ave., Suite 40, Yankton, South Dakota.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, October 9th, 2023 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota this 25th day of September, 2023.

Al Viereck, FINANCE OFFICER

Published once at the total approximate cost of \$15.84 and can be viewed free of charge at www.sd-publicnotices.com

2010 Legal and Public Notices

hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:35 P.M. on the 3rd day of October, 2023 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. 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) AND excepting Tract one (1) Lucas Addition Lot Four (4) in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), All in Section Thirty-one (31), Township Ninety-six (96) North, Range Fifty-five (55) west of the 5th P.M., Yankton County, South Dakota. E911 address is 29654 US HWY 81, Irene, SD.

Published twice at the total approximate cost of \$38.60 and can be viewed free of charge at www.sd-publicnotices.com

Published September 22 & 29, 2023.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 10th day of October 2023 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting to Rezone a parcel that is dual zoned Rural Transitional District (RT) and Moderate Density Residential District (MD) to Moderate Density Residential District (MD) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as The West 538.5 feet of the South 370.28 feet of the North 489.28 feet lying adjacent to Tract's Addition AND Lots 15, 16, and 17 AND Part's Addition as Platted in Book 57 page 77B all in Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota. E911 address is 2605 Deer Blvd., Yankton, South Dakota.

Published twice at the total approximate cost of \$22.17 and can be viewed free of charge at www.sd-publicnotices.com

Published September 29 & October 6, 2023.

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

In The Matter Of The Estate Of ) JASON C. MUELLENBERG, )

Deceased.

66PRO23-45

NOTICE TO CREDITORS

Notice is given that on the 20th day of September, 2023, Susan K. Muelenberg, whose address is 1016 West 2nd Street, Redfield, SD 57469, was appointed as Personal Representative of the Estate of Jason C. Muelenberg.

Creditors of Decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

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

Susan K. Muelenberg, 1016 West 2nd Street, Redfield, SD 57469

Yankton County Clerk of Courts, 410 Walnut, Suite 205, Yankton, SD 57078

John P. Blackburn, Blackburn & Stevens, Prof. L.L.C., 100 West 4th Street, Yankton, SD 57078 (605) 665-5550

Published three times at the total approximate cost of \$60.74 and can be viewed free of charge at www.sd-publicnotices.com

2010 Legal and Public Notices

the date of the first publication of this notice or their claims may be barred. Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Daysa John Frank, P.O. Box 91, Lesterville, SD 57040

Jody Johnson, Clerk of Courts, 410 Walnut, Yankton, SD 57078, Phone: (605) 660-3080

Creighton A. Thurman, Attorney for the Estate, P.O. Box 897, Yankton, SD 57078-0897, Phone: (605) 260-0623, Facsimile: (605) 260-0624, Email: cat@thurmanlawgroup.com

Published three times at the total approximate cost of \$51.16 and can be viewed free of charge at www.sd-publicnotices.com

Published September 29, October 6 & 13, 2023.

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

ESTATE OF STEVE BERGENDAHL, DECEASED.

PRO 23-42

NOTICE TO CREDITORS

Notice is given that on September 19, 2023, Charles Bergendahl, whose address is 4145 Sherwood Terrace, Sioux City, Iowa, 51106, was appointed as personal representative of the estate of Steven Bergendahl.

Creditors of the decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Charles Bergendahl, 4145 Sherwood Terrace, Sioux City, IA 51106

Jody Johnson, Clerk of Courts, 410 Walnut, Yankton, SD 57078, Phone: (605) 660-3080

Creighton A. Thurman, Attorney for the Estate, P.O. Box 897, Yankton, SD 57078-0897, Phone: (605) 260-0623, Facsimile: (605) 260-0624, Email: cat@thurmanlawgroup.com

Published three times at the total approximate cost of \$53.24 and can be viewed free of charge at www.sd-publicnotices.com

Published September 29, October 6 & 13, 2023.

State of South Dakota, County of Yankton, In Circuit Court, First Judicial Circuit

Estate of Arlene Mae Alena, Deceased

File No. 66PR023-000037, NOTICE IN PROBATE

TO ALL PERSONS INTERESTED IN THE ESTATE OF ARLENE MAE ALENA, DECEASED, WHO DIED ON OR ABOUT June 25, 2023:

YOU ARE HEREBY NOTIFIED that on the 22nd day of August, 2023, an estate for Arlene Mae Alena was admitted to infaral probate in the above-named Court and that Terry Alena and Timothy Alena were appointed Personal Representatives of the estate. Notice is hereby given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the Clerk of the above-named Circuit Court.

2010 Legal and Public Notices

October, 2023.

Published three times at the total approximate cost of \$39.91 and can be viewed free of charge at www.sd-publicnotices.com

Published September 22 & 29, October 6, 2023.

The University of South Dakota will be having their Surplus Sale out at the Oldsmar on Highway 50 here in Vermillion by the Vastreich Children's Center, just North of the Dome, on October 13th starting at 9 AM, until 3 PM that day. It is a cash only sale. If you have any questions, please contact Raighn Tiahrt at Raighn.Tiahrt@usd.edu, or call at 605-658-3634.

Published three times at the total approximate cost of \$15.81 and can be viewed free of charge at www.sd-publicnotices.com

Published September 22 & 29, & October 6, 2023.

CALENDAR

Friday, September 29
CROSS COUNTRY, PREP State Creek Inv. (Bloomfield-Vienna, Hartington, Rapid City, 5 p.m.)
FOOTBALL, PREP Brookings at YHS (HC, 7 p.m.)
KNTV-AMFM-TV, KMT-FM, 5 Star Streaming, Avea at Hooper-Hudson (8 p.m.)
Baseball at Old Rapids (7 p.m.)
5 Star Streaming, Bon Homme at Chester Area (7 p.m.)
Creston at Brookings, Crofton at Horner, Dakota Valley at Lennox, Elk Point-Jefferson at Miles-Highline-Harold, Freeman-Marion-Freeman Academy at Gayville-Vale, Gregory at Parkston, Hampton at Santee, Hartington Cedar Catholic at West Holt, Irene-Wakonda at Burke, Laurus-Spruce-Country of Waverly, Nebraska-Werberg at Boyd County, Ponca at West Point-Beemer, Redfield at Parker, Scotland-Memph at Fairmont, TA County North-west at Hartington-Nebraska, Tripp-Haley at Howard, Wagner at Mount Vernon-Flexington at Mount Vernon (SN, 7 p.m.), Wausa at Wyo., Wobley-Washington at Platte-Cookes

Saturday, September 30
CHEER & DANCE, PREP 5A, Roosevelt Inv. (YHS, 5 p.m.)
CROSS COUNTRY, PREP Lakota Nations Inv. at Rapid City (Santee)

FOOTBALL, COLLEGE USD at North Dakota State (1 p.m.), KYT-FM-Dakota Wesleyan at MMU (HC, 6 p.m.), KNTV-AMFM-TV

SOCCER, BOYS' James Valley Christian at Freeman Academy (noon), Dakota Valley at Croton Area (1 p.m.)
TENNIS, WOMEN'S Colorado State Fall Inv. (USD)
VOLLEYBALL, GIRLS JV Mitchell Inv. (YHS, 9 a.m.)
TRAPLICK, WOMEN'S Black Hills State Relay at Spearfish (USD, 10 a.m.)
VOLLEYBALL, WOMEN'S Denver at USD (noon); Male at Mount Vernon (9 p.m.)
VOLLEYBALL, GIRLS' Clarkson-Laigh Tour (Wyo.)

Sunday, October 1
TENNIS, WOMEN'S Colorado State Fall Inv. (USD)
TRAPLICK, WOMEN'S Black Hills Collegiate Cup at Belle Fourche (USD, noon)

SPORTS DIGEST

YHS Cross Country Meet Rescheduled For Monday

The Yankton Invitational crosscountry meet, postponed from Sept. 21, has been rescheduled for Monday, Oct. 2. Start time is 4:15 p.m. at Fox Run Golf Course.

Due to the makeup date, Centerville and Mitchell will be the only teams joining Yankton for the event. Boys' and girls' races will be combined, with the 4,000-meter JV race at 4:15 p.m., the 5,000-meter varsity race at approximately 4:40 p.m., and the two-mile middle school race at approximately 5:05 p.m. The one-mile fun run for grades 5 & under will begin at 5:30 p.m.

Soccer

FROM PAGE 8

frame, and one assist. Caroline Lewis had three saves for the Coyotes.

Although USD does not have a scheduled game for the weekend, the team plans to treat as if they do to ensure they are ready for their next conference game.

"Everyone in the Summit League is good, so we will be treating it like a game weekend," Thomas stated. "We will stay in rhythm. We will have a rest day, followed by a training day, and then a quote-on-quote game day, except we will play ourselves."

North Dakota, 4-3 (1-2-1 SL), travels to Brookings to face South Dakota State on Sunday. South Dakota, 6-3 (2-1-0 SL), will travel to Omaha to take on UNO on Wednesday. "Coming from the South Dakota State game to me...

Volley

FROM PAGE 8

Winnebago in a triangular on Tuesday.

Centerville 3, Irene-Wakonda 0

IRENE — Emma Marshall recorded 14 kills to lead Centerville past Irene-Wakonda 25-23, 25-14, 27-25 in prep volleyball action on Thursday.

Thea Gust recorded nine kills and 10 digs for Centerville. Keira Austin had 32 assists. Lillie Eide finished with 14 digs and three ace serves. Lilee Shearer added 11 digs in the victory.

Madison Orr led Irene-Wakonda with 13 kills and five blocks. Emerson Flynn had 10 assists and 15 digs. Zoey Anderson and Brenna Lyngstad each had 13 digs. Quinn McDonald had 11 digs and Addison Brockmueller

added 10 digs for the Eagles.

Both Centerville, 6-10, and Irene-Wakonda, 1-14, will play in the Great Plains Conference Tournament on Saturday in Lake Andes.

Irene-Wakonda won the JV match 25-20, 25-18, Centerville won the C' match 25-19, 25-20.

TDA 3, CS 0

ARMOUR — Megan Reiner filled the stat sheet, posting 13 kills, 11 digs, three blocks and three ace serves as Tripp-Delmont-Armour swept Centerville-Sickney 25-16, 25-13, 25-17 in prep volleyball action on Thursday.

Mia Reiner had eight kills, three blocks, nine digs and two ace serves for TDA. Kinley Spoons posted 27 assists in the victory.

Sophie DeLanga had five kills, three blocks, six assists and 11 digs for Centerville-Sickney. Braylee Borowczyk also had six assists and 11 digs. Jacay Kemp added 17 ace kills and two ace serves for the Jaguars.

Both TDA, 3-7, and Centerville-Sickney, 3-15, travel to Lake Andes for the Great Plains Conference Tournament on Saturday.

The top Yankton runner in the junior high girls' race was Isabel Gurney, who finished 18th in 15:30.69.

Lennox Inv.

LENNOX — Sioux Falls Christian swept the team titles at the Lennox Invitational cross country meet, held Thursday.

The Chargers topped Westcott 52 to 25 in the girls' division. Chamberlain (73) was third, followed by West Central (92) and Tripp Area (95). Dakota Valley (108) placed eighth and Ethan-Parkston (179) finished 10th in the event.

Chamberlain's Kinsey Evans won the 5,000-meter event, finishing in 15:35.58 in best of six. Sioux Falls Christian's Ella Maddox (18:48.98) and Saddle Pottenger (19:52.57), Milbank's Ashlyn Galtchler (19:02.31) and the Chargers' Jacay Glasser (19:23.04) rounded out the top five.

Dakota Valley's Sophia Reider (19:40.14) finished seventh and teammate Alex McCullough (19:45.36) finished ninth as the top area runners in the field. Vermillion's Cally Padgett (19:47.58) was 10th. Ethan-Parkston's Ella Polzeus (19:54.07) was 12th in the event.

The Charger boys beat Dakota Valley 33 to 44 for the title. Vermillion (54) was third, followed by Milbank (59) and West Central (114). Ethan-Parkston (145) was eighth. Beardwood (153) was ninth and Elk Point-Jefferson (208) was 10th in the event.

Dakota Valley's Joe Cross won the 5,000-meter event, finishing in 15:41.88. The Chargers' Levi Vander Luew (15:06.21) was second, followed by Dakota Valley's Jack Brown (16:19.30), West Central's Benjamin Steak (16:26.13) and Sioux Falls Christian's Josh Fletcher (16:42.32).

Vermillion put three runners in the top 14: Harry Anderson (19:53.95) in ninth, Sage Bevedy (17:03.58) in 12th and Hunter Morse (17:15.52) in 14th.

CROSSWORD

By THOMAS JOSEPH

- ACROSS 38 Pretend
1 Track count composer
5 Night fliers 40 Post
9 Field units 41 Marsh
11 Skilled plant
13 Hack-neyed
14 2014 Winter Games site
15 Load unit
16 Like a cardinal
18 Fancy homes
20 Smelter supply
21 "Graceland" singer
22 Some bills
23 Negative link
24 Avril follower
25 Farm litter
27 Link up
29 Band booster
30 Sawbuck
32 Sicilian port
34 John, in Jersey
35 Banded rock
36 All set

Grid for crossword puzzle with letters STAB, SALES, TATER, ABOUT, ELITE, GIUSTO, AIL, SPATTER, MATTER, ORE, ENYA, UPS, CENT, PETE, TON, SAPS, ALL, BATTER, PLATTER, LALE, PURE, ELUDE, EDGED, LOPES, DEEMS, GERE

Yesterday's answer

- 10 District 26 Sights
12 Ocean's 27 Clothes line
17 Stimp'y's 28 Sweatshirt type
19 Singer 30 Polster's find
22 Stable 31 Trifled
24 They're on the Thames
25 Underage 37 Com based spoke

Grid for crossword puzzle with numbers 1-36 and some letters like 10, 11, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41



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

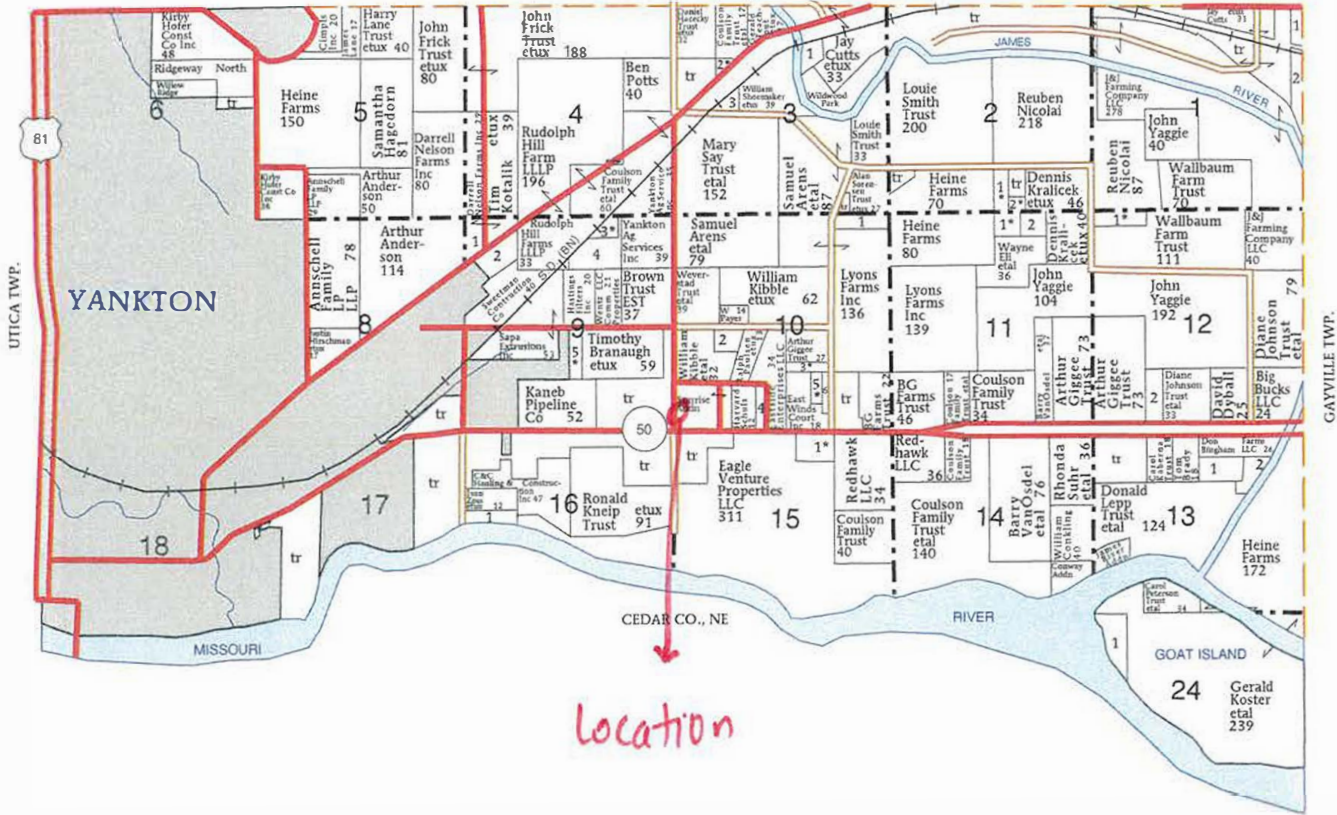
In order to insure prompt approval of your plat, please follow these steps:

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**

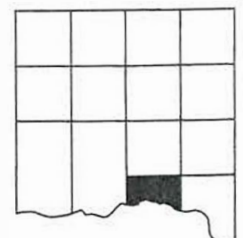
- SECTION 1**
- 1. RWH Land LLC 6
- 2. Nelson, Nancy 13
- SECTION 2**
- 1. Palecek, Lance etux 15
- 2. Willman, David etux 5
- SECTION 3**
- 1. State of South Dakota 9

- 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. Kopejtko, 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

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 contractors 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 I 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 PM., 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>

Total Paid: \$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: 9/13/2023

Applicant

**Bartling- 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 N in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5<sup>th</sup> Principal Meridian, Yankton County, South Dakota  
(Formerly known as Lot I and J in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5<sup>th</sup> Principal Meridian, Yankton County, South Dakota Recorded in Book S20 of Plats on Page 201 and in Book S18 of Plats on Page 21) Containing 149,623 SQ FT. (3.43 Acres) More or less

Planning Commission date: 10/10/2023  
**Board of Adjustment date: 10/17/2023**

Time:  
**Time:**

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

**Development Information**

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

Section No: 7 Township No: 93

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 3.43

How is the property currently being used?  
Moderate Density Residential

What is the proposed use of the property?  
Moderate Density Residential

**Surveyor/Engineer Information**

Firm Name: Stockwell Engineers

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

City: Yankton State: SD Zip: 57078

Contact Person: Brett Kennedy

Phone: 605-665-8092

**Property Owner Information**

Name: Brian Bartling

Address: 637 SOUTH 80 ST

City: Omaha State: NE Zip: 68114

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) 3.43 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 dwellings

Name, address and phone number of contractor(s)

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

**Owner certification**

This is to certify that bartling  
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.

Brett  
\_\_\_\_\_  
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: 10/10/2023

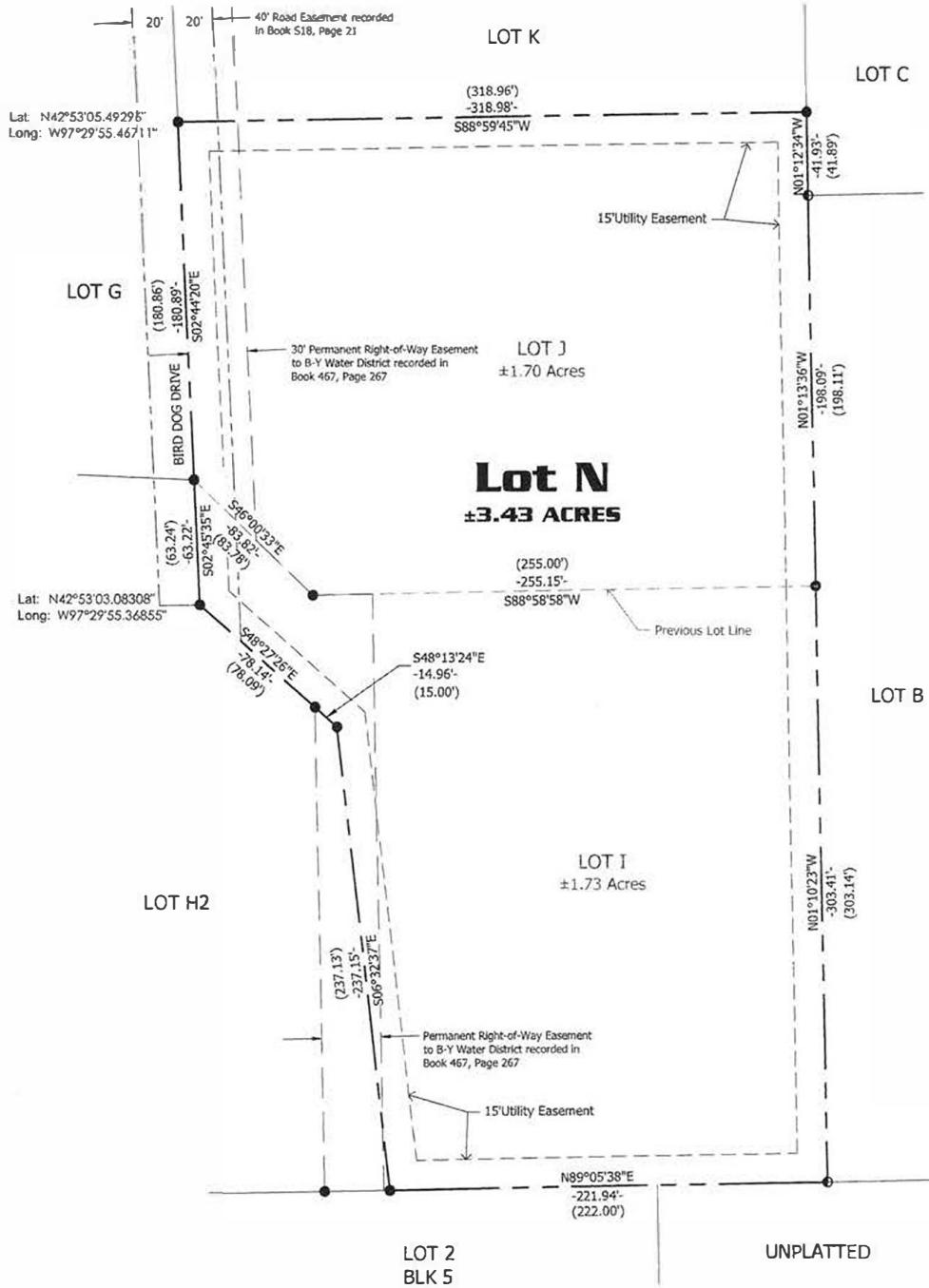
Board of Adjustment date: \_\_\_\_\_





PLAT OF LOT N IN THE NE1/4 OF THE SE1/4 OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA.

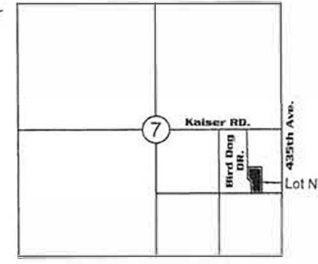
(FORMERLY KNOWN AS LOT 1 AND LOT J IN THE NE1/4 OF THE SE1/4 OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA RECORDED IN BOOK S20 OF PLATS ON PAGE 201 AND IN BOOK S18 OF PLATS ON PAGE 21) CONTAINING 149,623 SQ.FT. (3.43 ACRES) MORE OR LESS



- LEGEND**
- Found rebar with Cap 2912
  - Found Pipe
  - ⊙ Found 5/8" Rebar
  - (361.38) Record Dimension



BASIS OF BEARING  
UTM 14



LOCATION MAP  
NTS

This survey was performed without the benefit of a Title Report and does not purport to show easements of record, if any.

1 OF 3	REVISION	DATE

**LOT N**  
SECTION 7, T93N, R56W  
YANKTON COUNTY, SOUTH DAKOTA









Plat Approval Fees Paid  
 Application \$100.00  
 171087  
 Applicant Created  
 Bill Conkling September 13,  
 2023

Number  
 171087

Final | Plat of Lot N in the  
 NE1/4 of the SE1/4 of Section  
 7, Township 93 North, Range 56  
 West of the 5th Principal  
 Meridian, Yankton County,  
 South Dakota (Formerly known  
 as Lot I and J in the NE1/4 of  
 the SE1/4 of Section 7,  
 Township 93 North, Range 56  
 West of the 5th Principal  
 Meridian, Yankton County,  
 South Dakota Recorded in Book  
 S20 of Plats on Page 201 and  
 in Book S18 of Plats on Page  
 21) Containing 149,623 SQ FT.  
 (3.43 Acres) More or less |  
 Brian Bartling | 637 SOUTH 80  
 ST | 09.007.200.180  
 Submitted by bconkling on  
 9/13/2023



### Applicant

Bill Conkling

6052604447

[Bill@co.yankton.sd.us](mailto:Bill@co.yankton.sd.us)

Parcel search Completed On 9/13/2023 1:19 PM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.007.200.180			BARTLING, BRIAN (D)    BARTLING, VANESSA (D)	3.430

Requested Information Completed On 9/13/2023 1:22 PM EST by bconkling

Fee  
 \$100.00

Plat Type

Final

## Development Information

**Plat Name**

Plat of Lot N in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota  
(Formerly known as Lot I and J in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota Recorded in Book S20 of Plats on Page 201 and in Book S18 of Plats on Page 21)  
Containing 149,623 SQ FT. (3.43 Acres) More or less

**Section No:**

7

**Township No:**

93

**Range**

56

**Number of Lots/Tracts**

1

**Number of Acres**

3.43

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

Moderate Density Residential

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

Moderate Density Residential

## Surveyor/Engineer Information

**Firm Name**

Stockwell Engineers

**Address**

201 walnut St

**City**

Yankton

**State**

SD

**Zip**

57078

**Contact Person**

Brett Kennedy

**Phone**

605-665-8092

## Property Owner Information

**Owner Name**

Brian Bartling

**Address**

637 SOUTH 80 ST

**City**

Omaha

**State**

NE

**Zip**

68114

**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?

Yes

What is/are the lot size(s)

3.43 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 dwellings

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

Plat Approval Items Completed On 9/19/2023 1:27 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

[23258 - Lot N 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 9/19/2023 1:41 PM EST by bconkling

Owner Certification

Owner(s)

bartling



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

Submittal Email Completed On 9/19/2023 1:41 PM EST by bconkling

Delivered on Tuesday, September 19, 2023 at 1:41 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: 171087

Workflow: Plat Approval Application

Description: Final | Plat of Lot N in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota (Formerly known as Lot I and J in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota Recorded in Book S20 of Plats on Page 201 and in Book S18 of Plats on Page 21) Containing 149,623 SQ FT. (3.43 Acres) More or less | Brian Bartling | 637 SOUTH 80 ST | 09.007.200.180

Created On: 9/13/2023

[View Application](#)

Email to Pay Completed On 9/19/2023 1:41 PM EST by bconkling

Delivered on Tuesday, September 19, 2023 at 1:41 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:** 171087

**Workflow:** Plat Approval Application

**Description:** Final | Plat of Lot N in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota (Formerly known as Lot I and J in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota Recorded in Book S20 of Plats on Page 201 and in Book S18 of Plats on Page 21) Containing 149,623 SQ FT. (3.43 Acres) More or less | Brian Bartling | 637 SOUTH 80 ST | 09.007.200.180

**Created On:** 9/13/2023

[View Application](#)

Payment Completed On 9/21/2023 11:13 AM EST by bconkling

**Fee Summary**

Fee	\$100.00
Total Fees	\$100.00
Total Due	<b>\$0.00</b>

**Payments Made**

Payment Method	Paid On	Confirmation Number	Amount	
Check	September 21, 2023 11:13 AM	75305	\$100.00	<a href="#">VIEW RECEIPT</a>

Total Paid: \$100.00

Payment Made Email Completed On 9/21/2023 11:13 AM EST by bconkling

Delivered on Thursday, September 21, 2023 at 11:13 AM 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:** 171087

**Workflow:** Plat Approval Application

**Description:** Final | Plat of Lot N in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota (Formerly known as Lot I and J in the NE1/4 of the SE1/4 of Section 7, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota Recorded in Book S20 of Plats on Page 201 and in Book S18 of Plats on Page 21) Containing 149,623 SQ FT. (3.43 Acres) More or less | Brian Bartling | 637 SOUTH 80 ST | 09.007.200.180

**Created On:** 9/13/2023

[View Application](#)

Planning Commission Review Completed On 9/21/2023 11:14 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:

10/10/2023

Plat Approval Application (Planning Commission) Completed On 9/21/2023 11:14 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

75305  
September 21, 2023 11:13 AM  
Check

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

## \$100.00 paid on September 21, 2023

Plat Approval Application

Application ID: 171087

Description	Amount
Fee	\$100.00

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 9/29/2023

Applicant

**Jerrold McDonald- 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 Mac Addition, in the SE1/4 of the NE1/4 of Section 34, T96N, R55W of the 5th P.M.,  
Yankton County, South Dakota.



**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

**Development Information**

Plat Name: Plat of Mac Addition, in the SE 1/4

Section No: 34 Township No: 96

Range : 55 Number of Lots/Tracts: 1

Number of Acres: 9.535

How is the property currently being used? AG

What is the proposed use of the property? AG

**Surveyor/Engineer Information**

Firm Name: Tom Week

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

City: Yankton State: SD Zip: 57078

Contact Person: Tom Week

Phone: 6056658333

**Property Owner Information**

Name: Jerome McDonald

Address: 29645 444 AVE

City: Irene State: SD Zip: 57037

Contact person: Tom Week

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) 9.535

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

4. If a farmstead, how many acres are surrounding it? 9.535

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 McDonald  
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.

McDonald  
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?

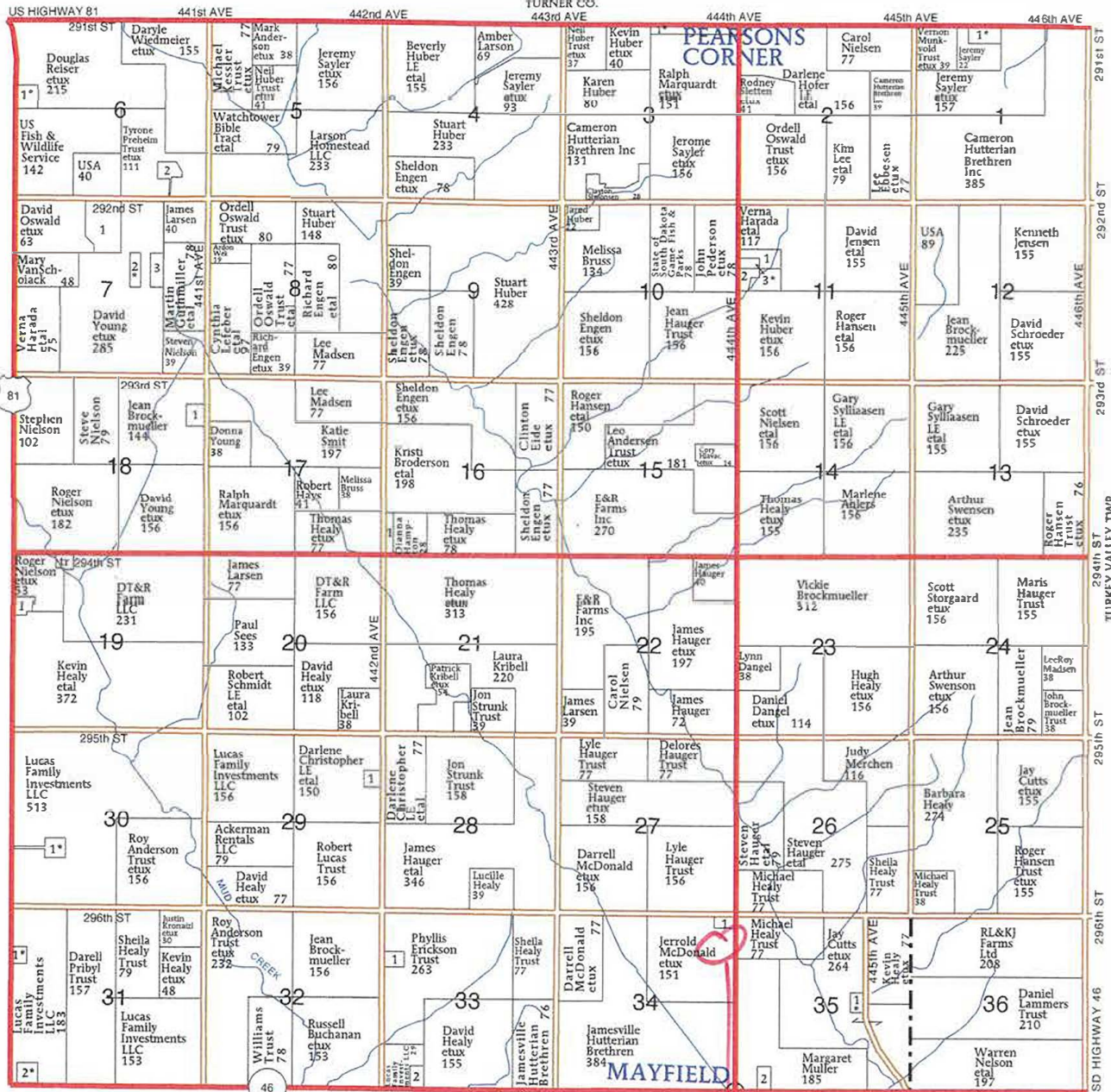
- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. 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: 10/10/2023

Board of Adjustment date: \_\_\_\_\_

(Landowners)

TURNER CO.



↓  
Location

**MAYFIELD TOWNSHIP**

- SECTION 1**  
1. Jensen, Corey etal 16
- SECTION 3**  
1. Skjonsberg Sr, Ronald etux 6
- SECTION 6**  
1. Kopejtko, Tracy etal 7  
2. Massey, Larry 7

- SECTION 7**  
1. State of South Dakota Game Fish & Parks 17  
2. Young, David etal 9  
3. Larsen, James 8
- SECTION 11**  
1. Kerns, Connie 14  
2. Sorensen, Ethel 8

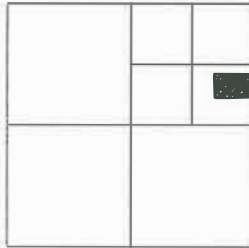
3. Kerns-Grams, Connie etal 17
- SECTION 16**  
1. Highland, Corey 11
- SECTION 18**  
1. Rye Trust 12
- SECTION 19**  
1. Our Redeemer Lutheran Church 9

- SECTION 29**  
1. Jones, Judy 7
- SECTION 30**  
1. VanBuren Sr, Lloyd etux 8
- SECTION 31**  
1. Lucas, Benjamin etux 6  
2. Kramer, Chris etux 9

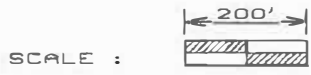
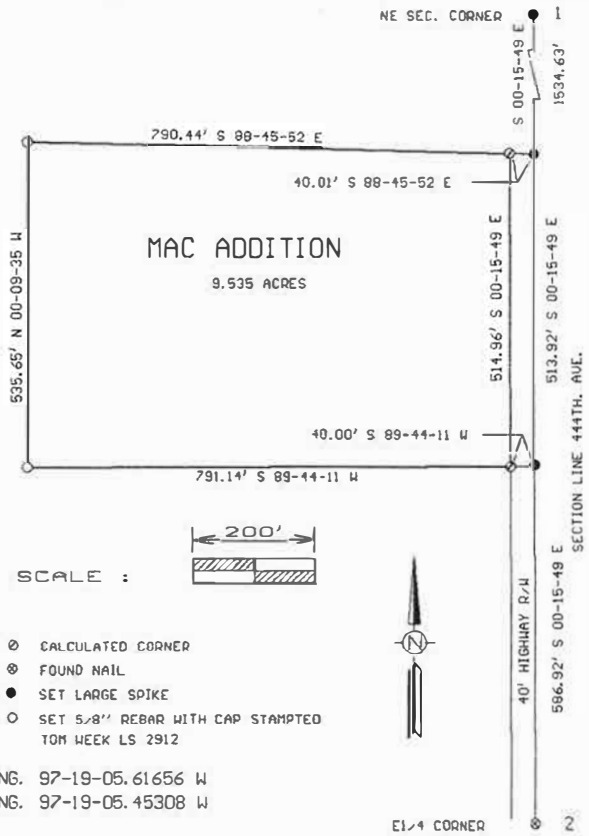
- SECTION 33**  
1. Brockmueller, Jean 11  
2. Jensen, Donald 7
- SECTION 34**  
1. St Columbia Church Mayfield 5
- SECTION 35**  
1. Nelson, Rory etal 6  
2. Nelson, Timothy 6



PLAT OF MAC ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 34,  
T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



SECTION 34, T96N, R55W



SCALE :

- ⊙ CALCULATED CORNER
- FOUND NAIL
- SET LARGE SPIKE
- SET 5/8" REBAR WITH CAP STAMPED TOM WEEK LS 2912



1 = LAT. 43-05-49.00679 N, LONG. 97-19-05.61656 W  
2 = LAT. 43-05-22.97841 N, LONG. 97-19-05.45308 W

**SURVEYORS CERTIFICATE**

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF MAC ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 34, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 28TH. DAY OF SEPTEMBER, 2023.

\_\_\_\_\_  
THOMAS LYNN WEEK  
REG. LAND SURVEYOR  
REG. NO. 2912

**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 MAC ADDITION DOES QUALIFY AS A FARMSTEAD.

\_\_\_\_\_  
ZONING ADMINISTRATOR

**RESOLUTION OF COUNTY PLANNING COMMISSION**

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING MAC ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 34, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

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

**CERTIFICATE OF STREET AUTHORITY**

THERE IS ACCESS TO MAC ADDITION FROM 444TH. AVE., ANY FURTHER ACCESS POINTS WILL REQUIRE ADDITIONAL APPROVAL.

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

\_\_\_\_\_  
COUNTY APPROVAL



PLAT OF MAC ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 34, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, JERROLD J. McDONALD AND VICTORIA L. McDONALD, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED PROPERTY: MAC ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 34, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

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

\_\_\_\_\_  
JERROLD J. McDONALD                      VICTORIA L. McDONALD

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

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JERROLD J. McDONALD AND VICTORIA L. McDONALD, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.  
MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: MAC ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 34, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
\_\_\_\_\_.

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

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, \_\_\_\_\_, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, \_\_\_\_\_, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, \_\_\_\_\_, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ .M., AND DULY RECORDED IN BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-665-8333

\_\_\_\_\_  
REGISTER OF DEEDS, YANKTON COUNTY, SD

Plat Approval  
Application  
176192

Fees Paid  
\$100.00

Applicant  
Bill Conkling

Created  
September 28,  
2023

Number  
176192

Final | Plat of Mac Addition, in  
the SE1/4 of the NE1/4 of  
Section 34, T96N, R55W of the  
5th P.M., Yankton County, South  
Dakota. | Jerome McDonald |  
29645 444 AVE |  
08.034.100.031  
Submitted by bconkling on  
9/28/2023



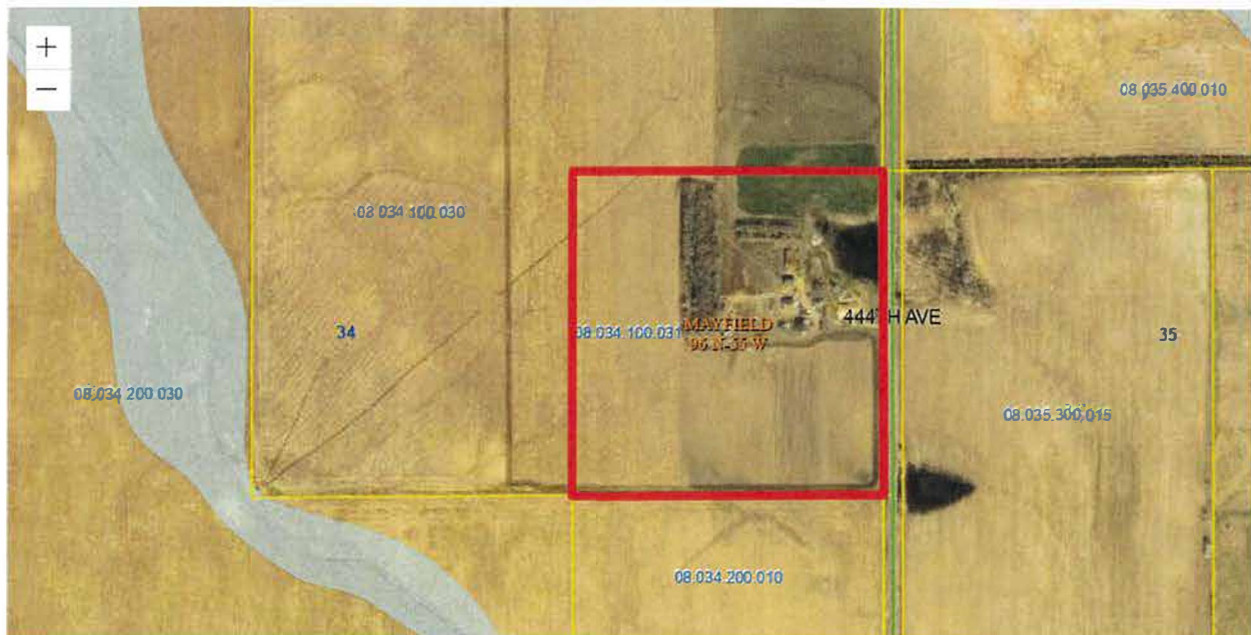
## Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 9/28/2023 9:45 AM EST by bconkling



Maxar Powered by Esri

ParcelID	Address	City	OwnerName	Acres
08.034.100.031	29645 444 AVE	IRENE	MCDONALD, JERROLD J (D)    MCDONALD, VICTORIA L (D)	39.000

Requested Information Completed On 9/28/2023 9:50 AM EST by bconkling

Fee  
\$100.00

Plat Type  
Final

## Development Information

Plat Name



Section No:

34

Township No:

96

Range

55

Number of Lots/Tracts

1

Number of Acres

9.535

How is this property currently being used?

AG

What is the proposed use of the property?

AG

## Surveyor/Engineer Information

Firm Name

Tom Week

Address

407 Regal Dr

City

Yankton

State

SD

Zip

57078

Contact Person

Tom Week

Phone

6056658333

## Property Owner Information

Owner Name

Jerome McDonald

Address

29645 444 AVE

City

Irene

State

SD

Zip

57037

Owner Phone

6056658333

Contact Person

Tom Week

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)

9.535

Is this plat an existing farmstead

Yes

If a farmstead, how many acres are surrounding it

9.535

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 10/2/2023 10:15 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

[McDonald 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 10/2/2023 10:15 AM EST by bconkling

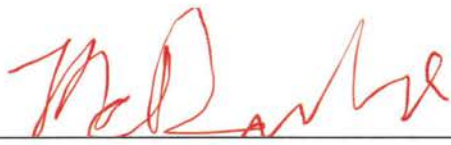
## Owner Certification

Owner(s)

McDonald

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

Submittal Email Completed On 10/2/2023 10:15 AM EST by bconkling

Delivered on Monday, October 2, 2023 at 10:15 AM 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:** 176192  
**Workflow:** Plat Approval Application  
**Description:** Final | Plat of Mac Addition, in the SE1/4 of the NE1/4 of Section 34, T96N, R55W of the 5th P.M., Yankton County, South Dakota. | Jerome McDonald | 29645 444 AVE | 08.034.100.031  
**Created On:** 9/28/2023

[View Application](#)

Email to Pay Completed On 10/2/2023 10:15 AM EST by bconkling

Delivered on Monday, October 2, 2023 at 10:15 AM 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: 176192

Workflow: Plat Approval Application

Description: Final | Plat of Mac Addition, in the SE1/4 of the NE1/4 of Section 34, T96N, R55W of the 5th P.M., Yankton County, South Dakota. |  
Jerome McDonald | 29645 444 AVE | 08.034.100.031

Created On: 9/28/2023

[View Application](#)

Payment Completed On 10/2/2023 1:21 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	October 2, 2023 1:21 PM	1456	\$100.00	<a href="#">VIEW RECEIPT</a>

Total Paid: \$100.00

Payment Made Email Completed On 10/2/2023 1:21 PM EST by bconkling

Delivered on Monday, October 2, 2023 at 1:21 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: 176192

Workflow: Plat Approval Application

Description: Final | Plat of Mac Addition, in the SE1/4 of the NE1/4 of Section 34, T96N, R55W of the 5th P.M., Yankton County, South Dakota, 1  
Jerome McDonald | 29645 444 AVE | 08.034.100.031

Created On: 9/28/2023

[View Application](#)

Planning Commission Review Completed On 10/2/2023 1:22 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:

10/10/2023

Plat Approval Application (Planning Commission) Completed On 10/2/2023 1:22 PM EST by bconkling

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

External Notes

Documents

Internal Notes





# Yankton County, South Dakota

# Receipt

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

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

1456  
October 2, 2023 01:21 PM  
Check

**\$100.00 paid on October 2, 2023**

Plat Approval Application

Application ID: 176192

Description	Amount
Fee	\$100.00

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 9/29/2023

Applicant

**Bender- 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 and Tract 2 in the South 244 Feet of the Replat of Lot 1, Lake View Bluffs, in the NE1/4 of Section 16, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

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

Plat Name: Plat of Tract 1 and Two in the South

Section No: 16 Township No: 93

Range : 56 Number of Lots/Tracts: 2

Number of Acres: 6.48

How is the property currently being used? MD

What is the proposed use of the property? MD

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

Firm Name: Tom Week

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

City: Yankton State: SD Zip: 57078

Contact Person: Tom Week

Phone: 6056658333

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

Name: Frederick Bender

Address: 4402 Hillside Dr

City: Yankton State: SD Zip: 57078

Contact person: Tom Week

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) 4,523

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 payer  
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.

Rev.  
\_\_\_\_\_  
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: 10/10/2023

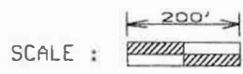
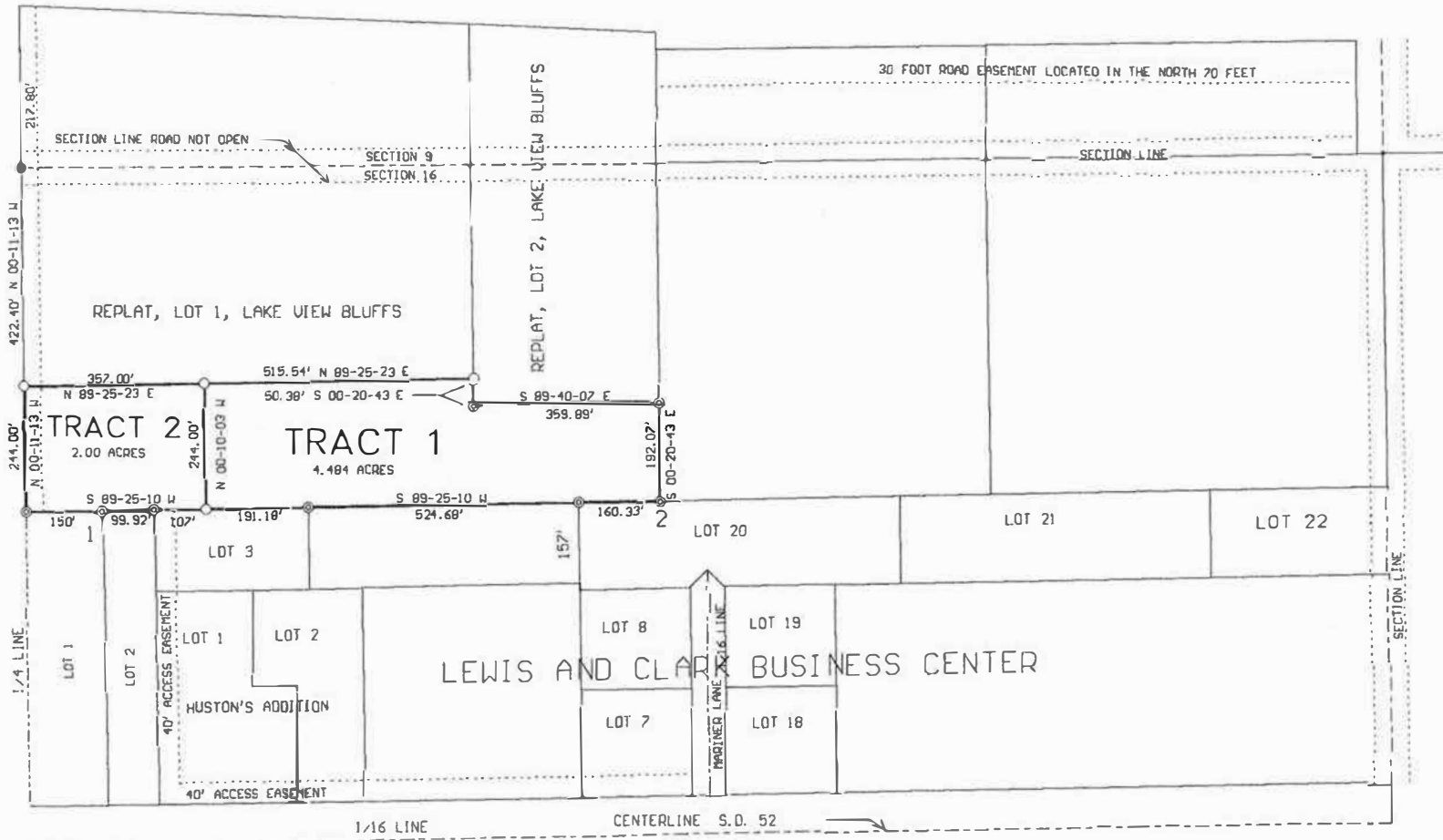
Board of Adjustment date: \_\_\_\_\_







PLAT OF TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1,  
 LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M.,  
 YANKTON COUNTY, SOUTH DAKOTA.



- FOUND 5/8" REBAR
  - ⊙ FOUND 5/8" REBAR WITH CAP
  - SET 5/8" REBAR WITH CAP
- STAMPED TOM WEEK LS 2912

1, LAT. 42-52-40.98538 N LONG. 97-27-57.03370 W  
 2, LAT. 42-52-41.09396 N LONG. 97-27-42.48881 W

PLAT OF TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1, LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1, LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.  
SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
DATED THIS 29TH. DAY OF SEPTEMBER, 2023.

\_\_\_\_\_  
THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

OWNERS CERTIFICATE

WE, FREDERICK G. BENDER AND KATHERINE E. HANSON, AS TRUSTEES OF THE FREDERICK BENDER AND KATHERINE HANSON REVOCABLE TRUST, DO HEREBY CERTIFY THAT THE FREDERICK G. BENDER AND KATHERINE E. HANSON REVOCABLE TRUST, IS THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1, LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.  
THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
FREDERICK G. BENDER,  
TRUSTEE

\_\_\_\_\_  
KATHERINE E. HANSON,  
TRUSTEE

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

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED FREDERICK G. BENDER AND KATHERINE E. HANSON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY AS TRUSTEES, EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

CERTIFICATE OF COMMUNITY DEVELOPMENT DIRECTOR

I, COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF YANKTON, HAVE REVIEWED THIS PLAT AND HAVE FOUND IT TO CONFORM TO THE SUBDIVISION REQUIREMENTS OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON, AND PURSUANT TO THE AUTHORITY GRANTED IN SDCL 11-3-6 AND YANKTON CITY ORDINANCE SECTION 17-72, I HAVE APPROVED THIS PLAT AS A FINAL PLAT.

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

\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR OF THE  
CITY OF YANKTON

CERTIFICATE OF FINANCE OFFICER

I, \_\_\_\_\_, CITY FINANCE OFFICER OF THE CITY OF YANKTON, DO HEREBY CERTIFY THAT THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF YANKTON HAS APPROVED THIS FINAL PLAT AS SHOWN HEREON.

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

\_\_\_\_\_  
FINANCE OFFICER OF THE CITY OF YANKTON,

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1, LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

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

PLAT OF TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1, LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 AND TRACT 2 IN THE SOUTH 244 FEET OF THE REPLAT OF LOT 1, LAKE VIEW BLUFFS, IN THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

CERTIFICATE OF STREET AUTHORITY

ACCESS TO TRACT 1 WILL BE FROM THE 40 FOOT WIDE ACCESS EASEMENT ON THE WEST SIDE OF HUSTON'S ADDITION, AND FROM LOT 3 (WHICH I AM THE MANAGER OF YANKTON MOTORSPORTS, LLC.).

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

\_\_\_\_\_  
WAYLON J. PAYER, MANAGER OF YANKTON MOTORSPORTS, LLC.

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, YANKTON COUNTY, S.D.

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
TREASURER, YANKTON COUNTY, S.D.

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

PREPARED BY: THOMAS LYNN WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-665-8333

\_\_\_\_\_  
REGISTER OF DEEDS, YANKTON COUNTY, S.D.



Plat Approval      Fees Paid  
 Application        \$100.00  
 176700

Applicant            Created  
 Bill Conkling        September 29,  
                              2023

Number  
 176700

Final | Plat of Tract 1 and Two  
 in the South 244 Feet of the  
 Replat of Lot 1, Lake View  
 Bluffs, in the NE1/4 of Section  
 16, T93N, R56W of the 5th P.M.,  
 Yankton County, South Dakota |  
 Frederick Bender | 4402 Hillside  
 Dr | 09.016.100.103  
 Submitted by bconkling on  
 9/29/2023



## Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 9/29/2023 11:21 AM EST by bconkling



ParcelID	Address	City	OwnerName	Acres
09.016.100.103			BENDER, FREDERICK REV TRUST (D)    HANSON, KATHERINE REV TRUST (D)	6.480

Plat Approval Items Completed On 10/2/2023 10:15 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

[Payer 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?

## Owner Certification

Owner(s)

payer

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

Submission Email Completed On 10/2/2023 10:16 AM EST by bconkling

Delivered on Monday, October 2, 2023 at 10:16 AM 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: 176700

Workflow: Plat Approval Application

Description: Final | Plat of Tract 1 in the South 244 Feet of the Replat of Lot 1, Lake View Bluffs, in the NE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota | Frederick Bender | 4402 Hillside Dr | 09.016.100.103

Created On: 9/29/2023

[View Application](#)

Email to Pay Completed On 10/2/2023 10:16 AM EST by bconkling

Delivered on Monday, October 2, 2023 at 10:16 AM 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: 176700

Workflow: Plat Approval Application

Description: Final | Plat of Tract 1 in the South 244 Feet of the Replat of Lot 1, Lake View Bluffs, in the NE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota | Frederick Bender | 4402 Hillside Dr | 09.016.100.103

Created On: 9/29/2023

[View Application](#)

Requested Information Completed On 10/2/2023 1:28 PM EST by bconkling

Fee

\$100.00

Plat Type

Final

**Development Information**

Plat Name

Plat of Tract 1 and Two in the South 244 Feet of the Replat of Lot 1, Lake View Bluffs, in the NE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Section No:



16

**Township No:**

93

**Range**

56

**Number of Lots/Tracts**

2

**Number of Acres**

6.48

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

MD

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

MD

## Surveyor/Engineer Information

**Firm Name**

Tom Week

**Address**

407 Regal Dr

**City**

Yankton

**State**

SD

**Zip**

57078

**Contact Person**

Tom Week

**Phone**

6056658333

## Property Owner Information

**Owner Name**

Frederick Bender

**Address**

4402 Hillside Dr

**City**

Yankton

**State**

SD

**Zip**

57078

**Owner Phone**

6056658333

**Contact Person**

Tom Week

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)

4.523

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 applicabile)

Payment Completed On 10/2/2023 2:14 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	October 2, 2023 2:14 PM	paid at Treasurer office	\$100.00	<a href="#">VIEW RECEIPT</a>

Total Paid: \$100.00

Payment Made Email Completed On 10/2/2023 2:14 PM EST by bconkling

Delivered on Monday, October 2, 2023 at 2:14 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: 176700

Workflow: Plat Approval Application

Description: Final | Plat of Tract 1 and Two in the South 244 Feet of the Replat of Lot 1, Lake View Bluffs, in the NE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota | Frederick Bender | 4402 Hillside Dr | 09.016 100.103

Created On: 9/29/2023

[View Application](#)

Planning Commission Review Completed On 10/2/2023 2:14 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:

10/10/2023

Plat Approval Application (Planning Commission) Completed On 10/2/2023 2:14 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**

paid at Treasurer office  
October 2, 2023 02:14 PM  
Check

## \$100.00 paid on October 2, 2023

Plat Approval Application

Application ID: 176700

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:

<b>Class</b>	<b>Animal Units</b>
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 (½) 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 sever 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.

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.

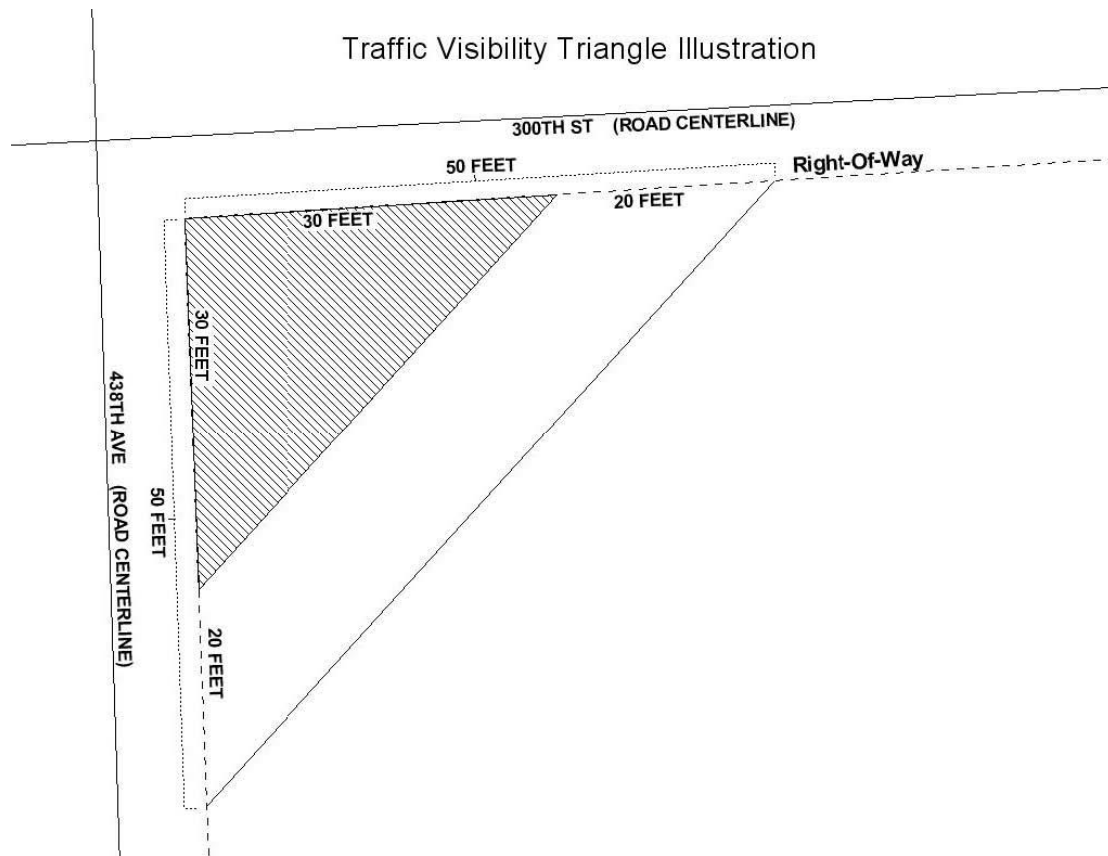
Temporary Construction Facilities - Parcels of land or structures where construction or mining support facilities are constructed or placed at or near a job site to provide materials and support mechanisms for construction or mining projects. The term shall include but is not limited to portable offices, 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 alternating current (AC) and higher,



pursuant to Article 29;

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.

<b><i>Facility Setback Chart (Feet)</i></b>		
Class	A	B
Animal Units	500 to 10,000	200 to 499
<b><i>Solid Manure System*</i></b>		
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
<b><i>Liquid Manure System*</i></b>		
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
<b><i>Any Style Manure System</i></b>		
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.

<b>Manure Application Setback Chart</b>			
	<b>Injection or Incorporated within 24 hours</b>	<b>Surface Applied</b>	<b>Irrigated</b>
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.

## **ARTICLE 10**

### **COMMERCIAL DISTRICT (C)**

#### Section 1001    Intent

The intent of the Commercial District (C) is to provide commercial areas for those establishments that can function most satisfactorily in an area related to a rural or municipal fringe environment requiring major vehicular circulation routes and off right-of-way parking and loading due to the nature of the merchandise handled and the display space required.

#### Section 1003    Permitted Principal Uses and Structures (Amended October 21, 2021)

The following principal uses and structures shall be permitted in a Commercial District (C): **(Amended June 21, 2022)**

1. Arcades;
2. Bars;
3. Day care centers;
4. Financial institutions;
5. Funeral homes;
6. Garages, public;
7. Gasoline stations;

8. Golf courses;
9. Governmental services;
10. Historic sites;
11. Hotels;
12. Indoor archery/shooting ranges;
13. Lockers;
14. Manufacturing, light;
15. Motels;
16. Open sales areas;
17. Parks;
18. Repair shops, auto-body;
19. Repair shops, motor vehicle;
20. Restaurants;
21. Restaurants, drive-in;
22. Restaurants, in-house;
23. Retail sales;
24. Self-storage warehouses;
25. Service establishments;
26. Theaters;
27. Utility facilities; **under 50 kilowatts; and per Solar Energy System, Building Mounted or Solar Energy System Utility-Scale Definitions;**
28. Veterinary clinics;
29. Warehousing facilities;
30. Wholesale sales.
31. Cannabis Cultivation Facility
32. Cannabis Dispensary

33. Cannabis Product Manufacturing Facility
34. Cannabis Testing Facility; and
35. Accessory Structures.

Section 1005    Permitted Accessory Uses and Structures

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

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

Section 1007    Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Commercial District (C): **(Amended June 21, 2022)**

1. Adult entertainment;
2. Agricultural fertilizer and chemical manufacturing, sales, and applications;
3. Agricultural product processing;
4. Amusement parks; and
5. Asphalt plants;
6. Buying stations;
7. Campgrounds;

8. Concrete plants;
9. Construction services;
10. Dwellings, single-family;
11. Dwellings, two-family;
12. Grain elevators;
13. Manufacturing;
14. Manufacturing, distribution, sale, or storage of flammable, combustible, or hazardous material;
15. Outdoor shooting/archery ranges.
16. Sale and auction yards and barns;
17. Salvage yards;
18. Sanitary landfills and restricted use sites, permitted by DENR;
19. Signs, off-site, pursuant to Article 14;
20. Tank farms;
21. Towers, pursuant to Article 25 & Article 26;
22. Truck or equipment terminals;
23. Veterinary services; **(Amended May 19, 2020)**
24. Wind energy systems; and **(Amended May 19, 2020)**
25. Firework Sales. **(Amended May 19, 2020)**
26. Solar Energy Conversion Systems (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29;

Section 1009    Classification of Unlisted Uses

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

Section 1011    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 1009 shall be prohibited.

Section 1013    Minimum Lot Requirements (Amended June 21, 2022)

1. The minimum lot area shall be two 40,000 sq. ft.; and
2. The minimum lot width shall be seventy-five (75) feet.

Section 1015    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 loading docks, decks, patios, and covered areas: **(Amended June 21, 2022)**

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 twenty-five (25) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.

Section 1017    Traffic Visibility

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

## ARTICLE 29

### SOLAR ENERGY CONVERSION SYSTEMS (SECS)

#### **Section 2901 Definitions**

Agrivoltaics: 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.

Concentrating Solar Thermal Devices (CST's): CST 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: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Conversion Systems (SECS): Solar energy conversion systems are any combination of solar panels on a parcel of property. SECS below fifty (50) kilowatts alternating current (AC) are permitted uses in all zoning districts. SECS fifty (50) kilowatts alternating current (AC) and higher are allowed in Agricultural and Commercial Districts only and require a conditional use permit.

#### **Section 2902 Purpose and Intent**

Purpose. It is the purpose of this Article to outline the requirements Yankton County has for solar energy conversion systems (SECS).

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.

#### **Section 2910 Prohibited Uses and Structures**

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

#### **Section 2915 Solar Energy Conversion Systems- Performance Standards**

The following provisions shall apply to all SECS fifty (50) kilowatts alternating current (AC) and higher.

**Conditional Use Permit Application Requirements.** The following information shall be submitted for the consideration of a SECS Conditional Use Permit:

- A. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- B. A legal description of the site and proposed 911 address for the location.
- C. Site diagram(s) depicting:
  - a. boundary of entire area included in permit, showing project acreage and property lines of individual land owners
  - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
  - c. points of access from public road ways
  - d. topography with contours at intervals of **two (2) feet** showing surface water drainage patterns
  - e. schematic location of solar panels, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid
  - f. internal access and maintenance roads and other accessory structures associated with the SECS
  - g. proposed setbacks of all structures from the exterior boundaries
  - h. depiction of chosen ground cover for erosion control
  - i. fencing, lighting and signage locations
  - j. location and purpose of any existing underground pipelines and other utility easements
- D. Soil erosion and sediment control plan during construction
- E. Federal Aviation Administration requirements, if applicable
- F. Inventory of endangered species and wetlands
- G. A signed Roadway Maintenance and Haul Agreement with State, County, and/or Township authority approval
- H. Power Purchase Agreement
- I. Decommissioning plan
- J. Liability insurance policy
- K. Indemnification of County and its officers and employees
- L. Such other information deemed relevant and necessary by the Zoning Administrator.

**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.

<u><i>Facility Setback Chart</i></u>	<u><i>Feet</i></u>
Residence, active church, business, schools	1,320
Municipalities	2,640



Lakes, rivers and streams	660
Right-of-way line	330
Property line delineating a change in ownership	330
100 year flood plain	PROHIBITED

**Design Requirements.**

- A. Performance standards. All SECS must conform to the performance standards as set forth by any local, state, federal regulatory standards.
- B. 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.
- C. Underground Installation of Lines. All SECS shall install power collection lines and communication lines underground and, wherever possible, under or at the edge of the project access roads in order to minimize soil disturbances. Aboveground transmission lines may be utilized in public road right-of-ways or easements.

These requirements 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.

- D. Electrical connection plan. A detailed electrical diagram, showing all electrical connection points within the system and to the electrical grid.
- E. Soil Erosion and sediment control. All construction roadwork and site development work must meet national pollutant discharge elimination system (NPDES) permit requirements.
- F. Ground Cover. To reduce soil erosion and storm water runoff, disturbed land, including land under and around solar panels, shall be covered and maintained.
- G. 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.
- H. 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.
- I. 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.

- J. Noise. Noise levels measured at the property line shall not exceed 50 decibels.
- K. 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 facility's 911 address and a 24-hour emergency contact number.
- L. Aviation Protection. For SECS located within one thousand (1000) feet of an airport, the applicant must meet Federal Aviation Administration (FAA) standards.
- M. Endangered Species and Wetlands. Applicant must submit an inventory of any existing endangered wildlife, flora and fauna species and biologically sensitive areas and meet all South Dakota Department of Agricultural and Natural Resources and Game, Fish and Parks requirements.
- N. Road Maintenance Agreement.
- a. *Public Roads*: Prior to commencement of construction, the applicants shall identify all "haul roads" that will be used during the construction of the SECS project and shall notify the state, county or township governing body having jurisdiction over these roads to determine if they are acceptable for use as "haul roads". The governmental body shall be given adequate time to inspect the proposed "haul roads" prior to their use. Where practical, existing roadways shall be used for all activities associated with the SECS. 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. Prior to using the approved haul roads, the permittees shall arrange with the governing body for the maintenance and repair of these roads during active construction times and any final inspection requirements to determine if final repairs are necessary.
  - b. *Private Roads*: The applicants shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected land owner.
- O. 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.
- P. Decommissioning:

- a. *Plan:* All applicants for a conditional use permit shall provide, with their site plan submission, a decommissioning plan.
  - i. The plan shall specify the procedure by which the applicant or its successor will remove all structures (including equipment, fencing, roads and foundations) and restore the area to its pre-construction condition.
  - ii. 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.
  - iii. The plan will set forth a timeline for completing decommissioning once it is commenced.
- b. *Cost Estimate:*
  - i. The decommissioning plan shall include a decommissioning cost estimate prepared by a licensed professional engineer.
  - ii. The cost estimate shall provide the estimated cost of decommissioning in accordance with the decommissioning plan and any other applicable conditions set by the County.
  - iii. The applicant or its successor shall compensate the County for any third-party review and analysis by an engineer of the initial cost estimate.
  - iv. The applicant or its successor shall update the decommissioning cost every five (5) years following approval of the conditional use permit and compensate the County for any review and analysis of each cost estimate revision by a licensed professional engineer.
- c. *Financial Resources:*
  - i. Fifty percent (50%) of the estimated decommissioning cost will be placed into an escrow account held by the County at the beginning of the SECS construction phase. The balance of the decommissioning cost estimate will be guaranteed with a surety bond so as to cover one hundred percent (100%) of the estimated decommission costs.
  - ii. Each year, the applicant or its successor will contribute an additional five percent (5%) of the most current cost estimate to the escrow account, allowing for the reduction of the surety bond by the same percentage. This escrow increase and surety bond decrease will continue until one hundred percent (100%) of the decommissioning cost estimate is held in escrow.
  - iii. Should the five-year (5) updated cost estimate increase, the applicant or its successor will increase the required escrow and surety bond combination as outlined above to meet the percentages for the given year. Amounts may be reduced, at the discretion of the County, if an updated cost estimate shows a decrease from the previous cost estimate.
  - iv. The County will credit interest to the escrow account on a monthly basis.
- d. *Notice to County:* The applicant or its successor shall provide six (6) months' written notice to the Zoning Administrator that it intends to commence the decommissioning process.
- e. *Termination of Use:*
  - i. Decommissioning of solar panels must occur in the event the SECS is not in use for six (6) consecutive months. At this time the applicant or its

successor and/or land owner will have six (6) months to complete the decommission plan.

- ii. If the applicant or its successor and/or land owner 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.
- iii. The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or its successor for decommissioning costs against any real estate owned by applicant or its successor, or in which they have an interest and to take all steps allowed by law to enforce said lien. NOTE: The land owner is ultimately responsible and could have a Lien placed on their property should the applicant or its successor fail to fully remunerate the costs of decommissioning.

Q. Liability insurance: The applicant or its successor shall obtain and hold a general liability policy covering bodily injury and property damage and name Yankton County as an additional insured with limits of at least 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 or its successor must provide proof of insurance to the Zoning Administration prior to construction.

***And/or I DON'T BELIEVE WE NEED THIS SECTION ANYMORE ??????***

***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.

**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.