

March 9, 2021

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cherie Hoffman
☐ Zane Williams
☐ Don Kettering

☐ Dennis Michael
☐ Chris Barkl
☐ Doug Hevle

☐ Kristi Schultz

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.

Daniel Swihart

Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

7:10 P.M.

Michael Kuchta

Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A. Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

7:15 P.M.

Plat

Lots 21, 22, 23, 24, and 25 Crestview Homes Subdivision, in the NE ¼ of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Plat

A Replat of a Portion of Lot 4 of Kabeisman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota; And a Portion of Kabeisman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M. Yankton County, South Dakota; Hereafter to be known as;

Lots 1 and 2, Kaiser Canyon Addition, in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14,
T93N, R57W of the 5th P.M., Yankton County, South Dakota.

7:20P.M.

Article 5, Definitions and Discussion

7:25 P.M.

Public Comment

Adjourn

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 2/9/2021 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Vetter/Conkling

ROLL ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

CALL:

APPROVAL OF MINUTES: MOTION BY: Kettering SECOND BY: Williams

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

APPROVAL OF AGENDA: MOTION BY: Kettering SECOND BY: Williams

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Reorganization of Planning commission/Officers**

ADDRESS/LEGAL: _____

COMMENTS: _____

PUBLIC _____

COMMENT: _____

MOTION: Commission agreed to move the vote to April

APPROVAL: MOTION BY: _____ SECOND BY: _____

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Carns-Variance**

ADDRESS/LEGAL: Lot One (1), Deerfield Ranch Estates, Yankton County, South Dakota as platted in Book S18, page 222. E911 address is 30923 433 AVE.

COMMENTS: None

MOTION: Approve application as presented

APPROVAL: MOTION BY: Kettering SECOND BY: Williams

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Plat 17 Baycliffe**

ADDRESS/LEGAL: W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and

except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

COMMENTS:

none

MOTION: Approve Plat as presented

APPROVAL: MOTION BY: Michael SECOND BY: Williams

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Plat 31 Baycliffe**

ADDRESS/LEGAL: W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

COMMENTS:

None

MOTION:

Approve plat as presented

APPROVAL: MOTION BY: Michael SECOND BY: Williams

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Plat 11 Baycliffe**

ADDRESS/LEGAL: W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

COMMENTS:

None

MOTION: Approve plat as presented

APPROVAL: MOTION BY: Barkl SECOND BY: Michael

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Plat 12 Baycliffe**

ADDRESS/LEGAL: W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

COMMENTS: None

MOTION: Approve plat as presented

APPROVAL: MOTION BY: Kettering SECOND BY: Hevle

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Article 5 Update**

ADDRESS/LEGAL:

COMMENTS: Commissioner Kettering gave an update on Article 5 public meetings. No discussion of Article 5 took place

MOTION:

APPROVAL: MOTION BY: _____ SECOND BY: _____

PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM:

ADDRESS/LEGAL:

COMMENTS:

MOTION:

APPROVAL: MOTION BY: _____ SECOND BY: _____

PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

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

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

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

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

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

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: _____
ADDRESS/LEGAL: _____

COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

Yankton County Planning Commission
Yankton County Board of Adjustment

Application Date: 1/21/2021

Applicant: Daniel Swihart

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☐ Section 707 ☐ Section 807

☒ Section 1805 ☐ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:

3/9/2021

Board of Adjustment

date:4/6/2021

Time:

7:05PM

Time:

7:00PM

Yankton County

Variance

X

Conditional Use

Rezoning

Owner: Daniel A Swihart and Kay L Swihart Revocable Trust

Owners Address: 296 Gavins Point Road, Yankton, SD 57078

Owners Phone: 214 850 3184

Applicants Name,
if different from

Owner: Daniel & Kay Swihart

Applicants
Address: 296 Gavins Point Road, Yankton, SD 57078

Job Address: 304 GAVINS POINT RD

Legal: LTS B & C EXC W3' LT B ERSKINE'S PLAT

Section,
Township, Range: 22-93-57

Zoning
Classification: MD

Affected Zoning Ordinance: 709

Reason for Request: When not using the property for personal use, we would like to use it as a vacation rental.

Request:	
List Specific Hardships:	Currently the property is zoned "Moderate Density Residential" which we are uncertain if that allows use for vacation rental use. We would like to rent the property for vacation use providing tax revenue to the county and

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 03/09/2021 7:05 PM CST

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE): _____

Application Fee: \$300.00 Check #: 934 Receipt #: _____

Daniel Swihart

Date:

01/26/2021

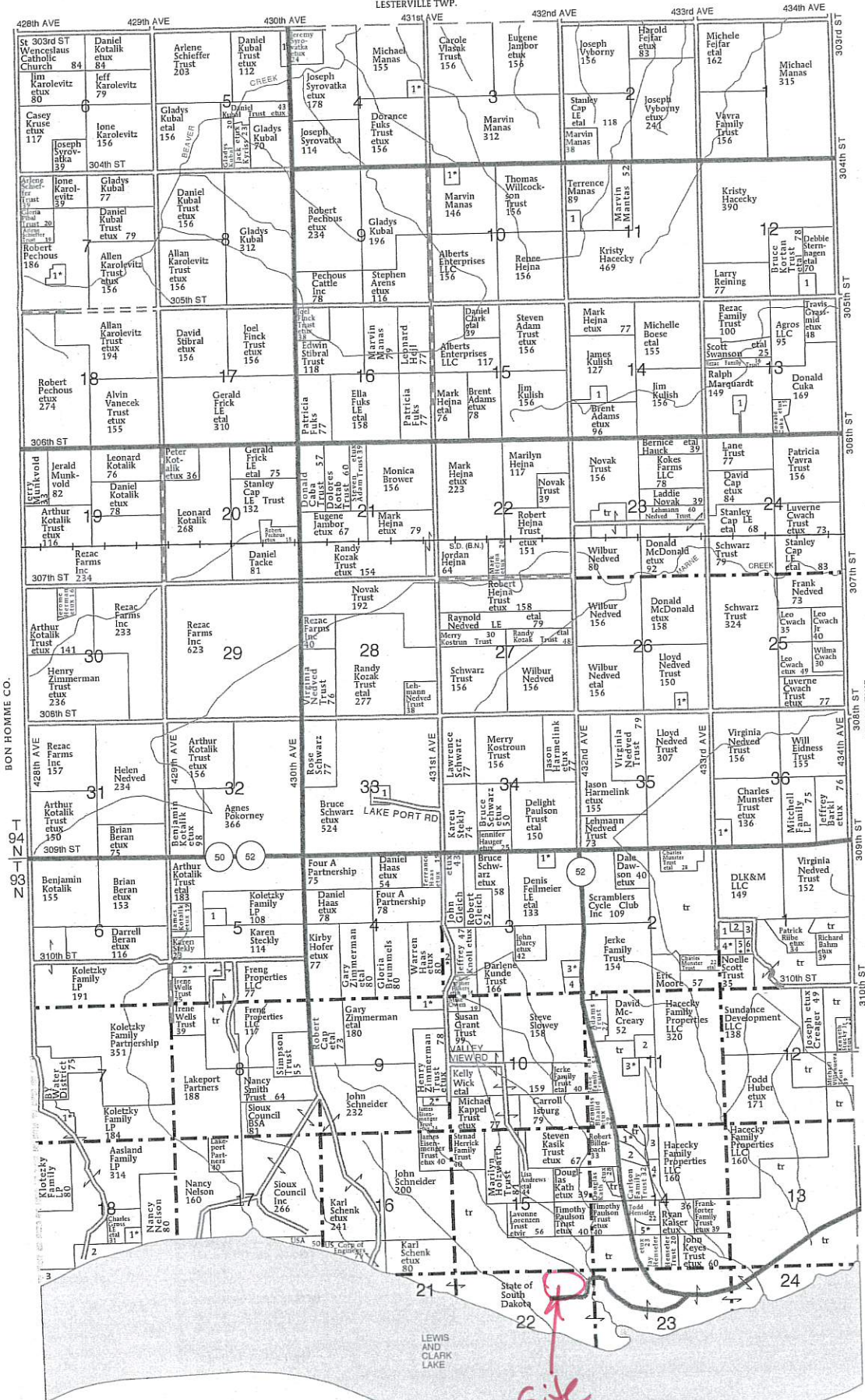
Signature: Daniel A Swihart and Kay L

Site Map



Parcel Number: 13.022.001.020

Site Description:



ZISKOV TOWNSHIP

SECTION 1S

1. Barth, Chad 9
2. Fischer, Katrina 5
3. Gause, Janell 5
4. Taylor, Lynn etux 9
5. Scott, BJay etux 5
6. Kramer, Francis etal 5

SECTION 3S

1. Ausdemore, Robert etal 9
2. Haas, Warren etux 10
3. Mueller, James etux 8
4. Kunde, Darlene 8

SECTION 4N

1. Hoffman, RC etux 10

SECTION 5N

1. Polish Catholic Congregation 9

SECTION 5S

1. Willisie, Carol 11
2. Sedlacek, Kenneth etux 12

SECTION 7N

1. Pechous, Robert etux 10

SECTION 7S

1. Koletzky, Ione etal 17

SECTION 9S

1. Jungemann, Jerry etux 15
2. Wostrel, Eldon etux 15

SECTION 10N

1. Manas, Terence etux 10

SECTION 11N

1. Cap, Daniel 11

SECTION 11S

1. Haberman, Adam etux 10
2. Konopasek Family Trust 10
3. Lyons, Sean etal 10

SECTION 12N

1. Hejna, Marilyn 9

SECTION 13N

1. Manas, Dylan 6

SECTION 14N

1. Sudbeck, Charlene 12

SECTION 14S

1. Peterson, Corey etal 9
2. Feimer Family Protection Trust 9
3. Colby, David 13
4. VanDeKop, Dale etux 10
5. Henseler, Kevin etux 9

SECTION 18S

1. Lynch, Daniel etux 9
2. State of South Dakota Game Fish & Parks 66
3. Yonke Trust, Mark 5

SECTION 26

1. Martin, Nathan etux 6

SECTION 33

1. St Wenceslaus Roman Catholic Church 10

SECTION 36

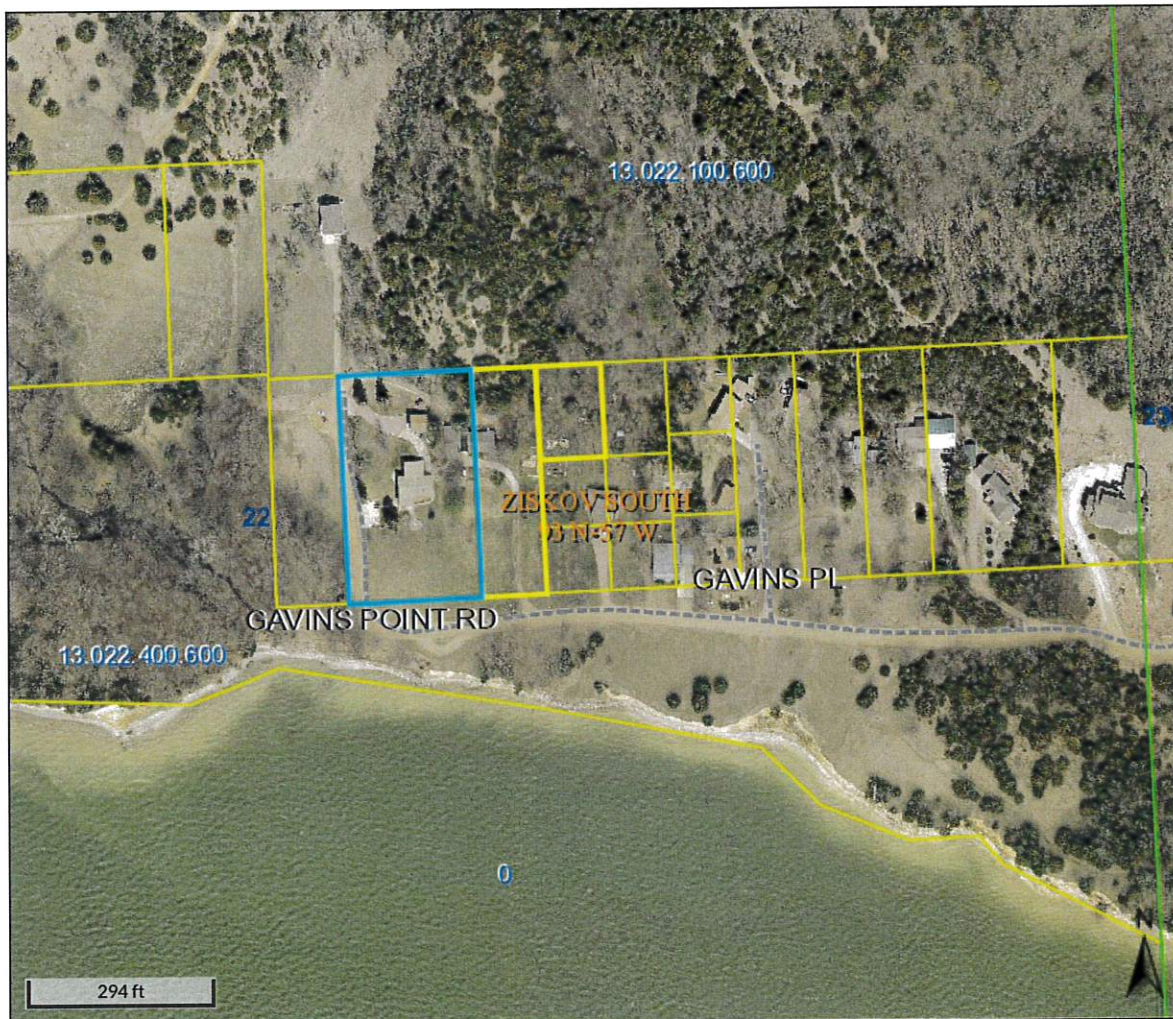
1. Koletzky, David etux 8

FINDINGS OF FACT – CONDITIONAL USE PERMIT

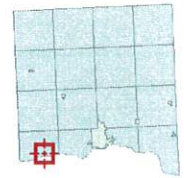
Swihart– CUP-2021-36

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a Moderate Density Residential (R2) Per Article 7 Section 709
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – 2-12-2021 Published – 2-26-2021
3. Attend the public hearing	
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;	
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	
d. Utilities, with reference to locations, availability, and compatibility;	
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	
g. Required yards and other open spaces; and	
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional	

use will not adversely affect the public interest.	
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Overview



Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads

Parcel ID - 13.022.001.020
Address - 304 GAVINS POINT RD
Owner - SWIHART, DANIEL REVOCABLE TRST (D)
SWIHART, KAY REVOCABLE TRUST (D)

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

Date created: 2/9/2021
Last Data Uploaded: 2/9/2021 8:16:01 AM

Developed by  **Schneider**
GEOSPATIAL

Variance, Conditional
Use and Rezoning
Application
CUP-2021-36
Applicant
Daniel & Kay
Swihart

Fees Paid
\$300.00
Created
January 21, 2021

Number
CUP-2021-
36

13.022.001.020 | Daniel A
Swihart and Kay L Swihart
Revocable Trust | 304
GAVINS POINT RD,
YANKTON, SD, 57078
Submitted by Riverbank on
1/21/2021



Applicant

Daniel & Kay Swihart

(214) 850 3184

swihart.dan@gmail.com

Parcel search Completed On 1/21/2021 4:21 PM EST by Anonymous



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
13.022.001.020	304 GAVINS POINT RD	YANKTON	SWIHART, DANIEL REVOCABLE TRST (D) SWIHART, KAY REVOCABLE TRUST (D)	0.000

Request Information Completed On 1/21/2021 5:57 PM EST by Riverbank

Type of Request

Conditional Use

Fee

\$300.00

Reason for Request

When not using the property for personal use, we would like to use it as a vacation rental.

List Specific Hardships

Currently the property is zoned "Moderate Density Residential" which we are uncertain if that allows use for vacation rental use. We would like to rent the property for vacation use providing tax revenue to the county and to offset the cost of renovations. We are attempting to avoid future issues with the county by requesting under Section 709 classification of unlisted uses, the issuing of a conditional use permit. Since "bed and breakfast" use is allowed under the current zoning, we believe it is possible what we are requesting may be allowed under the existing zoning since that is vacation rental also. The CUP would not be needed in that case.

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Daniel & Kay Swihart

Applicant Address

296 Gavins Point Road, Yankton, SD 57078

Applicant Phone

214 850 3184

Owner Information

Owner Name

Daniel A Swihart and Kay L Swihart Revocable Trust

Owner Address

296 Gavins Point Road, Yankton, SD 57078

Owner Phone Number

214 850 3184

Property Information

Parcel ID Number

13.022.001.020

Legal Description

LTS B & C EXC W3' LT B ERSKINE'S PLAT

Site Address

304 GAVINS POINT RD

City

YANKTON

Zip
57078

Section-Township-Range
22-93-57

Zoning District
MD

Zoning Description
Moderate Density

Existing Use of Property
Undergoing renovation but would be single family residential.

Site Plan Completed On 1/21/2021 6:12 PM EST by Riverbank

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



Job Address

304 GAVINS POINT RD

Legal Description of Construction Site

LTS B & C EXC W3' LT B ERSKINE'S PLAT

Owner Name

SWIHART, DANIEL REVOCABLE TRST (D) || SWIHART, KAY REVOCABLE TRUST (D)

Owner Address

Owner Phone

Contractor

Contractor Mailing Address

Contractor Phone

Architect or Designer

Architect or Designer Mailing Address

Architect or Designer Phone

Type and Use of Building

Class of Work

Describe Work

Valuation of Work

\$

Generate Draft Building Permit Completed On 1/21/2021 6:12 PM EST by Riverbank

[Generate Draft Building Permit](#)

Submit Completed On 1/26/2021 10:43 AM EST by Riverbank

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

Daniel Swihart

Date

1/26/2021

Application Submitted Successfully Completed On 1/26/2021 10:43 AM EST by Riverbank

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Director Review Completed On 1/26/2021 3:50 PM EST by gvetter

Zoning Director Review

Approve

Payment Completed On 1/26/2021 4:25 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
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Confirmation Data

Payment Method	Check
Confirmation Number	934
Amount Paid	\$0.00

PC Prep Completed On 2/9/2021 9:40 AM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

March 9th 2021, 7:05 pm CST

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

02/27/2021 7:05 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

03/01/2021 7:05 PM

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

03/02/2021 7:05 PM

Upload PC Mailing Labels

[Swihartlabels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[SwihartCUPNotificationletter.pdf](#)

Upload PC Newspaper Publication

[LegalsSwihart.pdf](#)

Check box when ready to send notices

Send Notice

Permit Number

CUP-2021-36

Receipt Number

Planning Review Completed On 2/9/2021 9:43 AM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicant is seeking a conditional Use Permit to use his house as an AIR/BNB in a Moderate Density Residential (R2) area.

Planning Commission Code Reference

Other Planning Commission Code Reference ⓘ

709

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ⓘ

Wave Fee

Notes ⓘ

Email Preview Completed On 2/9/2021 9:43 AM EST by bconkling

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 02/27/2021 7:05 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 03/01/2021 7:05 PM

Place your zoning action sign 7 days prior to the public meeting, by 03/02/2021 7:05 PM

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

PC App Form Completed On 2/9/2021 9:43 AM EST by bconkling

PC App Form

External Notes

Documents

Internal Notes

AFFIDAVIT OF MAILING

I, Daniel A Swihart, hereby certify that on the 12 day of Feb, 2021, 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 12 day of February, 2021.

Daniel A Swihart

(Name)

Affiant

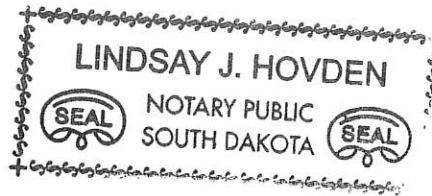
Subscribed and sworn to before me this 12 day of February, 2021.

L. Hovden

Notary Public - South Dakota

My commission expires: 8-27-2025

(SEAL)



NOTIFICATION

February 8, 2021

Daniel Swihart
296 Gavins Point Road
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

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,

Daniel Swihart
Petitioner

AANNING, H LARS REV TRUST (D)
252 GAVINS POINT RD
YANKTON SD 57078

BOLKS, VERLYN (D)
2672 340 ST
ROCK VALLEY IA 51247

DESSONVILLE, KATHRYN A (D)
19410 CONCORD LOOP
COUNCIL BLUFFS IA 51503

HANSEN, PATRICIA A REV TRUST (D)
27133 C 60
HINTON IA 51024

HOLMES, ROGER L (D)
37 S PINE ST
VERMILLION SD 57069

JEDLICKA, SHAREE JO (D)
3416 53 ST
COLUMBUS NE 68601

KLEIN-BOUR, NANCY L (D)
608 S OUTLOOK DR
SIOUX FALLS SD 57106

LOCKWOOD, MARVIN G (D)
117 GAVINS PL
YANKTON SD 57078

PEARSON, JAMES T REV TRUST (D)
447 ROLLING HILLS DR
YANKTON SD 57078

PIERCE, ANTHONY (D)
120 GAVINS PL
YANKTON SD 57078

RYKEN, JAMIE (D)
244 GAVINS POINT RD
YANKTON SD 57078

SCHLAEFLI, DOUGLAS J (D)
42407 310 ST
TABOR SD 57063

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

STICKNEY, FRANK G (D)
BOX 367
ELK POINT SD 57025

SWIHART, DANIEL REVOCABLE TRST (C
296 GAVINS POINT RD
YANKTON SD 57078

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 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to use his house as an Air/BNB in Moderate Density Residential (R2) zoning. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

West of the 5th P.M., Yankton County, South Dakota.

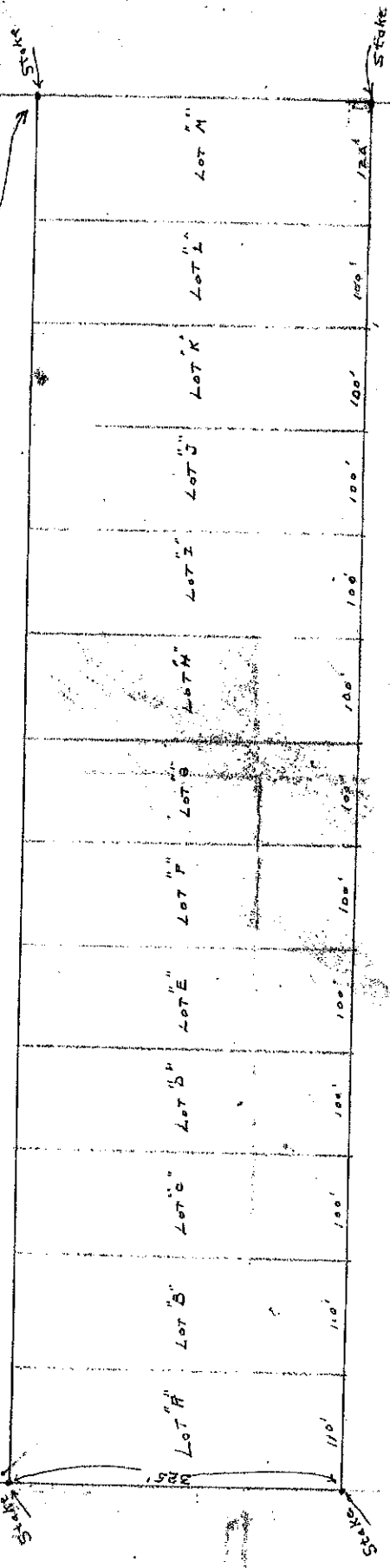
all other taxes upon the tract described above, have been fully paid.

Dated February 21, 1955.

John F. Hulse
County Treasurer, Yankton
County, South Dakota.

Northwest corner of the South 10 acres
of the North 40 acres of Lot 1, of
Section 22, Township 93 North, of
Range 57, West of the 5th P.M.
YANKTON COUNTY
South Dakota

Northwest corner of
South 10 acres of No. 10 acres
of Lot 1, Sec. 22, Twp. 93
N. of Rge. 57, W. of 5th P.M.



STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA, SS:

I, THOMAS ERSKINE, being the owner
of the property above described, and the same being free of
all encumbrances, hereby state that I am the absolute and un-
qualified owner thereof, and that I desire to plat, and there-
fore have platted, said property as Lots "A" to "M", both in-
clusive, and that said property hereafter may be conveyed as
lots of "Erskine's Plat" of the South 10 Acres of the North
40 Acres of Lot 1, Section 22, Township 93 North, of Range 57,
West of the 5th P.M., Yankton County, South Dakota, and that
said property has been surveyed and stakes placed at the corners
and places indicated therein, and that the lots are of the size
stated in said plat.

Dated February 18, 1955.

Thomas Erskine
THOMAS ERSKINE

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA, SS:

On this, the 18th day of
February, 1955, before me, the undersigned officer,
personally appeared THOMAS ERSKINE, known to me to be
the person whose name is subscribed to the within
instrument and acknowledged that he executed the same
for the purposes therein contained.

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

D. M. Hulse
Notary Public, Minnehaha
County, South Dakota.

My Commission expires:
May 10, 1956

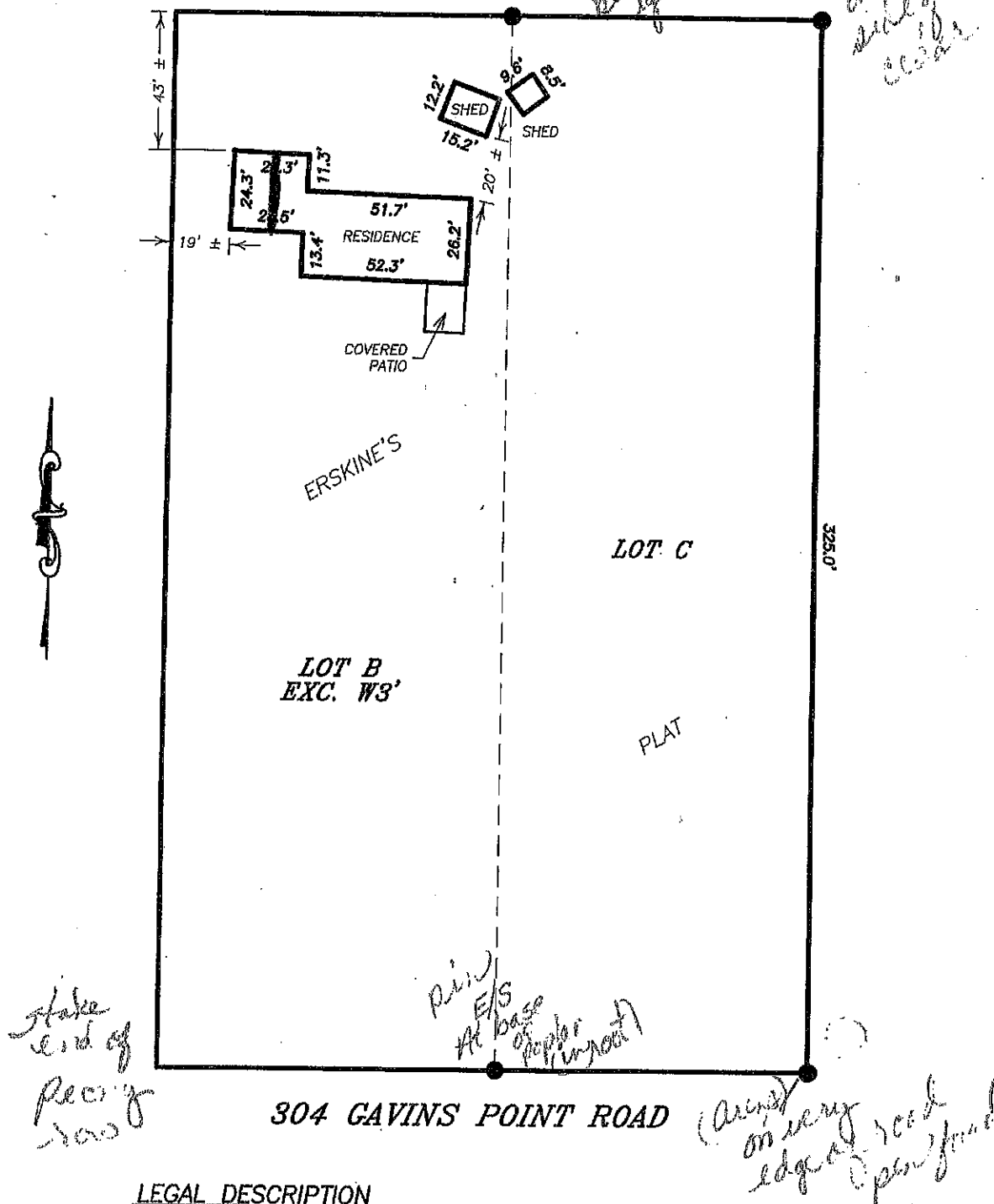


MORTGAGE LOAN INSPECTION

FOR DAN SWIHART

*207.0' on full
behind shed*

*stake on NW
side of large
cedar*



LEGAL DESCRIPTION

LOT B EXCEPT THE WEST 3 FEET THEREOF AND LOT C, ERSKINE'S PLAT, LOT 1, SECTION 22, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



Scale 1" = 50'

LEGEND:

- FD. MONUMENT
- (R) RECORD DISTANCE
- (M) MEASURED DISTANCE

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Michael Kuchta – Rezone

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

☐ LC – Lakeside Commercial ☒ RT-Rural Transitional

Variance needed:

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

☒ Section 1809

NOTE:

Applicant is requesting to rezone a Rural Transitional District (RT) to a Moderate Density Rural Residential District (R2).

PC: Article 18 Section 1809

BOA: Article 19 Section 1907

Planning Commission date: 3/9/2021

Time: 7:10 PM

Board of Adjustment date: 4/6/2021

Time: 6:35PM

Yankton County

 Variance Conditional Use X Rezoning

Owner: Kris Llewellyn

Owners Address: 3109 Old River Rd

Owners Phone: 6056610856

Applicants Name,
if different from

Owner: Michael Kuchta

Applicants

Address: 3109 Old River Rd

Job Address: 3109 OLD RIVER RD

Legal: TRACT 3 IN LOT A DJ'S ADDN

Section,
Township, Range:

16-93-55

Zoning
Classification:

RT

Affected Zoning Ordinance:

1809

Reason for Request: With rezoning this area to moderate density it would bring the existing land owners up to compliance. In addition it would allow a better use for

List Specific Hardships:

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 03/09/2021 7:10 AM CST

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$450.00 Check #: 1076 Receipt #:

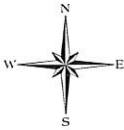
Date:

Signature:

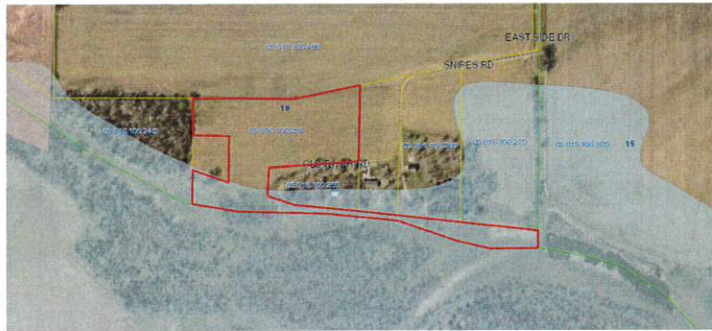
Michael Kuchta

02/05/2021

****FOR COUNTY PURPOSES ONLY****
ACCURACY OF THE INFORMATION
MUST BE VERIFIED BY THE USER

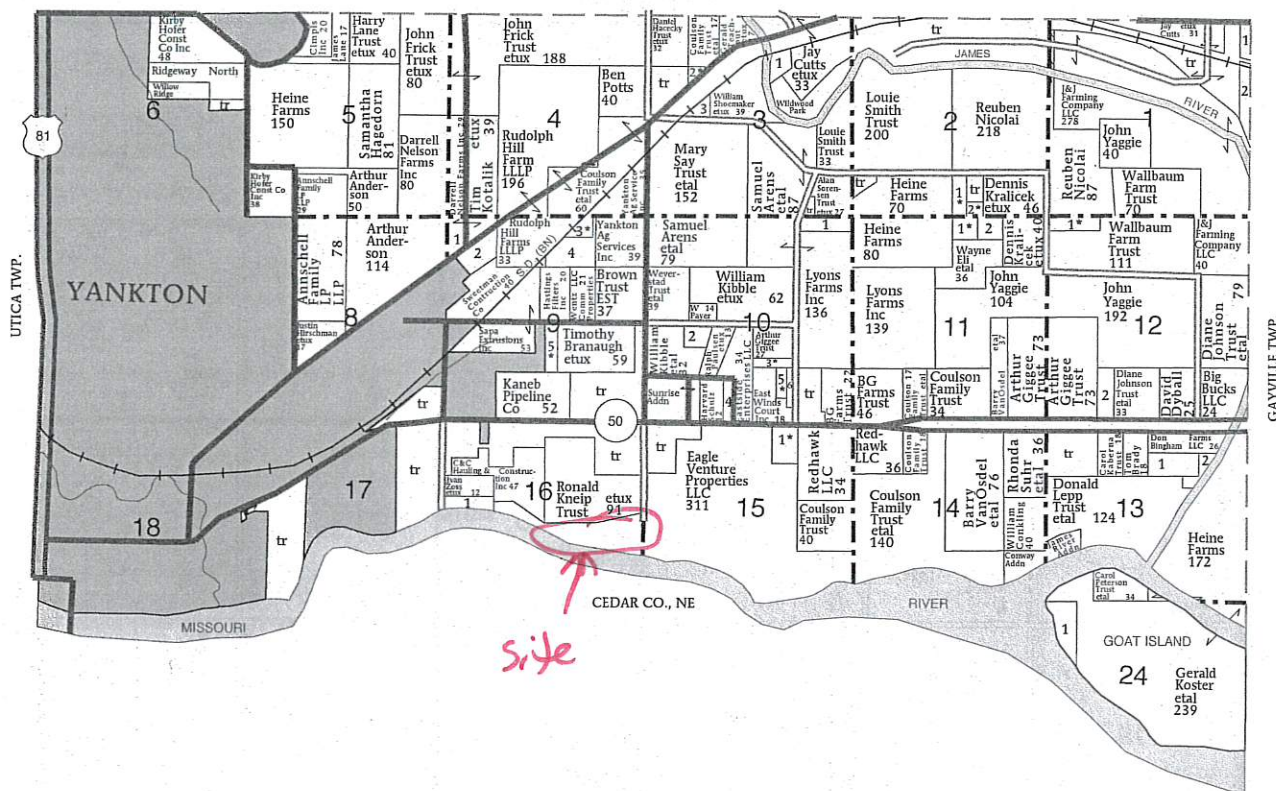


Site Map



Parcel Number: 05.016.100.250

Site Description:

**MISSION HILL 'S'****TOWNSHIP****SECTION 1**

1. RWH Land LLC 6
2. Nelson, Nancy 13

SECTION 2

1. Palecek, Lance et ux 15
2. Willman, David et ux 5

SECTION 3

1. State of South Dakota 9
2. Anderson, Richard et ux 9

3. Loecker, Reynold 9

SECTION 9

1. Keehr, Mark 5
2. Northwestern Public Service 15

3. Eide, Mark et ux 6
4. Yankton Area Progressive Growth Inc 25

5. Holmstrom, Thomas et ux 10

SECTION 10

1. Madson Trust, Clifford 14

2. Goeden, Josephine 10
3. Brasel, Anthony et ux 6

4. Schulz Trust, Harvard 6
5. Tackle, Dan et al 7

6. Tackle, Dan 5

SECTION 11

1. Jensen Trust, Gary et ux 10

2. Merkwan, Daryl 10

SECTION 12

1. Kopejtko, Jeff et ux 8
2. Kaberna Trust, Carol 8

SECTION 13

1. Brady Tree Farm & Landscape LLC 27

2. Brady, Thomas 8

SECTION 15

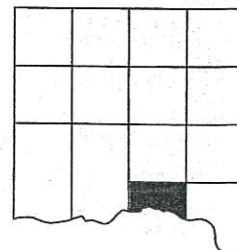
1. Harper, John et ux 8

SECTION 16

1. National Field Archery Assn Foundation 12

SECTION 24

1. Henning, Mary 15



FINDINGS OF FACT – REZONE

Kuchta– REZ-2021-37

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.	Yes
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state: <ul style="list-style-type: none"> a. Special conditions and circumstances exist which require the land to be rezoned; b. The special conditions and circumstances do not result from the actions of the applicant; and c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area. 	Applicants are requesting to Rezone several properties from Rural Transitional District (RT) to Moderate Density Residential (R2). All properties are nonconforming with Rural Transitional.
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"> a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone; 	
<ul style="list-style-type: none"> b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure; 	
<ul style="list-style-type: none"> c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and 	

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

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

Variance, Conditional
Use and Rezoning

Fees Paid
\$450.00

Application
REZ-2021-37

Applicant
Bill Conkling

Created
February 2, 2021

Number
REZ-2021-
37

05.016.100.265 | Kris
Llewellyn | 3109 OLD RIVER
RD, YANKTON SD, SD, 57078
Submitted by bconkling on
2/2/2021



Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Site Plan Completed On 2/2/2021 11:16 AM EST by Mikekuchta

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

kingRZ.pdf

jensen.pdf

Draft Building Permit Completed On 2/2/2021 11:17 AM EST by Mikekuchta

Upload Draft Building Permit

Submit Completed On 2/2/2021 11:18 AM EST by Mikekuchta

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one

hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

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

Applicant Agreement

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

Signature



Date

2/5/2021

Application Submitted Successfully Completed On 2/2/2021 11:18 AM EST by Mikekuchta

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Parcel search Completed On 2/16/2021 9:32 AM EST by bconkling



USDA FSA, GeoEye, Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
05.016.100.250			JENSEN, DARLENE M (D)	0.000

Planning Review Completed On 2/16/2021 9:46 AM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicants are requesting their properties currently zoned Rural Transitional (RT) be rezoned to Moderate Density Residential (R2)

Planning Commission Code Reference

Other Planning Commission Code Reference ⓘ

1809

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ⓘ

Wave Fee

Notes ⓘ

Director Review Completed On 2/17/2021 10:24 AM EST by gvetter

Zoning Director Review

Approve

Property Owner Verification of Approval Completed On 2/17/2021 1:43 PM EST by bconkling

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

Upload signed document here

kuchta.pdf

Payment Completed On 2/19/2021 3:32 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
----------	-----------	--------

Confirmation Data

Payment Method	Check
Confirmation Number	1076
Amount Paid	\$0.00

Request Information Completed On 2/22/2021 9:54 AM EST by bconkling

Type of Request

Rezoning

Fee

\$450.00

Reason for Request

With rezoning this area to moderate density it would bring the existing land owners up to compliance. In addition it would allow a better u

List Specific Hardships

Applicant Information

Are you the owner of the property?

No

Applicant Name

Michael Kuchta

Applicant Address

3109 Old River Rd

Applicant Phone

605-760-4459

Owner Information

Owner Name

Kris Llewellyn

Owner Address

3109 Old River Rd

Owner Phone Number

6056610856

Property Information

Parcel ID Number

05.016.100.265

Legal Description

TRACT 3 IN LOT A DJ'S ADDN

Site Address

3109 OLD RIVER RD

City

YANKTON SD

Zip

57078

Section-Township-Range

16-93-55

Zoning District

RT

Zoning Description

RT

Existing Use of Property

Single family home.

Email Preview Completed On 2/22/2021 1:53 PM EST by bconkling

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 02/27/2021 7:10 AM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 03/01/2021 7:10 AM

Place your zoning action sign 7 days prior to the public meeting, by 03/02/2021 7:10 AM

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

PC App Form Completed On 2/22/2021 1:53 PM EST by bconkling

PC App Form

PC Prep Completed On 2/22/2021 2:09 PM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

March 9th 2021, 7:10 am CST

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

02/27/2021 7:10 AM

Additional Instructions for PC email

Return the affidavit 8 days prior to the public meeting:

03/01/2021 7:10 AM

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

03/02/2021 7:10 AM

Upload PC Mailing Labels

kuchtalabels (2).pdf

Upload PC Affidavit of Mailing

3 Mailing affidavit 1320.pdf

Upload PC Notification Letter

KuchtaNotification Letter.pdf

Upload PC Newspaper Publication

Legals 03-09-2021.pdf

Check box when ready to send notices

Send Notice

Permit Number

REZ-2021-37

Receipt Number

External Notes

Documents

Internal Notes

Documents

PURCHASE AGREEMENT

This PURCHASE AGREEMENT (the "**Agreement**") is made and entered into on February 7, 2021 (the "**Effective Date**") by and between Kris Llewellyn (the "**Seller**") and Micheal & Haley Kuchta (the "**Buyer**"). Buyer and Seller may be referred to individually as the "**Party**", or collectively, the "**Parties**".

RECITALS

WHEREAS, Seller desires to sell certain property to Buyer in an "as is" condition; and

WHEREAS, Buyer desires to purchase certain property from Seller in an "as is" condition.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

TERMS

1. PROPERTY

Seller agrees to sell, convey, assign, and transfer to Buyer, and Buyer agrees to purchase from Seller, the following property (the "**Property**"):

Tract 5 DJ's Addition
2.20 Acres
In Lot A Section 16
Township 93

It is located at , Yankton, South Dakota 57078. The sale, conveyance, assignment, and transfer of said Property shall become effective as of the Effective Date.

2. "AS IS" CONDITION

Seller agrees to sell, convey, assign, and transfer to Buyer, on an "AS-IS" basis, and makes no warranties, either expressed or implied, unless otherwise stated herein, and Buyer agrees to purchase from Seller, on an "AS-IS" basis. The sale, conveyance, assignment, and transfer of said Property shall become effective as of the date set forth above, and the Seller shall deliver said Property to Buyer in "AS-IS" condition.

3. PURCHASE PRICE

Buyer shall purchase Property from Seller for the total sum of \$0.00.

4. LIMITATION OF DAMAGES

Each Party hereby waives any right which it may have to claim or recover any incidental, special, exemplary, punitive or consequential damages or any damages other than, or in addition to, actual damages.

5. FORCE MAJEURE

Neither Party shall be in default nor liable to the other for any failure to perform directly caused by events beyond that Party's reasonable control, such as acts of nature, labor strikes, war, insurrections, riots, acts of governments, embargoes and unusually severe weather provided the affected Party notifies the other party within ten (10) days of the occurrence. Such an event is an excusable delay. THE PARTY AFFECTED BY AN EXCUSABLE DELAY SHALL TAKE ALL REASONABLE STEPS TO PERFORM DESPITE THE DELAY.

6. AMENDMENTS

This Agreement may only be changed or supplemented by a written amendment, signed by authorized representatives of each Party.

7. ASSIGNMENT

Neither Party may assign its rights or delegate its obligations under this Agreement without the prior written approval of the other Party. Any attempted assignment or delegation without such an approval shall be void.

8. GOVERNING LAW; CHOICE OF FORUM

8.1 To the extent not preempted by federal law, the provisions of this Agreement shall be construed and enforced in accordance with the laws of the State of South Dakota, notwithstanding any choice-of-law or conflicts-of-law rules to the contrary.

8.2 The Parties agree that any legal action relating to this Agreement shall be commenced and maintained exclusively before any appropriate state court of record in the State of South Dakota.

9. SEVERABILITY

If any provision of this Agreement is held to be illegal, invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected.

10. EFFECT OF TITLE AND HEADINGS

The title of the Agreement and the headings of its Sections are included for convenience and shall not affect the meaning of the Agreement or the Section.

11. WAIVER

Failure of either Party to insist in any strict conformance to any term herein or failure by either Party to act in the event of a breach or default shall not be construed as a consent to or waiver of that breach or default or any subsequent breach or default of the same or any other term contained herein.

12. ENTIRE AGREEMENT

This Agreement is the complete statement of the Parties' agreement and supersedes all previous and contemporaneous written and oral communication about its subject.

13. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same document.

14. AUTHORITY

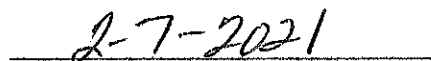
The Parties represent that they have full capacity and authority to grant all rights and assume all obligations they have granted and assumed under this Agreement.


15. ATTORNEYS FEES

If any legal proceeding is brought for the enforcement of this Agreement, or because of an alleged breach, default or misrepresentation in connection with any provision of this Agreement or other dispute concerning this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorney's fees incurred in connection with such legal proceeding. The term "**prevailing party**" shall mean the Party that is entitled to recover its costs in the proceeding under applicable law, or the party designated as such by the court.

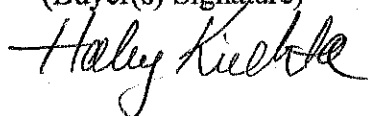
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first written above.

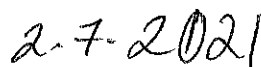

(Authorized Seller(s) Signature)


(Date Signed)


(Buyer(s) Signature)


(Date Signed)





I Kris Llewellyn am in favor of rezoning my property
to moderate density.

Kris Llewellyn
Signature

2-7-2021
Date

I Darlene Jensen am in favor of rezoning my property
to moderate density.

Darlene Jensen
Signature

2-7-2021
Date

February 22, 2021

To whom it may concern:

We Merton Johnson "Joe" and Susan Johnson are in favor of the rezoning to Moderate Density.

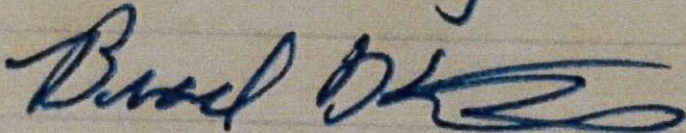
Merton Johnson



Susan Johnson



I would like to change
the Zoning on my
property to R2.

Brad King


AFFIDAVIT OF MAILING

I, Michael Kuchta, hereby certify that on the 25th day of Feb, 20 21, 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 day of February, 20 21.

Mise Kuchta
(Name)
Affiant

Subscribed and sworn to before me this 26 day of February, 20 21.



Fonda Lacey
Notary Public - South Dakota
My commission expires: 11/01/2024

(SEAL)

NOTIFICATION

February 22, 2021

Michael Kuchta
3109 Old River Rd
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

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

Sincerely,
Michael Kuchta
Petitioner

EAGLE VENTURE PROPERTIES LLC (D)
PO BOX 711
YANKTON SD 57078

GULLIKSON, GREGORY (D)
3102 MISSOURI VALLEY DR
YANKTON SD 57078

HUNTLEY, CHARLES (D)
2015 GREEN ST #123
YANKTON SD 57078

JENSEN, DARLENE M (D)
511 EASTSIDE DR
YANKTON SD 57078

JOHNSON, MERTON (D)
PO BOX 32
WALKER IA 52352

KAISER, DONALD J (D)
3104 MISSOURI VALLEY DR
YANKTON SD 57078

KING, BRAD (D)
908 BILL BAGGS RD #19
YANKTON SD 57078

KNEIP, RONALD J REV LIV TRUST (D)
1380 TURNBERRY AVE
LE MARS IA 51031

LARRINGTON, THOMAS J (D)
406 SNIPE'S RD
YANKTON SD 57078

LLEWELLYN, KRIS (D)
3109 OLD RIVER RD
YANKTON SD 57078

NELSON, DOMINIC AUBREY (D)
801 EAST SIDE DR
YANKTON SD 57078

POSCH, THOMAS (D)
234 MARINA DELL AVE
YANKTON SD 57078

ROBINSON, CARMEN (D)
3106 MISSOURI VALLEY DR
YANKTON SD 57078

SOESBE, SHELBY L (D)
710 EAST SIDE DR
YANKTON SD 57078

SOTELO-ZAGAL, JUAN ANTONIO (D)
3205 MISSOURI VALLEY DR
YANKTON SD 57078

SUDBECK, KENNETH (D)
807 EAST SIDE DR
YANKTON SD 57078

TK ACQUISITION I LLC (D)
2200 SOUTH OHLMAN
MITCHELL SD 57301

WENZLAFF, RODGER (D)
805 EAST SIDE DR
YANKTON SD 57078

EAGLE VENTURE PROPERTIES LLC (D)
PO BOX 711
YANKTON SD 57078

HUNTLEY, CHARLES (D)
2015 GREEN ST #123
YANKTON SD 57078

JENSEN, DARLENE M (D)
511 EASTSIDE DR
YANKTON SD 57078

JOHNSON, MERTON (D)
PO BOX 32
WALKER IA 52352

KAISER, DONALD J (D)
3104 MISSOURI VALLEY DR
YANKTON SD 57078

KING, BRAD (D)
908 BILL BAGGS RD #19
YANKTON SD 57078

KNEIP, RONALD J REV LIV TRUST (D)
1380 TURNBERRY AVE
LE MARS IA 51031

LARRINGTON, THOMAS J (D)
406 SNIPE'S RD
YANKTON SD 57078

LLEWELLYN, KRIS (D)
3109 OLD RIVER RD
YANKTON SD 57078

NELSON, DOMINIC AUBREY (D)
801 EAST SIDE DR
YANKTON SD 57078

RIVERSIDE HYDRAULICS INC (D)
2609 SD HWY 50
YANKTON SD 57078

ROBINSON, CARMEN (D)
3106 MISSOURI VALLEY DR
YANKTON SD 57078

ROKUSEK, NORMAN L (D)
811 EAST SIDE DR
YANKTON SD 57078

SOESBE, SHELBY L (D)
710 EAST SIDE DR
YANKTON SD 57078

SOTELO-ZAGAL, JUAN ANTONIO (D)
3205 MISSOURI VALLEY DR
YANKTON SD 57078

SUDBECK, KENNETH (D)
807 EAST SIDE DR
YANKTON SD 57078

SWENNING, THOMAS D (D)
2303 MISSOURI VALLEY DR
YANKTON SD 57078

TK ACQUISITION I LLC (D)
2200 SOUTH OHLMAN
MITCHELL SD 57301

WENZLAFF, RODGER (D)
805 EAST SIDE DR
YANKTON SD 57078

C&C HAULING & CONSTRUCTION INC (D)
2300 WILLOWDALE RD
YANKTON SD 57078

EAGLE VENTURE PROPERTIES LLC (D)
PO BOX 711
YANKTON SD 57078

GULLIKSON, GREGORY (D)
3102 MISSOURI VALLEY DR
YANKTON SD 57078

HUNTLEY, CHARLES (D)
2015 GREEN ST #123
YANKTON SD 57078

JENSEN, DARLENE M (D)
511 EASTSIDE DR
YANKTON SD 57078

JOHNSON, MERTON (D)
PO BOX 32
WALKER IA 52352

KAISER, DONALD J (D)
3104 MISSOURI VALLEY DR
YANKTON SD 57078

KING, BRAD (D)
908 BILL BAGGS RD #19
YANKTON SD 57078

KNEIP, RONALD J REV LIV TRUST (D)
1380 TURNBERRY AVE
LE MARS IA 51031

LARRINGTON, THOMAS J (D)
406 SNIPE'S RD
YANKTON SD 57078

LLEWELLYN, KRIS (D)
3109 OLD RIVER RD
YANKTON SD 57078

NELSON, DOMINIC AUBREY (D)
801 EAST SIDE DR
YANKTON SD 57078

POSCH, THOMAS (D)
234 MARINA DELL AVE
YANKTON SD 57078

ROBINSON, CARMEN (D)
3106 MISSOURI VALLEY DR
YANKTON SD 57078

SOTELO-ZAGAL, JUAN ANTONIO (D)
3205 MISSOURI VALLEY DR
YANKTON SD 57078

WENZLAFF, RODGER (D)
805 EAST SIDE DR
YANKTON SD 57078

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 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to use his house as an Air/BNB in Moderate Density Residential (R2) zoning. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A. Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 2/26/2021

Applicant

Dennis Breck- PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

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

☐ Other 605

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

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

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

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

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat of Lots 21, 22, 23, 24, and 25, Crestview Homes Subdivision, In the NE1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Plat of lots 21, 22, 23, 24, and 25,

Section No: 21 Township No: 93

Range: 56 Number of Lots/Tracts: 5

Number of Acres: 5.15

How is the property currently being used?

Moderate Density Residential (MD)

What is the proposed use of the property?

Moderate Density Residential (MD)

Surveyor/Engineer Information

Firm Name: Brandt Land Surveying

Address:

City: Yankton State: South Zip: 57078

Contact Person: John Brandt

Phone: 6056658455

Property Owner Information

Name: White Crane Estates, LLC

Address:

City: _____ State: _____ Zip: _____

Contact person: _____

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

Agent's name: Dennis Breck

Agents Title: Real Estate Broker

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) 1.03

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 Dennis Breck

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.

Dennis Breck

Owner Signature

Owner Signature

This is to certify that Dennis Breck

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.

Dennis Breck

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: 02/09/2021
Board of Adjustment date: _____

PLAT OF LOTS 21, 22, 23, 24 AND 25, CRESTVIEW HOMES SUBDIVISION,
IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') THEREOF, AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4), EXCEPT THE SOUTH SIX HUNDRED NINETEEN AND SEVENTY-TWO HUNDREDTHS FEET (S619.72') THEREOF, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE1/4), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28'), AND EXCEPT THE SOUTH THREE HUNDRED FIFTY-ONE AND TWENTY-FOUR HUNDREDTHS FEET (S351.24') OF THE NORTH SIX HUNDRED FIFTY AND FORTY-TWO HUNDREDTHS FEET (N650.42') OF THE EAST FOUR HUNDRED SIXTY-TWO AND TWENTY-EIGHT HUNDREDTHS FEET (E462.28') EXCEPT THE EAST FIFTY FEET (E50') THEREOF, AND EXCEPT LOTS 1-14, 20, 31-40, 60-66, CRESTVIEW HOMES SUBDIVISION, AND FURTHER EXCEPTING LANGHOLZ ACREAGE AS PLATTED IN BOOK S17, PAGE 52, SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M.; AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4) AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE1/4), SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M., ALL LOCATED IN YANKTON COUNTY, SOUTH DAKOTA, TO BE HEREAFTER KNOWN AS: PLAT OF LOTS 21, 22, 23, 24 AND 25, CRESTVIEW HOMES SUBDIVISION IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 30TH DAY OF DECEMBER, 2020.

OWNER'S CERTIFICATE

I, MATTHEW CHRISTENSEN, AS MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT WHITE CRANE ESTATES, L.L.C. IS THE OWNER OF THE ABOVE SAID REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING, AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I ALSO HEREBY DEDICATE THE PUBLIC ROADS AND UTILITY EASEMENTS AS SHOWN.

DATED THIS 14 DAY OF January, 2021.

STATE OF South Dakota
COUNTY OF Yankton

ON THIS 14 DAY OF January, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW CHRISTENSEN, WHO ACKNOWLEDGED HIMSELF TO BE MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C. AND THAT HE AS MANAGING MEMBER BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

MATTHEW CHRISTENSEN, MANAGING MEMBER
WHITE CRANE ESTATES, L.L.C.

10-11-2024
MY COMMISSION EXPIRES NOTARY PUBLIC

RESOLUTION BY THE CITY COMMISSION

WHEREAS IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL; AND

WHEREAS SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON AS REQUIRED BY LAW; NOW

THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED. THE CITY FINANCE OFFICER IS AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

MAYOR, CITY OF YANKTON

I, _____, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY OF YANKTON, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 20____.

CITY FINANCE OFFICER

COUNTY PLANNING COMMISSION RESOLUTION

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

PLANNING COMMISSION CHAIR

ZONING ADMINISTRATOR

COUNTY COMMISSIONER'S RESOLUTION

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

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS

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

COUNTY AUDITOR

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

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

HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION

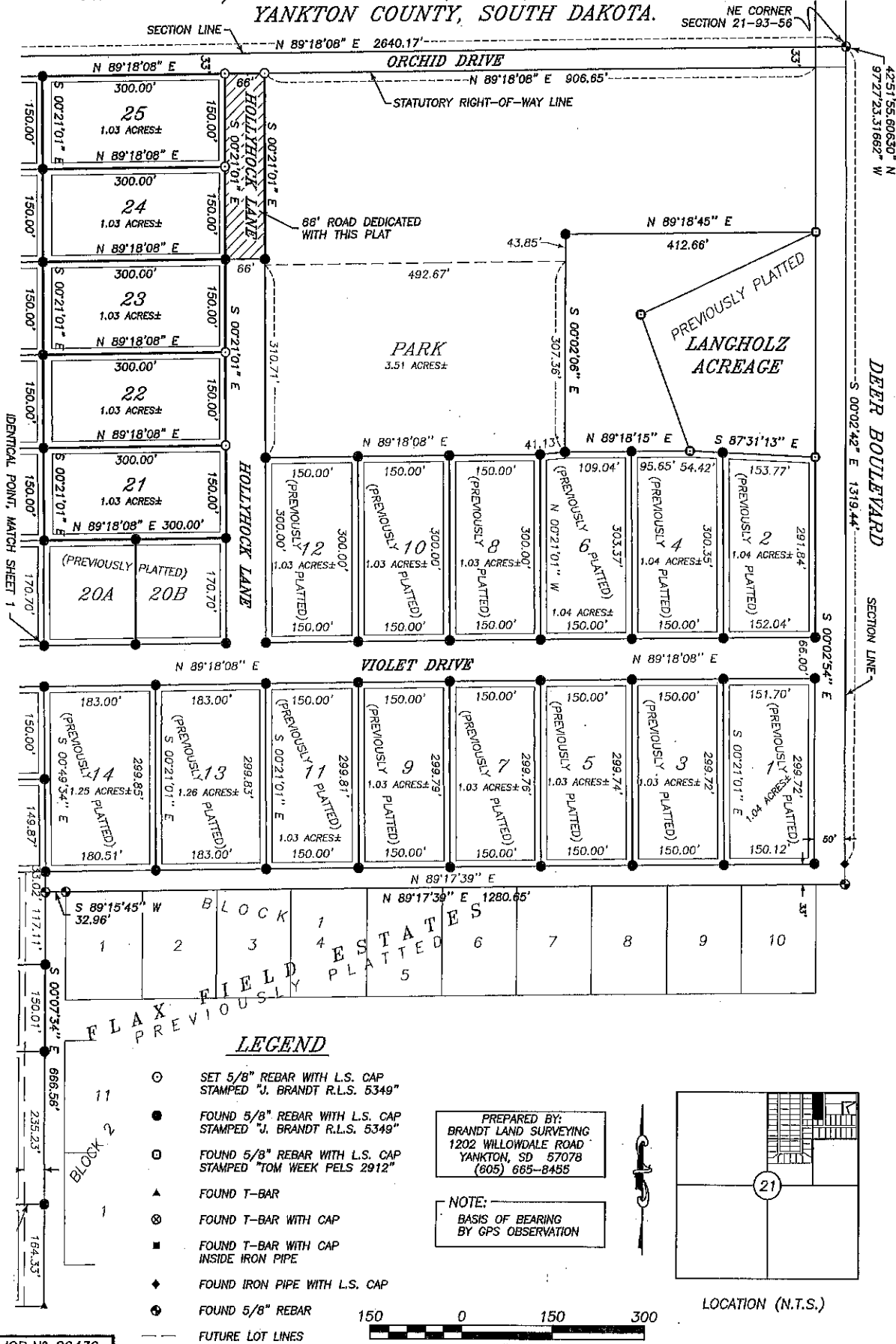
I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

REGISTER OF DEEDS

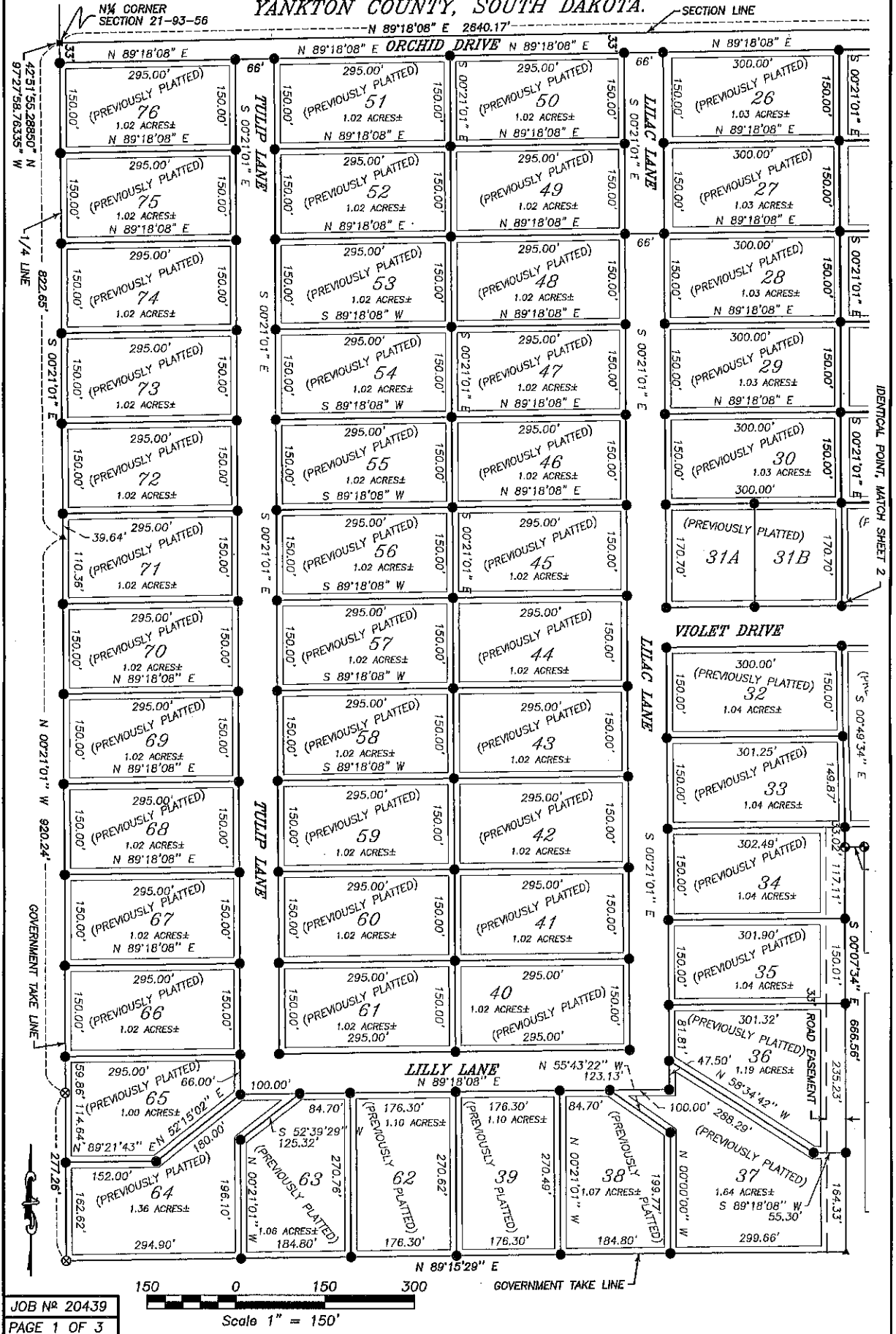
DIRECTOR OF EQUALIZATION

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

PLAT OF LOTS 21, 22, 23, 24 AND 25, CRESTVIEW HOMES SUBDIVISION,
IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.



**PLAT OF LOTS 21, 22, 23, 24 AND 25, CRESTVIEW HOMES SUBDIVISION,
IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.**



Plat Approval
Application
1904
Applicant
Bill Conkling

Fees Paid
\$100.00
Created
January 19, 2021

Number
1904

Final | Plat of lots 21, 22, 23,
24, and 25, Crestview Homes
Subdivision, In the NE1/4 of
Section 21, T93N, R56W of
the 5th P.M. Yankton County,
South Dakota | White Crane
Estates, LLC | PO Box 805 |
09.021.100.100
Submitted by bconkling on
1/19/2021



Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Plat Approval Items Completed On 1/20/2021 1:28 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

Plat Approval Applicant Checklist ⓘ

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 1/20/2021 1:29 PM EST by bconkling

Owner Certification

Owner(s)

Dennis Breck

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 Section207 of the Yankton County Zoning Ordinance.

Owner Signature

Owner Signature

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

Agent Name

Dennis Breck

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 Section207 of the Yankton County Zoning Ordinance.

Agent Signature

Dennis Buck

Payment Completed On 1/20/2021 1:30 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	18019
Amount Paid	\$100.00

Planning Commission Review Completed On 2/24/2021 3:25 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?

County Treasure's signature?

Ownership verified by Director of Equalization and signed?

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:

02/09/2021

Plat Approval Application (Planning Commission) Completed On 2/24/2021 3:26 PM EST by bconkling

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

Parcel search Completed On 3/1/2021 2:15 PM EST by bconkling

+

-



Earthstar Geographics

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.021.100.100	310 TULIP LN	YANKTON	WHITE CRANE ESTATES LLC (D)	10.160

Requested Information Completed On 3/1/2021 2:38 PM EST by bconkling

Fee

\$100.00

Plat Type

Final

Development Information

Plat Name

Plat of lots 21, 22, 23, 24, and 25, Crestview Homes Subdivision, In the NE1/4 of Section 21, T93N, R56W of the 5th P.M. Yankton County, South Dakota

Section No:

21

Township No:

93

Range

56

Number of Lots/Tracts

5

Number of Acres

5.15

How is this property currently being used?

Moderate Density Residential (MD)

What is the proposed use of the property?

Moderate Density Residential (MD)

Surveyor/Engineer Information

Firm Name

Brandt Land Surveying

Address

1202 Willowdale Road

City

Yankton

State

South Dakota

Zip

57078

Contact Person

John Brandt

Phone

6056658455

Property Owner Information

Owner Name

White Crane Estates, LLC

Address

PO Box 805

City

Laurel

State

Nebraska

Zip

68745

Owner Phone

6056611588

Contact Person

Dennis Breck

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

Agent's name

Dennis Breck

Agent's Title

Real Estate Broker

Plat Information

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

Yes

What is/are the lot size(s)

1.03

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

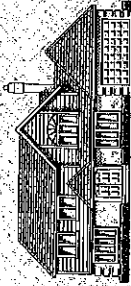
Construction contractors Name, Address, and phone number (If applicable)

External Notes

Documents

Internal Notes

Documents



BRECK INC.
DENNIS OR CAROL BRECK
605-661-1588
264 MARINA DEL AVE.
YANKTON, SD 57078

18019

78-948/914

Date 1-19-21

Pay to the
order of

Yankton Co. Treasurer

\$ 100.00

Dollars



FIRST NATIONAL BANK

(800) 282-9611
WWW.FNBSD.COM

Dennis Breck

For Plat Wh to chase

⑆018019⑆⑆091409487⑆ 143642⑈

MP

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 3-1-2021

Applicant Dennis Breck - PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

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

☐ 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

A Replat of a Portion of Lot 4 of Kabeisman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota;
And a Portion of Kabeisman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M. Yankton County, South Dakota; Hereafter to be known as;

Lots 1 and 2, Kaiser Canyon Addition, in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota.

Planning Commission date: 3/9/2021
Board of Adjustment date:

Time: 7:20PM
Time:

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: A Replat of a Portion of Kabeisman

Section No: 11 Township No: 93

Range: 57 Number of Lots/Tracts: 2

Number of Acres: 10.72

How is the property currently being used?
Low Density Residential (R1)

What is the proposed use of the property?
Low Density Residential (R1)

Surveyor/Engineer Information

Firm Name: Brandt Land Surveying

Address:

City: Yankton State: South Zip: 57078

Contact Person: John Brandt

Phone: 6056658455

Property Owner Information

Name: Ryan and Barbara Kaiser

Address:

City: _____ State: _____ Zip: _____

Contact person: _____

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

Agent's name: _____

Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☒ Yes ☐ No

2. What is/are the lot size(s) 5

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 Ryan Kaiser
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.

Ryan Kaiser

Owner Signature

Owner Signature

This is to certify that Dennis Breck
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.

Dennis Breck

Agent Signature

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

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

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

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

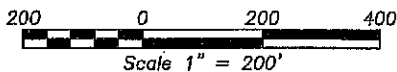
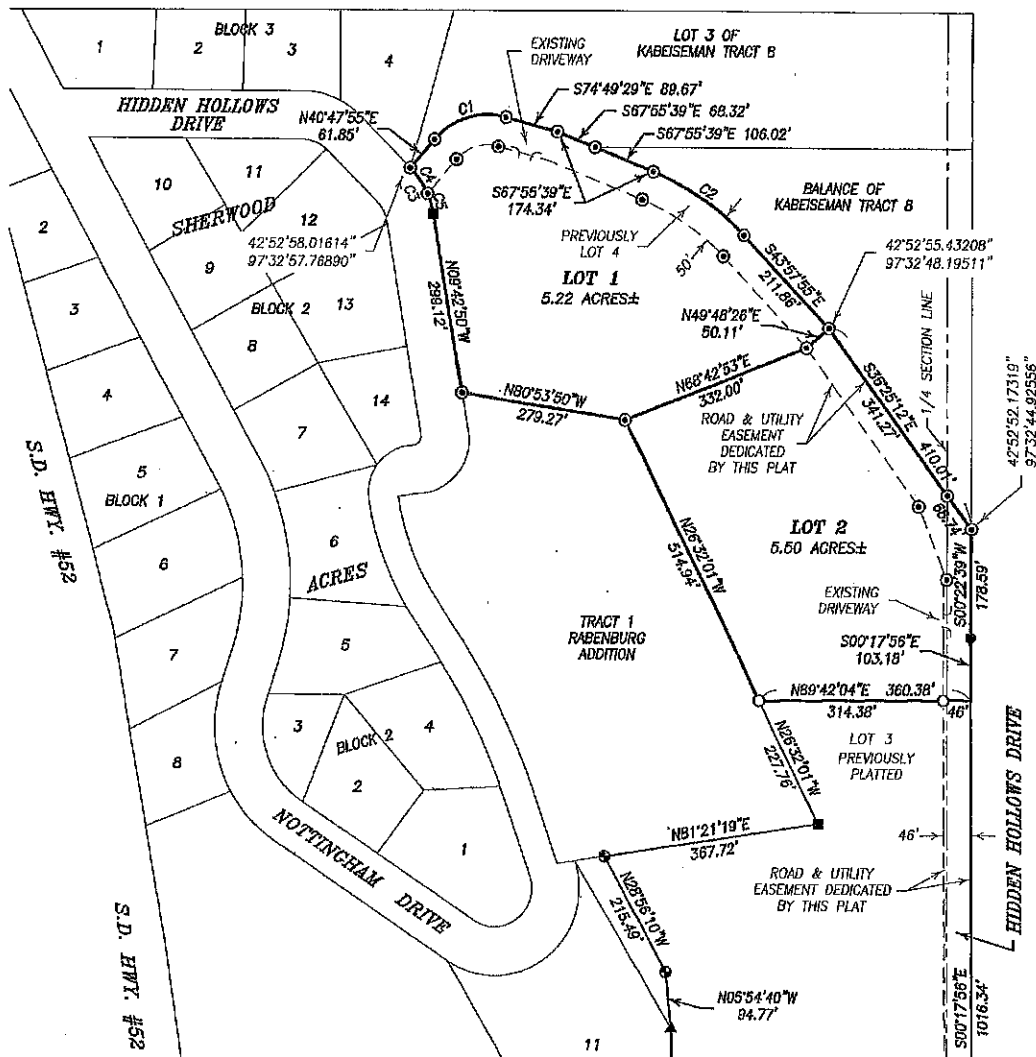
<input checked="" type="checkbox"/> Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

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

Planning Commission date: 03/09/2021
Board of Adjustment date: _____

A REPLAT OF A PORTION OF LOT 4 OF KABEISEMAN TRACT 8, LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA; AND A PORTION OF KABEISEMAN TRACT 8, LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA; HEREAFTER TO BE KNOWN AS:

LOTS 1 AND 2, KAISER KANYON ADDITION, IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA,



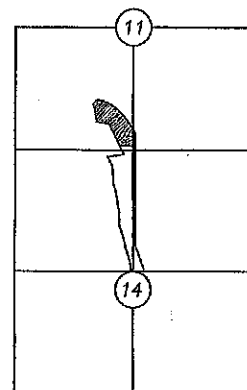
LEGEND

- SET 5/8" REBAR WITH L.S. CAP
STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP
STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- ▲ FOUND 3/4" REBAR
- ⊙ FOUND IRON PIPE WITH CAP
STAMPED "JOHNSON LS 2319"
- ⊙ FOUND IRON PIPE WITH CAP
STAMPED "TJK RLS 6841"
- x CALCULATED/INACCESSIBLE CORNER

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

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

CURVE TABLE		
CURVE	RADIUS	LENGTH
C1	120.44'	135.32'
C2	449.43'	187.96'
C3	140.08'	86.30'
C4	140.08'	52.02'
C5	140.08'	34.28'



LOCATION (N.T.S.)

A REPLAT OF A PORTION OF LOT 4 OF KABEISEMAN TRACT 8, LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA; AND A PORTION OF KABEISEMAN TRACT 8, LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA; HEREAFTER TO BE KNOWN AS;

LOTS 1 AND 2, KAISER KANYON ADDITION, IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA,

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND REPLAT OF A PORTION OF LOT 4 OF KABEISEMAN TRACT 8, LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA; AND A PORTION OF KABEISEMAN TRACT 8, LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA; HEREAFTER TO BE KNOWN AS;

LOTS 1 AND 2, KAISER KANYON ADDITION, IN THE S1/2 OF SECTION 11 AND IN THE N1/2 OF SECTION 14, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 24TH DAY OF FEBRUARY, 2021.

JOHN L. BRANDT REG. NO. 5349



OWNER'S CERTIFICATE

WE, RYAN R. KAISER AND BARBARA L. KAISER, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 4 OF KABEISEMAN TRACT 8, AND KABEISEMAN TRACT 8, AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF PLATING AND TRANSFER, AND WE FURTHER CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THIS PLAT HEREBY VACATES A PORTION OF LOT 4 OF KABEISEMAN TRACT 8, AS RECORDED IN BOOK 518, PAGES 351A-351B, AND A PORTION OF KABEISEMAN TRACT 8, AS RECORDED IN BOOK S10, PAGE 24. WE ALSO HEREBY GRANT THE ROAD AND UTILITY EASEMENT AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 20____.

RYAN R. KAISER

BARBARA L. KAISER

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RYAN R. KAISER AND BARBARA L. KAISER, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

HIGHWAY AUTHORITY

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

HIGHWAY / STREET AUTHORITY _____

COUNTY PLANNING COMMISSION RESOLUTION

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

PLANNING COMMISSION CHAIR _____

ZONING ADMINISTRATOR _____

COUNTY COMMISSIONER'S RESOLUTION

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

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS _____

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

COUNTY AUDITOR _____

COUNTY TREASURER'S CERTIFICATE

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

COUNTY TREASURER _____

DIRECTOR OF EQUALIZATION

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

DIRECTOR OF EQUALIZATION _____

REGISTER OF DEEDS

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

REGISTER OF DEEDS _____

Plat Approval Fees Paid
 Application \$100.00
 3001
 Applicant Created
 Bill Conkling March 1, 2021

of Lot 4 Final | A Replat of a Portion
 of Kabeisman Tract 8,
 Located in the S1/2 of the
 S1/2 of Section 11 and in the
 N1/2 of Section 14, T93N,
 R57W of the 5th P.M.,
 Yankton County, South
 Dakota; And a Portion of
 Kabeisman Tract 8, Located
 in the S1/2 of the S1/2 of
 Section 11 and in the N1/2 of
 Section 14, T93N, R57W of
 the 5th P.M. Yankton County,
 South Dakota; Hereafter to be
 known as; Lots 1 and 2,
 Kaiser Canyon Addition, in
 the S1/2 of the S1/2 of
 Section 11 and in the N1/2 of
 Section 14, T93N, R57W of
 the 5th P.M., Yankton County,
 South Dakota. | Ryan and
 Barbara Kaiser | 506 Hidden
 Hollow Dr | 13.011.300.030
 Submitted by bconkling on
 3/1/2021

Number
 3001



Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 3/1/2021 4:10 PM EST by bconkling



USDA FSA, GeoEye, Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
13.011.300.030			KAISER, RYAN R (D) KAISER, BARBARA L (D)	0.000

Requested Information Completed On 3/1/2021 4:19 PM EST by bconkling

Fee

\$100.00

Plat Type

Final

Development Information

Plat Name

A Replat of a Portion of Kabelsman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota; And a Portion of Kabelsman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M. Yankton County, South Dakota; Hereafter to be known as; Lots 1 and 2, Kalser Canyon Addition, in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota.

Section No:

11

Township No:

93

Range

57

Number of Lots/Tracts

2

Number of Acres

10.72

How is this property currently being used?

Low Density Residential (R1)

What is the proposed use of the property?

Low Density Residential (R1)

Surveyor/Engineer Information

Firm Name

Brandt Land Surveying

Address

1202 Willowdale Road

City

Yankton

State

South Dakota

Zip

57078

Contact Person

John Brandt

Phone

6056658455

Property Owner Information**Owner Name**

Ryan and Barbara Kaiser

Address

506 Hidden Hollow Dr

City

Yankton

State

South Dakota

Zip

57078

Owner Phone

6056611588

Contact Person

Dennis Breck

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

Agent's name**Agent's Title**

Plat Information

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

Yes

What is/are the lot size(s)

5.00

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 3/1/2021 4:21 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

breck.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 3/1/2021 4:21 PM EST by bconkling

Owner Certification

Owner(s)

Ryan Kaiser

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

Ryan Kaiser

Owner Signature

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

Agent Name

Dennis Breck

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

Dennis Breck

Payment Completed On 3/1/2021 4:22 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	18037
Amount Paid	\$100.00

Planning Commission Review Completed On 3/1/2021 4:25 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?

County Treasure's signature?

Ownership verified by Director of Equalization and signed?

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:

03/09/2021

Plat Approval Application (Planning Commission) Completed On 3/1/2021 4:26 PM EST by bconkling

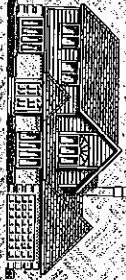
Plat Approval Application (Planning Commission)

External Notes

Documents

Internal Notes

Documents



BRECK INC.
DENNIS OR CAROL BRECK
605-661-1588
264 MARINA DEL AVE
YANKTON, SD 57078

18037

78-948/914

Date 3-1-21

Pay to the
order of

Landline Co. Treasurer

\$ 1002

Dollars



First National Bank

FIRST NATIONAL BANK

(800) 262-9631
WWW.FNBSD.COM

For Kaiser Plot

⑆018037⑆⑆09140918⑆ 143542⑆

Dennis Breck

MP

DEFINITIONS

~~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.~~

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: [Agricultural District \(AG\)](#), 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: [Agricultural District \(AG\)](#), 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.

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. **(Discuss possible concerns about business going away and someone wanting to build a home)**

Another possible definition:

Agribusiness - The business sector encompassing farming and farming-related commercial activities. The business involves all the steps required to send an agricultural good to market: production, processing and distribution.

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, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Animal Feeding Operation: An animal feeding operation is a lot or facility where ~~an established number~~ of animal units 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.

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

Class	Animal Units
Class A	5,000 500 - 10,000
Class B	3,000—4,999 100 - 499
Class C	2,000—2,999
Class D	1,000—1,999
Class E	300—999
Class F	1—299

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:

Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds 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 Unit Conversion Table - A conversion table designed to integrate the definition of animal feeding operations with the animal unit definition. (Amended 06/08/06)

Species Animal	Class A	Class B	Class C	Class D	Class E
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds	10,000 – 5000 500	4,999 3,000 499 - 100	2,999 2,000	1,999 1,000	999 300
Horses	5,000 – 2,500 250	2,499 1500 249 - 50	1,499 1,000	999 500	499 150
Mature dairy cattle, excluding calves under 300 pounds	7,143 – 3,571 357	3,570 2,143 357 - 72	2,142 1,429	1,428 714	713 214
Farrow to finish sows	2,703 – 1,351 135	1,350 811 134 - 27	810 541	540 270	269 81
Swine in a production unit	21,276 – 10,638 1,063	10,637 6,382 1,062 - 213	6,381 4,255	4,254 2,128	2,127 638
Nursery swine less than 55 pounds	100,000 – 50,000 5,000	49,999 30,000 4,999 – 1,000	29,999 20,000	19,999 10,000	9,999 3,000
Finisher swine over 55 pounds	25,000 – 12,500 1,250	12,499 7,500 1,249 - 250	7,499 5,000	4,999 2,500	2,499 750
Sheep or lambs, goats	100,000 – 50,000 5,000	49,999 30,000 4,999 - 1,000	29,999 20,000	19,999 10,000	9,999 3,000
Laying hens	303,030 – 151,515 15,151	151,514 90,909 15,150 –	90,908 60,606	60,605 30,303	30,302 92090

		3,030			
Ducks and/or geese	50,000 – 25,000 2,500	24,999 15,000- 2,499 - 500	14,999 10,000	9,999 5,000	4,999 1,500
Turkeys	555,555 – 277,777 27,777	277,776 — 166,666 27,776 – 5,566	166,665 — 111,111	111,110 —55,555	55,554 16,666

- Note: Class B maximum Number changed to make sense with Class A minimum

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.

Building Permit - A type of authorization that must be granted by a government or other regulatory body before the **construction** of a new or existing **building** can legally occur.

~~Concentrated Animal Feeding Operation~~: ~~An animal feeding operation that holds more than 1,000 animal units and smaller operations that discharge pollutants that impair a stream or other surface water are Concentrated Animal Feeding Operations (CAFOs).~~

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that meets one or more of the following criteria:

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

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.

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, including dwellings for owners, operators, farm laborers employed on the farm, and other family members.

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 not less than twenty (20) acres of unplatted land, or is a part of a contiguous ownership of not less than eighty (80) acres 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.

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 ~~513(3)~~- 516.

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.

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.

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.

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.

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.

Manure System Definitions

1. Solid Manure System – 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. Semi-Solid or Combination System – Default category for systems that do not fit the description of a solid or liquid manure system. Example systems include dairies having multiple types of housing and/or significant separation of solids prior to long-term storage, modestly bedded facilities, and multi-species operations.
3. 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.

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.

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.

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.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

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.

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.

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.

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.

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.

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):

- ~~1. Agriculture;~~ Any form of agriculture including the raising of crops, horticulture, animal husbandry yet excluding animal feeding operations (AFO) and commercial grain elevators.
2. Cemeteries;
3. Day cares, family;
- ~~4. Dwellings, single family;~~
5. (Move to 4) Farms; ranches or orchards as defined herein;

6. (Move to 5) Farm buildings;
7. (Move to 6) Historic sites;
8. (Move to 7) Horticulture;
- ~~9. Manufactured homes, pursuant to Section 1509;~~
- ~~10. Modular homes;~~
11. (Move to 8) Utility facilities; and
12. (Move to 9) Veterinary services.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory agricultural structures or Accessory Use or Structure;
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; ~~and~~
16. Stock dams; ~~and~~
17. Swimming Pools;

Section 506 Permitted Special Uses

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm (do we want to allow non-farm dwelling on 20 acres also?) 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) pursuant to Section 519(2.3);
6. Concentrated Animal Feeding Operation, Existing are allowed to expand to 125% of current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead. 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).
7. If any such nonconforming use of land ceases, for any reason, for a period of more than five (5) years, any subsequent use of such land shall conform to the regulations specified b this Ordinance for the district in which such land is located.

Section 507 Conditional Uses

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. Animal feeding operations;~~
2. (Move to 1) Agricultural, fertilizer, and chemical sales and applications;
3. (Move to 2) Agricultural product processing facilities;
4. (Move to 3) Aquaculture;
5. (Move to 4) Auction yards and barns;
6. (Move to 5) Bars;
7. (Move to 6) Bed and breakfast operations;
8. (Move to 7) Buying stations;
9. (Move to 8) Churches;

10. (Move to 9) Concentrated Animal Feeding Operations;
11. (Move to 10) Construction services;
12. (Move to 11) Day cares, group family home;
- ~~13. Dwellings, additional farm in excess of one (1), pursuant to Sections 513(5) and 1509;~~
14. (Move to 12) Exhibition areas;
15. (Move to 13) Fairgrounds;
16. (Move to 14) Fireworks sales;
17. (Move to 15) Game farms;
18. (Move to 16) Game lodges;
19. (Move to 17) Golf courses;
20. (Move to 18) Grain elevators;
- ~~21. Individual septic or sewage treatment facilities, pursuant to Section 1513;~~
22. (Move to 19) Indoor shooting/archery ranges;
23. (Move to 20) Kennels;
24. (Move to 21) Landing Strips;
25. (Move to 22) Manufacturing, light;
26. (Move to 23) Motor vehicle tracks or play areas;
27. (Move to 24) Manure irrigation;
28. (Move to 25) Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
29. (Move to 26) Open sales areas;
30. (Move to 27) Outdoor shooting/archery ranges;
31. (Move to 28) Parks;
32. (Move to 29) Portable processing plants;
33. (Move to 30) Private recreation areas;
34. (Move to 31) Private shooting preserves;
35. (Move to 32) Quarries, pursuant to Section 1515;

- 36. (Move to 33) Remote fuel depots;
- 37. (Move to 34) Repair shops, auto-body;
- 38. (Move to 35) Repair shops, motor vehicle and equipment;
- 39. (Move to 36) Riding stables;
- 40. (Move to 37) Rodeo arenas;
- 41. (Move to 38) Salvage yards;
- 42. (Move to 39) Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
- 43. (Move to 40) Spreading, injection, or other application of manure or animal waste generated ~~by an Animal Feeding Operation as described herein, or other livestock production means located outside of Yankton County pursuant to Section 519 (11) (12);~~ 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 (C) (3);
- ~~44. Swimming pools;~~
- 45. (Move to 41) Temporary construction facilities; and
- 46. (Move to 42) Towers, pursuant to Article 25 & Article 26;
- 47. (Move to 43) Wildlife and game production areas; and
- 48. (Move to 44) Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to insure 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).

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

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;
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single-family home is requested on an existing farmstead site, as defined herein;
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;
- ~~6. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and~~
- ~~7. 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 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of seventy five (75) feet;
2. There shall be a rear yard of not less than a depth of seventy five (75) feet;
3. There shall be two (2) side yards, each of which shall not be less than seventy five (75) 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. 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.~~ Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Natural Resources regulations.

Section 516 Residence and New Church Requirements

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:
 1. 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;
 2. 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;
 3. Be signed by the building permit applicant; and
 4. 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 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. ~~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.

Section 519 Concentrated Animal Feeding Operation Performance Standards

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 screened 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 the affected residence, church, business or school. The 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.
 - 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*
 - 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 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 separation distance. Any authorized person, business or governmental entity that is within the separation distance may waive the separation distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<i>Facility Setback Chart (Feet)</i>		
<i>Class</i>	A	B
<i>Animal Units</i>	500 to 10,000	100 to 499
<i>Solid Manure System</i>		
Residence other than owner, active church, business, schools	1.98 feet per A.U. (minimum 1,320)	1,320
Incorporated municipalities	TBD feet per A.U. (minimum TBD)	TBD?
<i>Semi-solid or Combination Manure System</i>		
Residence other than owner, active church, business, schools	2.31 feet per A.U. (minimum 1,320)	1,320
Incorporated municipalities	TBD feet per A.U. (minimum TBD)	TBD?
<i>Liquid Manure System</i>		

Residence other than owner, active church, business, schools	2.64 feet per A.U. (minimum 1,320)	1,320
Incorporated municipalities	TBD feet per A.U. (minimum TBD)	TBD?
<i>Any Style Manure System</i>		
Public wells	1,000	1,000
Private well	250	250
Private well (operator's)	150	150
Lakes, rivers and streams	660	660
Right-of-way line	330	330
Property line delineating a change in ownership	660	660
100 year flood plain	PROHIBITED	PROHIBITED

- 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 Drops 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

Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
Public wells (feet)	1,320	1,320	1,320
Private wells (feet)	350	350	350
Private wells (operator's) (feet)	250	250	250
Lakes, rivers and streams (public drinking supply) (feet)	1,320	1,320	1,320
Lakes, rivers and streams (fisheries) (feet)	200	1320	1320
All public road right- of-ways (feet)	10	10	350
Municipalities (feet)	1,320	2,640	5,280
Residence other than operator's (feet)			
100 year flood plain	330	660	1,320
	PROHIBITED		

~~Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:-~~

Class A (5,000—10,000)	Section 519(1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)
Class B (3,000—4,999)	Section 519(1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)
Class C (2,000—2,999)	Section 519(1,2,3,4,5,7(c),8(c),9,10,11,12,13)
Class D (1,000—1,999)	Section 519(1,2,3,4,5,7(d),8(d),9,10,11,12,13)
Class E (300—999)	Section 519(2,3,4*,5,7(e),8(e),9,10,11,12,13)
Class F (1—299)	NA

*If required by state law

- ~~1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.~~
- ~~2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.~~
- ~~3. Animal confinement and waste facilities shall comply with the following facility setback requirements:

 - ~~A. Public Wells 1,000 feet~~
 - ~~B. Private Wells 250 feet~~
 - ~~C. Private Wells (Operator's) 150 feet~~
 - ~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet~~
 - ~~E. Lakes, Rivers, Streams Classified as Fisheries 1,000 feet~~
 - ~~F. Designated 100 Year Flood Plain PROHIBITED~~~~
- ~~4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:

 - ~~A. Proposed maintenance of waste facilities;~~
 - ~~B. Land application process and/or methods;~~
 - ~~C. Legal description and map, including documented proof of area to be utilized for nutrient application; and~~
 - ~~D. All CAFO's are required to obtain a South Dakota State General Permit~~~~

~~that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.~~

~~5. New animal feeding operations, new CAFO's and waste facilities shall be setback six hundred and sixty six (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right of way line. Additionally, the applicant shall locate the operation ¼ of a mile or 1,320 feet from neighboring residential dwellings. The Planning Commission and/or Board of Adjustment may mandate setbacks greater than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare.~~

~~6. New Class A and B Animal Feeding Operations shall be prohibited from locating within the area bounded by the City of Yankton, 431st Avenue, the Missouri River, and South Dakota Highway 50.~~

~~7. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any Class I incorporated municipality or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50:~~

~~A. Class A _____ 4 miles~~

~~B. Class B _____ 2 miles~~

~~C. Class C _____ 1 mile~~

~~D. Class D _____ 2,640 feet~~

~~E. Class E _____ 2,640 feet~~

~~8. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.~~

~~A. Class A _____ 2 miles~~

~~B. Class B _____ 1.25 miles~~

~~C. Class C _____ 2,640 feet~~

~~D. Class D ————— 1,320 feet~~

~~E. Class E ————— 1,320 feet~~

- ~~9. 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.~~
- ~~10. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:~~
 - ~~A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented;~~
 - ~~B. The methods utilized to dispose of dead animals shall be identified.~~
 - ~~C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility;~~
 - ~~D. A storm water management section 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.~~
 - ~~E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production;~~
 - ~~F. A description of the method and timeframe for removal of manure from open pens to minimize odor production;~~
 - ~~G. The applicability, economics, and effect of Industry Best Management Practices shall be covered;~~
 - ~~H. A notification section should be formulated by the applicant. It 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 shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and~~

~~evenings during the warmer seasons shall 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.~~

~~I. A review of weather conditions shall be included reviewing the effect of climate upon manure application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.~~

~~11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty four (24) hours:-~~

~~A. Public Wells 1,000 feet~~

~~B. Private Wells 250 feet~~

~~C. Private Wells (Operator's) 150 feet~~

~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet~~

~~E. Lakes, Rivers and Streams Classified as Fisheries 200 feet~~

~~F. All Public Road Right-of-ways 10 feet~~

~~G. Incorporated Communities 660 feet~~

~~H. A Residence other than the Operators 100 feet~~

~~12. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:-~~

~~A. Public Wells 1,000feet~~

~~B. Private Wells 250feet~~

~~C. Private Wells(Operator's) 150feet~~

~~D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000feet~~

~~E. Lakes, Rivers and Streams Classified as Fisheries 660 feet~~

~~F. All Public Road Right-of-ways (Surface Applied) 10 feet~~

~~G. All Public Road Right-of-ways (Irrigated Application) 100 feet~~

~~H. Incorporated Communities (Surface Applied) 1,000 feet~~

~~I. Incorporated Communities (Irrigated Application) 2,640 feet~~

~~J. A Residence other than the Operators (Surface Applied) 330 feet~~

~~K. A Residence other than the Operators (Irrigated Application) 750 feet~~

~~13. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray-water) basin, or any type of liquid manure holding pit, these rules apply:~~

~~A. Drops 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.~~

~~B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.~~

~~C. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.~~

~~D. No irrigation of liquid on frozen ground or over FSA designated wetlands.~~

~~E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.~~

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.

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 ~~two (2)~~ **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 ~~may~~ **shall** be considered by the **Zoning Administrator, Planning Commission, and/or** Board of Adjustment in considering a new application for Conditional Use Permit. ~~and~~ **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.

