

<h1>Agenda</h1>		<h1>Yankton County Commission</h1> <p>6:00 PM, Tuesday, July 20, 2021 Commission Chamber Yankton County Government Center</p> <p>DOCUMENTS WILL BE AVAILABLE AT AUDITOR’S OFFICE FOR REVIEW BEGINNING JULY 16TH. COPIES AVAILABLE FOR \$1.00 PER PAGE</p>	
<p>Meeting chaired by:</p> <p>01 Call to order:</p> <p>02 Roll Call:</p>		<p>Cheri Loest, Chair</p> <p>6:00 PM PLEDGE OF ALLEGIANCE</p> <p>_____Wanda Howey-Fox_____ Don Kettering</p> <p>_____ Dan Klimisch _____Joseph Healy _____ Cheri Loest</p>	
<h2>AGENDA ITEMS</h2>			
No.	Time	Item Description	Presenter
03	6:00 PM	Abstain Financial Conflict of Interest (SDCL 6-1-17) Non-Financial Interest-Must State Reason for Abstaining	Commissioner Loest
04	6:05 PM	Approval of Agenda Public comment is a time for persons to address this body on any subject. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. There shall be no personal attacks against the members of this body, county staff, individual, or organizations. The Chair has the authority to enforce this policy. Failure to adhere to these rules may result in forfeiture of the remaining speaking time.	Public Comment
05	6:10 PM	Temporary Two Day Liquor License- Upper Deck	Commissioners
06	6:15 PM	Changing Intersection of 310 th St and 451 st Ave into T Intersection	Mike Sedlacek
07	6:20 PM	Pre-Disaster Mitigation Discussion	Paul Scherschligt
08	6:25 PM	NACO Award- Director of Equalization	Commissioners

09	6:30 PM	Second Reading of Drainage Ordinance	Gary Vetter
10	6:35 PM	Second Reading of Article 5 and Definitions	Gary Vetter
11	6:40 PM	Lot 13 of Whitetail Run- Plat Souhrada's Addition- Plat Tract 1 of McDonald Addition- Plat Mathison Tract 6- Plat	Gary Vetter
12	6:45 PM	Administrative Rezone of Some Rural Transitional District Zones Option	Gary Vetter
13	6:50 PM	Claims Auditor/Treasurer Report, Pooled Cash Report	Auditor
14	6:55 PM	Approval of June 6, 2021 Meeting Minutes	Commissioners
15	7:00 PM	Temporary Case Review Position Reporting to the State's Attorney Office	State's Attorney
16	7:05 PM	Public Comments	
17	7:10 PM	Commissioner Updates	
18	7:15 PM	Executive Session/Poor Relief Issues Pursuant to SDCL 1-25-2 & 28-13 and 28-13-1.3 Executive Session/Litigation Pursuant to SDCL 1-25-2(3) Items for Next Meeting	State's Attorney

Date Received _____

Date Issued _____

License No. RB-3364

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Mark + Kenneth
HausmannOwner's Telephone #: ~~605-337~~ 661-4952

B. Business Name and Address

Upper Deck Bar + GrillBusiness Telephone #: 665-3637Place of business is located in a municipality? ☒ Yes ☐ NoCounty: YanktonDo you own or lease this property? ☒ Own ☐ LeaseAre real property taxes paid to date? ☒ Yes ☐ NoC. Indicate the class of license being applied for
(submit separate application for each class of license).

- ☐ Retail (on-sale) Liquor
☐ Retail (on-sale) Liquor - Restaurant
☐ Convention Center (on-sale) Liquor
☐ Package (off-sale) Liquor
☐ Retail (on-off sale) Wine and Cider
☒ Retail (on-off sale) Malt Beverage & SD Farm Wine
☐ Package Delivery
☐ Hunting Preserve
☒ Other Gwinns Point Recreational Center

Is this license in active use? ☒ Yes ☐ No Open House Event
July 30-31, 2021Do you or any officers, directors, partners, or stockholders (see back)hold any other alcohol retail, manufacturing, or
wholesaler licenses?☐ Yes ☒ No If Yes, please list on the back page.Have you ever been convicted of a felony? ☐ Yes ☒ NoE. State Sales Tax Number 1019-8588-STF. New license ☐ Transfer? (\$150) ☐ Re-issuance ☐

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date July 1 2021 Print Name Kenneth Hausmann Signature [Signature]

I. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on 7-13-21. Public hearing on the application was held 7-20-21, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐Amount of fee collected with application \$ 75.00Amount of fee retained \$ 75.00

Forwarded with application \$ _____

For Local Government Use

Transferred (State Use)

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL _____ REVIEW _____

Please complete the reverse side if applicable

Application is for the Upper Deck at Yankton, SD
to serve and resell beer and wine coolers at the
Gavins Point Recreational Center Grand Opening Event
July 30-31st, 2021.

Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC Upper Deck Bar & Grill

Address of office and principal place of business of corporation/partnership/LP/LLC 315 Broadway

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? ☒ Yes ☐ No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<u>Mark Hausman</u>	<u>President</u>	<u>813 Broadway Circle</u>	<u>Owner</u>
<u>Kenneth Hausman</u>	<u>Vice President</u>	<u>107 Robert St</u>	<u>Owner</u>

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Kenneth Hausman 107 Robert St

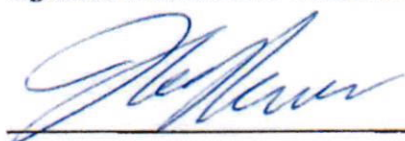
With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner

Date



2/11/2021

From: Vandel, Andy <Andy.Vandel@state.sd.us>
Sent: Wednesday, July 14, 2021 3:53 PM
To: Mike Sedlacek <mikes@co.yankton.sd.us>
Cc: Vandel, Andy <Andy.Vandel@state.sd.us>
Subject: Yankton Co. 310th and 451st Curve

Hi Mike,

Like we talked about on the phone, I am working on a project to bundle 5 county road intersections where there is a sharp curve rather than a conventional T intersection. The intersection of [310th St and 451st Ave](#) falls in this category and was identified due to 4 crashes in the past 10 years. The project would eliminate the curve by doing some minor grading and surfacing to create a conventional T intersection. The project is eligible for federal safety funds which is 90% and requires a 10% local match. The preliminary cost estimate for the project is \$130K so the county share would be \$13,000.

Please discuss this with your commission and let me know if there is support for the project. After that, my office would develop a scope of work and an agreement would be drafted and set over for the commission approval. After that we would get a consultant hired to put a plan set together and the DOT would let the project and conduct the construction engineering. If right-of-way is needed, then the county would be responsible for acquiring it.

Please let me know if you have any questions and we will be in touch.



Andy Vandel
Highway Safety Engineer | South Dakota Department of Transportation
Better Lives Through Better Transportation
700 E. Broadway Ave, Pierre, SD 57501
605.773.4421 | dot.sd.gov



June 21, 2021

Ms. Lori Mackey
321 West 3 St Ste 203
Yankton, SD 57078

Dear Ms. Lori Mackey,

The National Association of Counties (NACo) is pleased to grant Yankton County a 2021 Achievement Award for its program titled "Lending a Helping Hand" in the category of County Administration and Management.

Congratulations to everyone involved in developing this innovative program! Your hard work will yield positive results for Yankton County residents.

2021 NACo Annual Conference

As a 2021 Achievement Award winner, your county is cordially invited to the NACo Achievement Awards Luncheon from 12:15 to 1:45 p.m. on July 11, 2021 at NACo's Annual Conference and Exposition, hosted both in person in Prince George's County, Md. and virtually. NACo will list each award winner in the luncheon program and stream the luncheon online for those attending virtually.

Congratulations and thank you for your continued work to promote the betterment of county services and programs! We hope your county is staying safe and healthy.

Thanks,

Lindsey Maggard
Communications Specialist
National Association of Counties (NACo)
P: (202) 661-8824
lmaggard@naco.org

2021 ACHIEVEMENT AWARD WINNER

"When you have exhausted all possibilities, remember this: you haven't."

—Thomas Edison

The National Association of Counties is proud to award

Yankton County

A 2021 Achievement Award for its program titled:

Lending a Helping Hand



A handwritten signature in cursive script that reads "Matthew Chase".

Matthew Chase, NACo Executive Director



A handwritten signature in cursive script that reads "Gary W. Moore".

Hon. Gary Moore, NACo President

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Revision: changes from Mar 23, 2021, meeting to be discussed on Apr 27

Formatted

ARTICLE I GENERAL PROVISIONS

SECTION 1.01.

TITLE

These regulations shall be referred to as the Drainage Ordinance of Yankton County.

SECTION 1.02.

AUTHORITY

The authority for this ordinance is promulgated under SDCL 46A-10A and SDCL 46A-11.

SECTION 1.03.

PURPOSE

These regulations shall govern the subsurface agricultural drainage of water within Yankton County and are designed to enhance and promote the physical, economic, and environmental management of the county; protect the tax base; prevent inordinate adverse impacts on servient properties; encourage land utilization that will facilitate economical and adequate productivity of all types of land; lessen government expenditure; conserve and develop natural resources; and preserve the important benefits provided by wetlands.

SECTION 1.04.

DRAINAGE COMMISSION

The Yankton County Commission shall ~~appoint nine (9) members to the~~ a Yankton County Drainage Commission. The Yankton County Drainage Commission shall consist of an odd number of members, including at least one (1) county commissioner. The YC Drainage Commission members shall serve a three year term and shall not have term limits. The Drainage Commission shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every sixmonths.

SECTION 1.05.

DRAINAGE BOARD

The Yankton County Commission shall constitute the Yankton County Drainage Board. The YC Drainage Board shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every six months.

SECTION 1.06.

BOARD OF RESOLUTION

The Yankton County Commission shall constitute the Yankton County Board of Resolution.

SECTION 1.07.

ADMINISTRATIVE OFFICIAL

The provisions of this Ordinance shall be administered and enforced by the Planning & Zoning Administrator, as the Yankton County Drainage Administrator, appointed by the Yankton County Commissioners.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

SECTION 1.08.

REPEAL OF CONFLICTING ORDINANCES.

All ordinances or part of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are repealed entirely.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

ARTICLE II DEFINITIONS

SECTION 2.01.

DEFINITIONS

For the purposes of this ordinance, certain terms and words are hereby defined. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

Abut - Having a common border with, or being separated from such a common border by a Right-of-way, alley or easement; for the purposes of this Ordinance the 'abut' shall be synonymous with 'adjacent' or 'adjoining'.

Benefitted Area - The area within a drainage district or coordinated drainage area that receives the direct benefit from the drainage projects which have been constructed, or are to be constructed, within the district or drainage area.

Blue Line Stream - Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS). A blue line stream may be any creek, stream or other flowing water feature, perennial or ephemeral, indicated on USGS quadrangle maps, with the exception of man-made watercourses. The United States Army Corps of Engineers uses USGS blue line stream markings as a preliminary indicator of "Waters of the United States". Streams identified on USGS maps in such a manner are therefore generally subject to federal environmental regulations.

Board of Resolution – The Yankton County Commission shall serve as the Yankton County Board of Resolution.

Closed drain or blind drain - A man-made drain or drainage scheme utilizing pipes, tiles or other materials and constructed in such a way that flow of water is not visible.

Drainage Board – The Yankton County Commission shall serve as the Drainage Board.

Drainage Commission - The Yankton County Drainage Commission, composed of nine members appointed by the Yankton County Commission; or any county drainage commission created under the terms of this ordinance.

Coordinated drainage area - A defined geographic area containing one or more parcels of real property and established under the provisions of this chapter 46A-11 by a board or commission to provide a planned network or method of natural or man-made drainage, or both, to benefit all parcels of real property involved.

Dominant estate - Any parcel of real property, usually at a higher elevation, which holds a common law or statutory legal right to drain water onto other real property.

Drain - A means of draining either surface or subsurface water through a system of ditches, pipes or tiles, natural, man-made or natural with man-made improvements.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Drainage Administrator - An official duly appointed by the Commission who is responsible for the administration and enforcement of this ordinance.

Drainage Board - Any county board designated under the terms of SDCL 46A-10A-2 or 46A-10A-34.

Drainage District - A drainage area with multiple owners that was established under state law prior to July 1, 1985 in which all planning, construction and maintenance of the drainage system conform with a master plan for the district and are funded through an assessment on the benefitted acres within the district.

Drainage Map - Any map adopted by resolution of the commission that delineates the extent of county drainage, drainage project, or a coordinated drainage area.

Drainage Plan - A document which may illustrate by maps, charts, and other descriptive matter the policies of the commission to interrelate all man-made and natural systems and activities relating to drainage under its jurisdiction.

Drainage Project - Any man-made improvements constructed or installed with the intent to drain water.

Drainage scheme - A plan or system by which water is drained from one or more parcels of real property onto one or more parcels of real property.

Engineer - A professional, registered engineer.

Entity - For the purposes of this ordinance the term “entity” shall include a person, estate, trust, corporation, company, partnership, limited liability company, limited liability partnership, governmental unit or any similar organization.

Established water course - A fixed and determinate route, either natural or man-made, by which water has flowed from one parcel of real property to another and by which water has been discharged upon a servient estate for a period of time, on such a regular basis and in such quantities as to make it a predictably continuous activity.

Governing body - A board of county commissioners, a city council or a city commission.

Hydric Soil - Soil types which are formed under saturated conditions.

Hydrophitic Vegetation - Vegetative types typically adapted for life in saturated soil conditions.

Lake - A land depression having a greater depth of water and having more permanent standing water than either a slough or pond. This definition classifies lakes as type five wetlands or “inland open freshwater” as defined in U.S. Fish & Wildlife Service Circular 39.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Landowner or owner - Any individual, firm or corporation, public or private, or public agency, who has legal title to real property as shown by the records of the register of deeds of the county in which the real property is situated. If the real property is sold under a contract for deed and the contract is of record in the office of the register of deeds for the respective county, both the recorded owner of the real property and the purchaser as named in the contract for deed are deemed owners of the real property.

Lateral drain - For the purpose of regulating the drainage of water means a drain constructed after the establishment and construction of the original drain or drainage system (for which a permit was obtained) and which flows into such original drain or drainage system.

Legal drain - A drain or drainage scheme that:

- (a) Is vested under the provisions of SDCL 46A-10 and SDCL 46A-11;
- (b) Has been constructed by a person or by a unit of government under the provisions of past or present law; or
- (c) Has been granted a drainage permit.

Maintenance – see Routine Maintenance

Meandered lake - Any pond, slough, or lake which has had its boundaries established by metes and bounds in the survey of public lands by government of the United States.

Modifications to Any Drain - Modification to any drain shall mean constructing, relocating, extending, deepening, widening, straightening or otherwise altering a surface drain, closed drain, man-made or natural drain, natural water course, ditch, or any other drain for the purpose of a natural water course.

Municipality - A city or town, however organized.

Natural drain - A drainage system which operates as part of a natural water course, as defined herein.

Natural water course - A fixed and determinate route by which water naturally flows from one parcel of real property to another due to the conformation of the land and by which water is discharged upon the land receiving the water. It is not necessary that the force or volume of the flow of water be sufficient to form a channel having a well-defined bed or banks.

Official Control - Any ordinance, order, regulation, map, or procedure adopted by a commission to regulate drainage.

Ordinance - Any ordinance, as defined in subdivision 7-18A-1(2), adopted by a commission to regulate drainage of both rural and urban areas to provide coordination of drainage projects, individual drainage efforts and drainage areas and to foster conformity with any county drainage plan.

Party of record - Any person who submits oral or written testimony and evidence for the record of the state engineer's public hearing.

Permanent - A drainage project fixed and in place for a period of time exceeding six months.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Permitted Drainage - Any drainage project that has been submitted to the Yankton County Drainage Commission and has received an authorized permit to drain.

Persons - A person, firm, partnership, association, corporation, or any other type of private legal relationship, and any governmental organization, which includes, but is not limited to, any agency of the United States, a state agency, and any political subdivision of the state.

Pond - A land depression where the soil is covered with six inches (15 centimeters) to three feet (0.91 meters) or more of water throughout the growing season. This definition classifies ponds as type four wetland or “inland deep marshes” as defined in U.S. Fish & Wildlife Service Circular 39.

Private drain - A drainage system or scheme designed, constructed and maintained by a landowner primarily for his own benefit or a natural drain, whether or not actively maintained, that provides a benefit primarily to one landowner.

Rural or rural area - Any territory outside a municipality.

Routine maintenance - Any maintenance performed on a vested and/or properly registered drainage system provided:

- (a) The repair or replacement of a closed or lateral drain does not increase the size, capacity or length of the existing drain and the original location of the drain are not altered.
- (b) The removal of sediment or vegetation from a surface drain with man-made improvements if the maintenance does not exceed the original depth and capacity of the channel and the original location of the drain is not altered.
- (c) The filling in of a drain to repair damage caused by erosion.

Servient estate - Any parcel of real property, usually at a lower elevation, which is subject to a legal right allowing a dominant estate to drain water onto it.

Slough - Includes three types (refer to U.S. Fish & Wildlife Service Circular 39):

- (a) Type one sloughs are “seasonally flooded basins or flats” which includes land depressions where the soil is covered with water, or is waterlogged, during variable seasonal periods but is usually well drained during much of the growing season.
- (b) Type two sloughs are “inland fresh meadows” which includes land depressions where the soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches (centimeters) of its surface.
- (c) Type three sloughs are “inland shallow fresh marshes” which includes land depressions where the soil is usually waterlogged throughout the growing season and is often covered with as much as six inches (15 centimeters) or more of water.

Stream, Intermittent - A natural drainage channel indicated by a ~~solid-dot and dash~~ blue line in the most recently published USGS 7.5 minute quadrangle map.

Stream , Permanent - A natural drainage channel indicated by a solid blue line in the most recently published USGS 7.5 minute quadrangle map.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Sub-watershed - The area drains into a specified lake or waterway as identified by the Natural Resources Conservation Services and displayed or described on the “Yankton County Hydrology Map.”

Surface Drain - A man-made drain on the surface of the ground.

Unit of local government - A municipality, an irrigation district, a water project district, a water user district, a township, a sanitary district, a conservation district or other special district, as defined by South Dakota Codified Law.

Vested drainage right - A right to drain water from one property to another, which was established on the basis of SDCL 46A-10A or 46A-11A. Any natural right acquired before July 1, 1985, is deemed vested if recorded at the Register of Deeds before July 1, 1991.

Water management board - The state board in SDCL 1-40-15.

Watershed - The area which drains into a slough, pond, or lake.

Wetland – Those areas which have a predominance of hydric soil, are inundated or saturated by water for at least 15 days during a growing season, and under normal circumstances support hydrophytic vegetation. Reference maps may include the U.S. Natural Resources Conservation Services wetland maps and the U.S. Fish & Wildlife Service National Wetlands Inventory.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

ARTICLE III

DRAINAGE PERMITS

SECTION 3.01.

PERMITS REQUIRED

A drainage permit shall be required prior to commencing the excavation for, or the construction, installation, or modification of, a drainage project including, but not limited to, the following:

1. Construction or installation of a surface or closed drain.
2. Any draining, filling, diverting, in whole or in part, of a pond, wetland, or lake or filling of a drain.
3. Construction of any lateral drain.
4. Modification of any permitted or vested drainage with the intent of deepening or widening any drainage channel, increasing the size and/or depth of any drainage tile, or the extending or rerouting any drainage work.
5. Improvements to a drainage district or a coordinated drainage area which were not included in the original plans.
6. Modification of any permitted or vested drainage which has the effect of causing an impediment to existing drainage.

SECTION 3.02.

PERMITS NOT REQUIRED

A drainage permit shall not be required for the routine maintenance of a drain previously permitted by the Yankton County Drainage Board / Drainage Administrator. Landowners intending to perform routine maintenance of vested drainage, permitted drainage, or other drainage as defined herein are not required to obtain a permit, however, landowners shall notify the drainage administrator prior to performing routine maintenance.

SECTION 3.03.

APPLICATION FOR A DRAINAGE PERMIT

Any person required to obtain a drainage permit under this ordinance shall file an application on a form as provided by the County and the required filing fee with the Yankton County Drainage Administrator.

Drainage Permits issued on the basis of plans and applications approved by the Drainage Administrator authorize only the drains or impediments set forth in such approved plans and specifications. Any drainage or impediments to drainage at variance without authorization shall be deemed a violation of this ordinance and shall be punishable as provided by this ordinance.

1. An Application for a Drainage Permit, accompanied with the appropriate fee to be established by resolution shall be completed by the landowner requesting the Drainage Permit. Completed applications shall be returned to the Drainage Administrator for review. To be considered complete, the application form shall be accompanied by the following additional items:
-

YANKTON COUNTY DRAINAGE ORDINANCE # 19

- a. A signed statement from the Applicant and Contractor, if applicable, acknowledging each parties' understanding of the proposed project, the drainage ordinance, and zoning regulations applicable to the project as proposed.
- b. A detailed, preliminary site plan, including a map with property legal description, showing the location of the proposed construction. The site plan shall include a description of the length, type, depth and size of the drain, and the location of the proposed outlet, supported by latitude / longitude coordinates (GPS). The actual outlet shall be placed within ~~40%~~ (actual location difference/total distance of project) 250 feet of the proposed outlet location in the preliminary plan. Distances greater than 250 feet must obtain administrative approval for the change.
- ~~a-c.~~ All required easements and any required maintenance agreements ~~and / or easement~~ shall be provided.
- ~~b-d.~~ Identification of sub-watershed(s) to be affected using best available data which shall be deemed to include the Yankton County Hydrology Map as well as any other data which identifies watershed boundaries, provided the source of such information is noted.
- ~~e-e.~~ A copy of any recorded South Dakota Vested Drainage Records and/or a copy of the U.S. Natural Resources Conservation Service (NRCS) or NRCS-CPA-026, with certified drainage systems ~~and referenced wetland maps~~ (where applicable).
- f. The Drainage Administrator may also request that the applicant provide a detailed survey prepared by a professional engineer or surveyor.
- ~~d-g.~~ All signed waivers, including a complete "811 call" notification, for performing drainage work in Yankton County.
- ~~e-h.~~ Any application for any drainage into a road right-of-way must include the written approval of the ~~township board~~ local road authority (when applicable) ~~and Yankton County Commission.~~
- ~~f-i.~~ Any application for a proposed drainage project which would involve any underground construction on a county road right-of-way must include a validated permit from Yankton County for occupancy for underground construction on county roads right-of-way.
- ~~g-j.~~ Any application for a proposed drainage project which is determined to be of statewide or inter-county significance must be provided to the other counties affected by the applicant.
 - h-k. Any other information which the Drainage Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

If the Drainage Administrator determines that the application is incomplete or if the information contained therein is insufficient to make an informed decision on the application, the application shall be returned to the applicant for revision.

SECTION 3.04.

NOTIFICATION TO OTHER PARTIES

A good faith effort must be made ~~by the applicant~~ to notify all property owners of land with the following provisions. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide ~~the applicant with~~ "Notice of Hearing" forms ~~for this purpose and the notices shall be given~~ to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by ~~affidavit certifying~~ certified mail receipt that the required mailing

YANKTON COUNTY DRAINAGE ORDINANCE # 19

was completed. ~~The affidavit shall be provided to the Planning Department at least seven (7) days prior to the hearing date. Certified mailing receipts shall become part of the permanent record. The Applicant's shall, at the applicant's expense, give notice by postage mail with affidavit of mailing. The Planning Department shall give notice~~ of the application for drainage permit to the following parties:

1. ~~As detailed above, All~~ all abutting property owners ~~and (as detailed above)~~ all property owners one-half (1/2) mile above and one (1) mile below the outlet of the proposed drainage or documented Blue Line.
2. ~~A signed statement from the Applicant and Contractor, if applicable, acknowledging each parties understanding of the proposed project, the drainage ordinance, and zoning regulations applicable to the project as proposed.~~
3. ~~The Drainage Administrator may also request that the applicant provide a detailed survey prepared by a professional engineer or surveyor.~~
4. ~~2~~ Any county which will be directly affected by the water to be drained.
5. ~~3~~ Any municipality which appears to the Drainage Administrator to be adjacent to the property to be drained or its drain outlet as described in the application.
6. ~~4~~ The South Dakota Departments of Game, Fish & Parks and Department of Interior US Fish and Wildlife Service if directly affected and provided they have a recorded property interest in the water course into which the water is to be drained adjacent to the property to be drained or its drain outlet as described in the application.
7. ~~5~~ The South Dakota Department of Environment & Natural Resources.
8. ~~6~~ The applicable street authority (e.g. Township Supervisor(s), Yankton County Highway Superintendent, South Dakota Department of Transportation) for the right-of-way of any highway or roadway within their jurisdiction which will be directly affected by the water to be drained.
9. ~~7~~ The local U.S. Natural Resources Conservation Service.

SECTION 3.05.

AUTHORITY OF DRAINAGE ADMINISTRATOR TO GRANT DRAINAGE PERMITS

The Drainage Administrator shall have the authority to grant or deny a drainage permit for the following projects. All other drainage permit applications shall be Yankton County Drainage Commission / Yankton County Drainage Board public hearings.

Administrative Permits:

1. A proposed drainage project which outlets directly from the applicant's property into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps. The blue line must be on the applicant's property.
2. A proposed drainage project which outlets directly into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps but crosses a roadway or abutting property in order to reach the blue line. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other

Formatted: Underline

Formatted: Underline

YANKTON COUNTY DRAINAGE ORDINANCE # 19

- Parties. A permit may be issued if no notified landowner files a written objection within ten (10) days after the certified mailing date. If a written objection is filed, a hearing is required.
- 2.3. A proposed drainage project which outlets directly into a permanent or intermittent stream which is NOT listed on the USGS 7.5 minute topographic maps not listed in #1 (above) or into an existing tile system using the currently installed outlet. All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet (or legally recognized rivers and streams (blue lines) as defined herein) parties have received a copy of the drainage permit application materials as required in *Section 3.04 Notification to Other Parties*. A permit may be issued if no abutting notified landowner files a written objection within ten (10) days after the certified mailing date stated on the affidavit of mailing. If a written objection is filed, a hearing is required.

Drainage Commission:

1. A proposed drainage project which does not outlet directly into a permanent or intermittent stream. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. ~~All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties.~~ The Yankton County Drainage Commission public hearing will provide "Findings of Fact". The Yankton County Drainage Board shall review the YC Drainage Commission "Finding of Fact" (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
2. A proposed drainage project which outlets directly or indirectly into a public or private road right of way. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. ~~All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties.~~ The Yankton County Drainage Commission public hearing will provide "Findings of Fact". The Yankton County Drainage Board shall review the YC Drainage Commission "Finding of Fact" (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
3. A proposed drainage project which outlets into a permanent or intermittent stream, which does not outlet into a permanent or intermittent stream or which outlets directly or indirectly into a public or private road right of way; but has state and/or inter-county significance. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. ~~All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties.~~ The Yankton County Drainage Commission public hearing will provide "Findings of Fact". The Yankton County Drainage Board shall review the YC Drainage Commission "Finding of Fact" (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
4. A proposed drainage project which outlets potentially drain water from one watershed with the intent to discharge the water into a different watershed. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other

Formatted: Underline

YANKTON COUNTY DRAINAGE ORDINANCE # 19

~~***Parties.** All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other***~~

~~***Parties.***~~ The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.

SECTION 3.06.

AUTHORITY OF THE COUNTY TO WAIVE PERMIT HEARING

The Yankton County Drainage Board is granted authority to issue drainage permits without hearing in the following instances, subject to the conditions as specified below:

1. Construction or installation of a surface or closed drain which meets the following criteria:
 - a. Does not outlet directly into creeks or streams identified on the most recently published USGS 7.5-minute topographic maps;
 - b. Does not outlet directly into lakes, or ponds as defined herein;
 - c. Does not outlet directly into a right-of-way;
 - d. The drain or impediment does not cross a right-of-way; and
 - e. The discharged water is contained entirely on the property from which it originated until it is absorbed or evaporated; or
2. Construction or installation of an impediment to drainage, a surface, or closed drain subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order
 - b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
 - c. The applicant has filed a copy of the application with those parties designated in ***Section 3.04 Notification to Other Parties*** of this Ordinance by certified mail addressed to the addresses provided in the application form; or
3. Modifications that do not qualify as routine maintenance, as defined herein, of a drain or impediment of a drain permitted by the Yankton County Drainage Commission subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order
 - b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.

Nothing in this section requires the Drainage Board to grant an application without hearing, and the officer may refer any application to the Drainage Commission for hearing as provided in Section 3.05.

SECTION 3.07.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

EMERGENCY DRAINAGE

In order to protect the public general welfare, the requirement for a permit, hearing, and notice thereon may be waived by the Yankton County Drainage Board in order to facilitate temporary emergency drainage. Within 14 days of the adoption or renewal of temporary emergency drainage, the Drainage Board will hold at least one public hearing with the time and place of the hearing published at least ten days in advance. An emergency measure is limited to six months from the date it becomes effective and may be renewed for six months by the Drainage Board, but it may not be in effect for more than one year. If the emergency drainage is to be permanent, a permit must be obtained and all hearings must be conducted as outlined throughout this ordinance.

SECTION 3.08.

HEARING BY DRAINAGE BOARD

For all hearings required pursuant to this article, the County shall, publish notice in a newspaper of general circulation in the area of the proposed drainage once a week for two consecutive weeks. The final published notice shall be published not more than fifteen days, or less than five days, before the date set for the hearing. The Applicant shall give notice to all landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in *Section 3.04 Notification to Other Parties*.

1. All persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
2. Any person who has notified the County in writing of the person's objection to the drainage project proposed,
3. All those parties indicated in *Section 3.04 Notification to Other Parties* and this Ordinance.

Following notification, the Drainage Board shall conduct a public hearing on a drainage permit application or the appeal of an administrative decision.

SECTION 3.09.

EVALUATION OF PERMIT APPLICATIONS

The Drainage Board shall grant a Drainage Permit to those applicants which demonstrate the following:

1. The flow or quantity of water to be drained will not overburden the water course into which the water will be drained.
 2. The drainage will not flood or adversely affect the land of the lower proprietors, or in the case of an impediment to drainage whether such an impediment will not flood or adversely affect upstream land owners. (See Section 3.10)
 3. Easements will be granted where required.
 4. The drainage will not negatively affect agricultural productivity.
 5. The land affected or the land drained is and will remain rural in character.
 6. When the land to be drained is rural land, the presumption and factors set forth in SDCL 46A-10A-20 will be satisfied.
 7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted.
-

YANKTON COUNTY DRAINAGE ORDINANCE # 19

8. Recommendations from the Drainage Commission in the “Findings of Fact”.
9. Such other factors the Drainage Board determines to be pertinent to the application.

SECTION 3.10.

CRITERIA TO DETERMINE WHETHER DRAINAGE WILL ADVERSELY AFFECT LANDS OF LOWER LANDOWNERS

The Drainage Board or its designated official shall be guided by the following criteria:

1. Drainage into receiving watercourses which do not have sufficient capacity to handle the additional flow and quantity of water shall be considered to have an adverse effect. The applicant shall be responsible to provide sufficient evidence with third party verification when requested by the Drainage Commission or the Drainage Board.
2. Whether drainage is accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practical natural drain, a reasonable artificial drain system is adopted.
3. The amount of water proposed to be drained.
4. The design and other physical aspects of the drain.
5. The impact of sustained flows.
6. Recommendations from the Drainage Commission in the “Findings of Fact”.

SECTION 3.11.

CRITERIA FOR DETERMINING WHETHER DRAINAGE IS OF STATEWIDE OR INTERCOUNTY SIGNIFICANCE

In determining whether the proposed drainage is of statewide or intercounty significance, the Commission shall be guided by the following criteria:

1. Drainage which would affect property owned by the state or its political subdivisions.
2. Drainage of sloughs, ponds, or lakes having recognized fish and wildlife values.
3. Drainage or partial drainage of a meandered lake.
4. Drainage which would have a substantial effect on another county.
5. Drainage which would convert previously noncontributing areas (based on twenty-five year event – 4% chance) into permanently contributing areas.
6. Recommendations from the Drainage Commission in the “Findings of Fact”.

For good cause, the Drainage Board may classify any proposed drainage as having statewide or intercounty significance, or the Drainage Board may determine that certain proposed drainage is not of statewide or intercounty significance.

SECTION 3.12.

HEARING ON APPLICATIONS OF STATEWIDE OR INTERCOUNTY SIGNIFICANCE

Upon determination of an application of statewide or intercounty significance, the Drainage Board shall set the date, time and place for a public hearing on the application. The purpose of the hearing is to establish a record on which to base a decision as to whether the application to drain shall be granted, and if so, under what conditions the water is to be drained. A hearing shall not be required

YANKTON COUNTY DRAINAGE ORDINANCE # 19

for a drainage project which is not of statewide or intercounty significance. However, the Drainage Board may hold hearings on such applications at its discretion.

SECTION 3.13.

APPEALS OF DECISIONS MADE BY THE DRAINAGE ADMINISTRATOR

Any decision of the Drainage Administrator may be appealed to the Drainage Board. The applicant or any person aggrieved by a decision shall file a written appeal with the Drainage Administrator within ten (10) working days of the Drainage Administrator's decision. Upon such filing, the Drainage Administrator shall forward the appeal to the Drainage Board.

SECTION 3.14.

OFFICIAL MAPS

The official map for recording all permitted and vested projects shall be the 7.5 minute topographic illustrations published by the U.S. Geological Survey. The official maps shall be on record in the county Planning and Zoning office.

SECTION 3.15.

DRAINAGE PERMIT FEES

- General Drainage - \$100.00 ~~plus \$10 per additional non abutting parcel~~
- ~~Drainage Permits issued pursuant to Section 3.05. (1),(2) shall be \$50.00~~
- Drainage District or Coordinated Drainage Area - \$100 plus \$10 per additional parcel

Application materials for drainage permits may be obtained at the office of the Yankton County Planning and Zoning.

SECTION 3.16.

DRAINAGE INSPECTION FEE

Drainage work performed without first obtaining a required permit shall be subject to an inspection fee of \$500.00, in addition to any permit fees, and to cover additional expenses incurred by the County.

SECTION 3.17.

CONDITIONS TO PERMITS

Conditions may be attached to a drainage permit to ensure that the proposed drainage is accomplished in accordance with the purposes of this ordinance.

SECTION 3.18.

EXPIRATION OF DRAINAGE PERMITS

A drainage permit shall expire and become null and void if the authorized construction is not commenced within eighteen (18) months of the effective date and completed within thirty-six (36) months of the effective date of the permit unless written approval of an extension is given unless otherwise stated by the Board as a condition of granting the Drainage Permit.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

ARTICLE IV ADMINISTRATION AND ENFORCEMENT

SECTION 4.01.

POWERS AND DUTIES

The Drainage Administrator is hereby authorized and directed to enforce all the provisions of this ordinance and establish rules for its administration. The Drainage Administrator in conjunction with the Yankton County Commission may designate technical officers and/or inspectors, attorneys, or other employees that shall be authorized to assist in the administration and enforcement of this ordinance.

SECTION 4.02.

DISTURBING PUBLIC RIGHT-OF-WAYS PROHIBITED

No person or contractor shall cut a ditch within a public right-of-way, remove silt or soil, alter, obstruct, or otherwise disturb such right-of-way in any way. Such activity shall be a violation of this ordinance and state statute. Any person may request the County Highway Superintendent or Township Board of Supervisors to authorize the clean out and maintenance of a public right-of-way or ditch in order to restore it to its original condition. Township Board of Supervisors does not need a drainage permit to clean out and maintain the township public right-of-ways or ditches.

SECTION 4.03.

RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Drainage Administrator or an authorized representative has reasonable cause to believe that there exists upon any premises an ordinance violation, the Drainage Administrator or an authorized representative may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon the Drainage Administrator by this ordinance, provided that if such property be occupied, the Drainage Administrator shall first present proper credentials and request entry; and if such property be unoccupied, the Drainage Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry. If such entry is refused, the Drainage Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Drainage Administrator or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any property shall fail or neglect, after proper request is made as herein provided, to promptly permit entry thereon by the Drainage Administrator or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

SECTION 4.04.

ACTIVITIES WITHOUT NOTICE

YANKTON COUNTY DRAINAGE ORDINANCE # 19

The Yankton County Drainage Board may at any time and on its own motion, without notice, remove silt, debris, weeds and other vegetative growth, repair damaged structures, retard and/or restore an unapproved drainage or may take any other action as necessary to maintain the approved drainage improvements.

SECTION 4.05.

STOP ORDER AND INJUNCTION

Whenever any work is being done contrary to the provisions of this ordinance, the Drainage Administrator may order the work stopped by notice in writing served on any persons engaged in or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Drainage Administrator to proceed. In the event of a violation or threatened violation of this ordinance, the Drainage Board, may institute injunction or other appropriate action or proceedings, in addition to other remedies, to prevent the unlawful construction or use of any drainage work.

SECTION 4.06.

ASSESSMENT AGAINST PROPERTY

Any and all costs associated with the replacement, repair, restoration, or reconstruction to a condition prior to the work performed in violation of this ordinance may be assessed against all of the landowners' real property. Assessments shall be levied in the same manner and method as other assessments pursuant to SDCL 46A-10A and 46A-11.

SECTION 4.07.

INSPECTION FEES

Any person performing drainage activities without a permit as required under Sections 3.01. and 3.02. shall pay an inspection fee of \$500 in addition to the permit fee. These fees are in addition to the remedies set forth in other sections of this ordinance and may be assessed and collected in the same manner set forth in Section 4.06.

SECTION 4.08.

VIOLATION AND PENALTY

Any person draining water without a permit is guilty of a Class 1 misdemeanor and may be subject, in addition to any criminal penalty, a civil penalty not to exceed \$1000 per day of violation. Any person violating any other provisions of this ordinance is guilty of a Class 2 misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day the violation continues may constitute a separate offense.

Violating the terms and conditions of a permit, or violating the ordinances which constitute the permit system, is punishable by a maximum \$1000 fine, thirty (30) days in jail, or both.

SECTION 4.09.

OTHER VIOLATIONS PURSUANT TO STATE STATUTE

YANKTON COUNTY DRAINAGE ORDINANCE # 19

In addition to violations and penalties set forth in Section 4.08.; South Dakota statutes provide for the following offenses and penalties:

- a. SDCL 31-32-7 Destruction, etc., of highway grade or ditch – Violation as misdemeanor.
- b. SDCL 31-32-8 Civil liability for violating preceding sections.
- c. SDCL 31-32-9 Duty of governing body to remove obstructions or repair – Recovery of expense from wrongdoer – Temporary obstruction for building purposes.
- d. SDCL 31-32-1 Intentionally damaging highway or bridge – Felony.
- e. SDCL 31-12-44 Repairs for wind and water erosion assessed to private landowner.
- f. SDCL 31-21-13 Obstruction of ditch as misdemeanor.
- g. SDCL 31-21-12 Civil liability for obstruction of ditch.
- h. SDCL 31-21-11 Entry upon land for maintenance of ditch.
- i. SDCL 31-32-3.1 Intentional dumping on highway right-of-way prohibited – Violation as misdemeanor.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

ARTICLE V DRAINAGE COMPLAINTS

SECTION 5.01.

JURISDICTION ON DRAINAGE DISPUTES

Any landowner may take a drainage dispute directly to circuit court. Whereas the Board of Resolution is composed of the same officials as the Drainage Board in accordance with SDCL 46A-10A-34, the Board of Resolution has jurisdiction to address drainage disputes in the unincorporated area of Yankton County under the following circumstances:

1. The drainage or impediment to drainage was performed prior to September 10, 1991.
2. New information or evidence exists which was not available for consideration by the Drainage Board when the permit for the specified drainage project was issued.

SECTION 5.02.

FILING A COMPLAINT

Any aggrieved landowner may file a drainage complaint by setting forth the facts of the drainage dispute in writing and submitting it to the Yankton County Planning and Zoning office. The complaint shall include the name and address of the complainant, the location of the property which has suffered damage or may suffer damage, the name and address of the respondent, the name and address of the landowner (if different than the respondent), and the location of the property against which the complaint is being registered. The complaint shall fully describe the nature of the complaint and include any damages the complainant feels have been incurred, along with documentation in support of those damages. When possible, the complaint should detail the type and location of work, and when the work occurred. The Board of Resolution may require that a drainage complaint include expert reports from a professional engineer or surveyor at the complainant's expense. These expert reports may be requested by the Board of Resolution at the time that it initially reviews and accepts jurisdiction of the drainage complaint, or if after it has been presented with information at a hearing, the Board of Resolution may determine that expert reports are necessary in order to proceed.

Upon acceptance of jurisdiction of a drainage complaint by the Board of Resolution, the Drainage Administrator shall serve the respondent with a notice and a copy of the drainage complaint by certified mail, return receipt requested.

SECTION 5.03.

HEARING ON COMPLAINT

Upon receiving the return receipt or notification that the certified mail was refused by the respondent, the Drainage Administrator shall schedule a hearing. The Drainage Administrator shall notify all affected parties by postage prepaid, certified mail of the date and time for the hearing not less than seven (7) days prior to the public hearing. If after notice, either party cannot attend the scheduled hearing and wants to appear personally, said party shall, not less than five (5) business days prior to the scheduled hearing, request a continuance. The request for continuance must be provided to both the Board of Resolution and all other affected parties. The Board of Resolution may in its sole discretion grant or refuse the request for a continuance.

At the time set for hearing, any interested individual shall have the opportunity to appear and be heard. The parties may submit affidavits and/or oral testimony and other evidence for

YANKTON COUNTY DRAINAGE ORDINANCE # 19

consideration by the Board of Resolution. In lieu of appearing personally, a party may submit its evidence to the County Auditor prior to the hearing to be submitted to the Board of Resolution for consideration. Failure of a party to appear at such hearing shall result in the hearing being held with whatever party does appear, and the Board of Resolution shall consider all evidence submitted to it.

The Board of Resolution may make a decision regarding the drainage dispute at the hearing, may defer the item pending additional information from either of the disputing parties, or may hold additional hearings on the dispute. Complaints may be upheld upon an affirmative vote of three-fourths of the full membership of the Board of Resolution. Any decision shall be consistent with the provisions of SDCL 46A-10A-20. Both parties shall be notified by first class mail of the Board of Resolution's decision.

SECTION 5.04.

APPEAL OF BOARD DECISION

Any affected party may appeal the Board of Resolution's decision on a drainage dispute to circuit court. Such appeal shall commence within twenty (20) days from the decision by the Board of Resolution per SDCL 46A-10A-35.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Revision: changes from April 27, 2021, meeting to be discussed on May 25, 2021. FINAL

ARTICLE I GENERAL PROVISIONS

SECTION 1.01.

TITLE

These regulations shall be referred to as the Drainage Ordinance of Yankton County.

SECTION 1.02.

AUTHORITY

The authority for this ordinance is promulgated under SDCL 46A-10A and SDCL 46A-11.

SECTION 1.03.

PURPOSE

These regulations shall govern the subsurface agricultural drainage of water within Yankton County and are designed to enhance and promote the physical, economic, and environmental management of the county; protect the tax base; prevent inordinate adverse impacts on servient properties; encourage land utilization that will facilitate economical and adequate productivity of all types of land; lessen government expenditure; conserve and develop natural resources; and preserve the important benefits provided by wetlands.

SECTION 1.04.

DRAINAGE COMMISSION

The Yankton County Commission shall appoint a Yankton County Drainage Commission. The Yankton County Drainage Commission shall consist of an odd number of members, including at least one (1) county commissioner. The YC Drainage Commission members shall serve a three year term and shall not have term limits. The Drainage Commission shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every six months.

SECTION 1.05.

DRAINAGE BOARD

The Yankton County Commission shall constitute the Yankton County Drainage Board. The YC Drainage Board shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every six months.

SECTION 1.06.

BOARD OF RESOLUTION

The Yankton County Commission shall constitute the Yankton County Board of Resolution.

SECTION 1.07.

ADMINISTRATIVE OFFICIAL

The provisions of this Ordinance shall be administered and enforced by the Planning & Zoning Administrator, as the Yankton County Drainage Administrator, appointed by the Yankton County Commissioners.

SECTION 1.08.

REPEAL OF CONFLICTING ORDINANCES.

All ordinances or part of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are repealed entirely.

**ARTICLE II
DEFINITIONS**

SECTION 2.01.

DEFINITIONS

For the purposes of this ordinance, certain terms and words are hereby defined. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

Abut - Having a common border with, or being separated from such a common border by a Right-of-way, alley or easement; for the purposes of this Ordinance the ‘abut’ shall be synonymous with ‘adjacent’ or ‘adjoining’.

Benefitted Area - The area within a drainage district or coordinated drainage area that receives the direct benefit from the drainage projects which have been constructed, or are to be constructed, within the district or drainage area.

Blue Line Stream - Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS). A blue line stream may be any creek, stream or other flowing water feature, perennial or ephemeral, indicated on USGS quadrangle maps, with the exception of man-made watercourses. The United States Army Corps of Engineers uses USGS blue line stream markings as a preliminary indicator of “Waters of the United States”. Streams identified on USGS maps in such a manner are therefore generally subject to federal environmental regulations.

Board of Resolution – The Yankton County Commission shall serve as the Yankton County Board of Resolution.

Closed drain or blind drain - A man-made drain or drainage scheme utilizing pipes, tiles or other materials and constructed in such a way that flow of water is not visible.

Drainage Board – The Yankton County Commission shall serve as the Drainage Board.

Drainage Commission - The Yankton County Drainage Commission, composed of nine members appointed by the Yankton County Commission; or any county drainage commission created under the terms of this ordinance.

Coordinated drainage area - A defined geographic area containing one or more parcels of real property and established under the provisions of this chapter 46A-11 by a board or commission to provide a planned network or method of natural or man-made drainage, or both, to benefit all parcels of real property involved.

Dominant estate - Any parcel of real property, usually at a higher elevation, which holds a common law or statutory legal right to drain water onto other real property.

Drain - A means of draining either surface or subsurface water through a system of ditches, pipes or tiles, natural, man-made or natural with man-made improvements.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Drainage Administrator - An official duly appointed by the Commission who is responsible for the administration and enforcement of this ordinance.

Drainage Board - Any county board designated under the terms of SDCL 46A-10A-2 or 46A-10A-34.

Drainage District - A drainage area with multiple owners that was established under state law prior to July 1, 1985 in which all planning, construction and maintenance of the drainage system conform with a master plan for the district and are funded through an assessment on the benefitted acres within the district.

Drainage Map - Any map adopted by resolution of the commission that delineates the extent of county drainage, drainage project, or a coordinated drainage area.

Drainage Plan - A document which may illustrate by maps, charts, and other descriptive matter the policies of the commission to interrelate all man-made and natural systems and activities relating to drainage under its jurisdiction.

Drainage Project - Any man-made improvements constructed or installed with the intent to drain water.

Drainage scheme - A plan or system by which water is drained from one or more parcels of real property onto one or more parcels of real property.

Engineer - A professional, registered engineer.

Entity - For the purposes of this ordinance the term “entity” shall include a person, estate, trust, corporation, company, partnership, limited liability company, limited liability partnership, governmental unit or any similar organization.

Established water course - A fixed and determinate route, either natural or man-made, by which water has flowed from one parcel of real property to another and by which water has been discharged upon a servient estate for a period of time, on such a regular basis and in such quantities as to make it a predictably continuous activity.

Governing body - A board of county commissioners, a city council or a city commission.

Hydric Soil - Soil types which are formed under saturated conditions.

Hydrophitic Vegetation - Vegetative types typically adapted for life in saturated soil conditions.

Lake - A land depression having a greater depth of water and having more permanent standing water than either a slough or pond. This definition classifies lakes as type five wetlands or “inland open freshwater” as defined in U.S. Fish & Wildlife Service Circular 39.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Landowner or owner - Any individual, firm or corporation, public or private, or public agency, who has legal title to real property as shown by the records of the register of deeds of the county in which the real property is situated. If the real property is sold under a contract for deed and the contract is of record in the office of the register of deeds for the respective county, both the recorded owner of the real property and the purchaser as named in the contract for deed are deemed owners of the real property.

Lateral drain - For the purpose of regulating the drainage of water means a drain constructed after the establishment and construction of the original drain or drainage system (for which a permit was obtained) and which flows into such original drain or drainage system.

Legal drain - A drain or drainage scheme that:

- (a) Is vested under the provisions of SDCL 46A-10 and SDCL 46A-11;
- (b) Has been constructed by a person or by a unit of government under the provisions of past or present law; or
- (c) Has been granted a drainage permit.

Maintenance – see Routine Maintenance

Meandered lake - Any pond, slough, or lake which has had its boundaries established by metes and bounds in the survey of public lands by government of the United States.

Modifications to Any Drain - Modification to any drain shall mean constructing, relocating, extending, deepening, widening, straightening or otherwise altering a surface drain, closed drain, man-made or natural drain, natural water course, ditch, or any other drain for the purpose of a natural water course.

Municipality - A city or town, however organized.

Natural drain - A drainage system which operates as part of a natural water course, as defined herein.

Natural water course - A fixed and determinate route by which water naturally flows from one parcel of real property to another due to the conformation of the land and by which water is discharged upon the land receiving the water. It is not necessary that the force or volume of the flow of water be sufficient to form a channel having a well-defined bed or banks.

Official Control - Any ordinance, order, regulation, map, or procedure adopted by a commission to regulate drainage.

Ordinance - Any ordinance, as defined in subdivision 7-18A-1(2), adopted by a commission to regulate drainage of both rural and urban areas to provide coordination of drainage projects, individual drainage efforts and drainage areas and to foster conformity with any county drainage plan.

Party of record - Any person who submits oral or written testimony and evidence for the record of the state engineer's public hearing.

Permanent - A drainage project fixed and in place for a period of time exceeding six months.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Permitted Drainage - Any drainage project that has been submitted to the Yankton County Drainage Commission and has received an authorized permit to drain.

Persons - A person, firm, partnership, association, corporation, or any other type of private legal relationship, and any governmental organization, which includes, but is not limited to, any agency of the United States, a state agency, and any political subdivision of the state.

Pond - A land depression where the soil is covered with six inches (15 centimeters) to three feet (0.91 meters) or more of water throughout the growing season. This definition classifies ponds as type four wetland or “inland deep marshes” as defined in U.S. Fish & Wildlife Service Circular 39.

Private drain - A drainage system or scheme designed, constructed and maintained by a landowner primarily for his own benefit or a natural drain, whether or not actively maintained, that provides a benefit primarily to one landowner.

Rural or rural area - Any territory outside a municipality.

Routine maintenance - Any maintenance performed on a vested and/or properly registered drainage system provided:

- (a) The repair or replacement of a closed or lateral drain does not increase the size, capacity or length of the existing drain and the original location of the drain are not altered.
- (b) The removal of sediment or vegetation from a surface drain with man-made improvements if the maintenance does not exceed the original depth and capacity of the channel and the original location of the drain is not altered.
- (c) The filling in of a drain to repair damage caused by erosion.

Servient estate - Any parcel of real property, usually at a lower elevation, which is subject to a legal right allowing a dominant estate to drain water onto it.

Slough - Includes three types (refer to U.S. Fish & Wildlife Service Circular 39):

- (a) Type one sloughs are “seasonally flooded basins or flats” which includes land depressions where the soil is covered with water, or is waterlogged, during variable seasonal periods but is usually well drained during much of the growing season.
- (b) Type two sloughs are “inland fresh meadows” which includes land depressions where the soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches (centimeters) of its surface.
- (c) Type three sloughs are “inland shallow fresh marshes” which includes land depressions where the soil is usually waterlogged throughout the growing season and is often covered with as much as six inches (15 centimeters) or more of water.

Stream, Intermittent - A natural drainage channel indicated by a dot and dash blue line in the most recently published USGS 7.5 minute quadrangle map.

Stream, Permanent - A natural drainage channel indicated by a solid blue line in the most recently published USGS 7.5 minute quadrangle map.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Sub-watershed - The area drains into a specified lake or waterway as identified by the Natural Resources Conservation Services and displayed or described on the “Yankton County Hydrology Map.”

Surface Drain - A man-made drain on the surface of the ground.

Unit of local government - A municipality, an irrigation district, a water project district, a water user district, a township, a sanitary district, a conservation district or other special district, as defined by South Dakota Codified Law.

Vested drainage right - A right to drain water from one property to another, which was established on the basis of SDCL 46A-10A or 46A-11A. Any natural right acquired before July 1, 1985, is deemed vested if recorded at the Register of Deeds before July 1, 1991.

Water management board - The state board in SDCL 1-40-15.

Watershed - The area which drains into a slough, pond, or lake.

Wetland – Those areas which have a predominance of hydric soil, are inundated or saturated by water for at least 15 days during a growing season, and under normal circumstances support hydrophytic vegetation. Reference maps may include the U.S. Natural Resources Conservation Services wetland maps and the U.S. Fish & Wildlife Service National Wetlands Inventory.

**ARTICLE III
DRAINAGE PERMITS**

SECTION 3.01.

PERMITS REQUIRED

A drainage permit shall be required prior to commencing the excavation for, or the construction, installation, or modification of, a drainage project including, but not limited to, the following:

1. Construction or installation of a surface or closed drain.
2. Any draining, filling, diverting, in whole or in part, of a pond, wetland, or lake or filling of a drain.
3. Construction of any lateral drain.
4. Modification of any permitted or vested drainage with the intent of deepening or widening any drainage channel, increasing the size and/or depth of any drainage tile, or the extending or rerouting any drainage work.
5. Improvements to a drainage district or a coordinated drainage area which were not included in the original plans.
6. Modification of any permitted or vested drainage which has the effect of causing an impediment to existing drainage.

SECTION 3.02.

PERMITS NOT REQUIRED

A drainage permit shall not be required for the routine maintenance of a drain previously permitted by the Yankton County Drainage Board / Drainage Administrator. Landowners intending to perform routine maintenance of vested drainage, permitted drainage, or other drainage as defined herein are not required to obtain a permit, however, landowners shall notify the drainage administrator prior to performing routine maintenance.

SECTION 3.03.

APPLICATION FOR A DRAINAGE PERMIT

Any person required to obtain a drainage permit under this ordinance shall file an application on a form as provided by the County and the required filing fee with the Yankton County Drainage Administrator.

Drainage Permits issued on the basis of plans and applications approved by the Drainage Administrator authorize only the drains or impediments set forth in such approved plans and specifications. Any drainage or impediments to drainage at variance without authorization shall be deemed a violation of this ordinance and shall be punishable as provided by this ordinance.

1. An Application for a Drainage Permit, accompanied with the appropriate fee to be established by resolution shall be completed by the landowner requesting the Drainage Permit. Completed applications shall be returned to the Drainage Administrator for review. To be considered complete, the application form shall be accompanied by the following additional items:

YANKTON COUNTY DRAINAGE ORDINANCE # 19

- a. A signed statement from the Applicant and Contractor, if applicable, acknowledging each parties' understanding of the proposed project, the drainage ordinance, and zoning regulations applicable to the project as proposed.
- b. A detailed, preliminary site plan, including a map with property legal description, showing the location of the proposed construction. The site plan shall include a description of the length, type, depth and size of the drain, and the location of the proposed outlet, supported by latitude / longitude coordinates (GPS). The actual outlet shall be placed within 250 feet of the proposed outlet location in the preliminary plan. Distances greater than 250 feet must obtain administrative approval for the change.
- c. All required easements and any required maintenance agreements shall be provided.
- d. Identification of sub-watershed(s) to be affected using best available data which shall be deemed to include the Yankton County Hydrology Map as well as any other data which identifies watershed boundaries, provided the source of such information is noted.
- e. A copy of any recorded South Dakota Vested Drainage Records and/or a copy of the U.S. Natural Resources Conservation Service (NRCS) or NRCS-CPA-026, with certified drainage systems (where applicable).
- f. The Drainage Administrator may also request that the applicant provide a detailed survey prepared by a professional engineer or surveyor.
- g. All signed waivers, including a complete "811 call" notification, for performing drainage work in Yankton County.
- h. Any application for any drainage into a road right-of-way must include the written approval of the local road authority (when applicable).
- i. Any application for a proposed drainage project which would involve any underground construction on a county road right-of-way must include a validated permit from Yankton County for occupancy for underground construction on county roads right-of-way.
- j. Any application for a proposed drainage project which is determined to be of statewide or inter-county significance must be provided to the other counties affected by the applicant.
- k. Any other information which the Drainage Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

If the Drainage Administrator determines that the application is incomplete or if the information contained therein is insufficient to make an informed decision on the application, the application shall be returned to the applicant for revision.

SECTION 3.04.

NOTIFICATION TO OTHER PARTIES

A good faith effort must be made to notify all property owners of land with the following provisions. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide "Notice of Hearing" forms to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by certified mail receipt that the required mailing was completed. Certified mailing receipts shall become part of the permanent record.

The Planning Department shall give notice of the application for drainage permit to the following parties:

YANKTON COUNTY DRAINAGE ORDINANCE # 19

1. As detailed above, all abutting property owners and all property owners one-half (1/2) mile above and one (1) mile below the outlet of the proposed drainage or documented Blue Line.
2. Any county which will be directly affected by the water to be drained.
3. Any municipality which appears to the Drainage Administrator to be adjacent to the property to be drained or its drain outlet as described in the application.
4. The South Dakota Departments of Game, Fish & Parks and Department of Interior US Fish and Wildlife Service if directly affected and provided they have a recorded property interest in the water course into which the water is to be drained adjacent to the property to be drained or its drain outlet as described in the application.
5. The South Dakota Department of Environment & Natural Resources.
6. The applicable street authority (e.g. Township Supervisor(s), Yankton County Highway Superintendent, South Dakota Department of Transportation) for the right-of-way of any highway or roadway within their jurisdiction which will be directly affected by the water to be drained.
7. The local U.S. Natural Resources Conservation Service.

SECTION 3.05.

AUTHORITY OF DRAINAGE ADMINISTRATOR TO GRANT DRAINAGE PERMITS

The Drainage Administrator shall have the authority to grant or deny a drainage permit for the following projects. All other drainage permit applications shall be Yankton County Drainage Commission / Yankton County Drainage Board public hearings.

Administrative Permits:

1. A proposed drainage project which outlets directly from the applicant's property into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps. The blue line must be on the applicant's property.
2. A proposed drainage project which outlets directly into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps but crosses a roadway or abutting property in order to reach the blue line. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. A permit may be issued if no notified landowner files a written objection within ten (10) days after the certified mailing date. If a written objection is filed, a hearing is required.
3. A proposed drainage project which outlets directly into a permanent or intermittent stream which is NOT listed on the USGS 7.5 minute topographic maps or into an existing tile system using the currently installed outlet. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. A permit may be issued if no notified landowner files a written objection within ten (10) days after the certified mailing date. If a written objection is filed, a hearing is required.

Drainage Commission:

YANKTON COUNTY DRAINAGE ORDINANCE # 19

1. A proposed drainage project which does not outlet directly into a permanent or intermittent stream. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
2. A proposed drainage project which outlets directly or indirectly into a public or private road right of way. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
3. A proposed drainage project which outlets into a permanent or intermittent stream, which does not outlet into a permanent or intermittent stream or which outlets directly or indirectly into a public or private road right of way; but has state and /or inter-county significance. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
4. A proposed drainage project which outlets potentially drain water from one watershed with the intent to discharge the water into a different watershed. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.

SECTION 3.06.

AUTHORITY OF THE COUNTY TO WAIVE PERMIT HEARING

The Yankton County Drainage Board is granted authority to issue drainage permits without hearing in the following instances, subject to the conditions as specified below:

1. Construction or installation of a surface or closed drain which meets the following criteria:
 - a. Does not outlet directly into creeks or streams identified on the most recently published USGS 7.5-minute topographic maps;
 - b. Does not outlet directly into lakes, or ponds as defined herein;
 - c. Does not outlet directly into a right-of-way;
 - d. The drain or impediment does not cross a right-of-way; and
 - e. The discharged water is contained entirely on the property from which it originated until it is absorbed or evaporated; or
2. Construction or installation of an impediment to drainage, a surface, or closed drain subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order

- b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
 - c. The applicant has filed a copy of the application with those parties designated in ***Section 3.04 Notification to Other Parties*** of this Ordinance by certified mail addressed to the addresses provided in the application form; or
3. Modifications that do not qualify as routine maintenance, as defined herein, of a drain or impediment of a drain permitted by the Yankton County Drainage Commission subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order
 - b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.

Nothing in this section requires the Drainage Board to grant an application without hearing, and the officer may refer any application to the Drainage Commission for hearing as provided in Section 3.05.

SECTION 3.07.

EMERGENCY DRAINAGE

In order to protect the public general welfare, the requirement for a permit, hearing, and notice thereon may be waived by the Yankton County Drainage Board in order to facilitate temporary emergency drainage. Within 14 days of the adoption or renewal of temporary emergency drainage, the Drainage Board will hold at least one public hearing with the time and place of the hearing published at least ten days in advance. An emergency measure is limited to six months from the date it becomes effective and may be renewed for six months by the Drainage Board, but it may not be in effect for more than one year. If the emergency drainage is to be permanent, a permit must be obtained and all hearings must be conducted as outlined throughout this ordinance.

SECTION 3.08.

HEARING BY DRAINAGE BOARD

For all hearings required pursuant to this article, the County shall, publish notice in a newspaper of general circulation in the area of the proposed drainage once a week for two consecutive weeks. The final published notice shall be published not more than fifteen days, or less than five days, before the date set for the hearing. The Applicant shall give notice to all landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in ***Section 3.04 Notification to Other Parties***.

1. All persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
2. Any person who has notified the County in writing of the person's objection to the drainage project proposed,
3. All those parties indicated in ***Section 3.04 Notification to Other Parties*** and this Ordinance.

Following notification, the Drainage Board shall conduct a public hearing on a drainage permit application or the appeal of an administrative decision.

SECTION 3.09.

EVALUATION OF PERMIT APPLICATIONS

The Drainage Board shall grant a Drainage Permit to those applicants which demonstrate the following:

1. The flow or quantity of water to be drained will not overburden the water course into which the water will be drained.
2. The drainage will not flood or adversely affect the land of the lower proprietors, or in the case of an impediment to drainage whether such an impediment will not flood or adversely affect upstream land owners. (See Section 3.10)
3. Easements will be granted where required.
4. The drainage will not negatively affect agricultural productivity.
5. The land affected or the land drained is and will remain rural in character.
6. When the land to be drained is rural land, the presumption and factors set forth in SDCL 46A-10A-20 will be satisfied.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted.
8. Recommendations from the Drainage Commission in the “Findings of Fact”.
9. Such other factors the Drainage Board determines to be pertinent to the application.

SECTION 3.10.

**CRITERIA TO DETERMINE WHETHER DRAINAGE WILL ADVERSELY AFFECT
LANDS OF LOWER LANDOWNERS**

The Drainage Board or its designated official shall be guided by the following criteria:

1. Drainage into receiving watercourses which do not have sufficient capacity to handle the additional flow and quantity of water shall be considered to have an adverse effect. The applicant shall be responsible to provide sufficient evidence with third party verification when requested by the Drainage Commission or the Drainage Board.
2. Whether drainage is accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practical natural drain, a reasonable artificial drain system is adopted.
3. The amount of water proposed to be drained.
4. The design and other physical aspects of the drain.
5. The impact of sustained flows.
6. Recommendations from the Drainage Commission in the “Findings of Fact”.

SECTION 3.11.

**CRITERIA FOR DETERMINING WHETHER DRAINAGE IS OF STATEWIDE OR
INTERCOUNTY SIGNIFICANCE**

In determining whether the proposed drainage is of statewide or intercounty significance, the Commission shall be guided by the following criteria:

1. Drainage which would affect property owned by the state or its political subdivisions.
2. Drainage of sloughs, ponds, or lakes having recognized fish and wildlife values.
3. Drainage or partial drainage of a meandered lake.
4. Drainage which would have a substantial effect on another county.
5. Drainage which would convert previously noncontributing areas (based on twenty-five year event – 4% chance) into permanently contributing areas.
6. Recommendations from the Drainage Commission in the “Findings of Fact”.

For good cause, the Drainage Board may classify any proposed drainage as having statewide or intercounty significance, or the Drainage Board may determine that certain proposed drainage is not of statewide or intercounty significance.

SECTION 3.12.

**HEARING ON APPLICATIONS OF STATEWIDE OR INTERCOUNTY
SIGNIFICANCE**

Upon determination of an application of statewide or intercounty significance, the Drainage Board shall set the date, time and place for a public hearing on the application. The purpose of the hearing is to establish a record on which to base a decision as to whether the application to drain shall be granted, and if so, under what conditions the water is to be drained. A hearing shall not be required for a drainage project which is not of statewide or intercounty significance. However, the Drainage Board may hold hearings on such applications at its discretion.

SECTION 3.13.

APPEALS OF DECISIONS MADE BY THE DRAINAGE ADMINISTRATOR

Any decision of the Drainage Administrator may be appealed to the Drainage Board. The applicant or any person aggrieved by a decision shall file a written appeal with the Drainage Administrator within ten (10) working days of the Drainage Administrator’s decision. Upon such filing, the Drainage Administrator shall forward the appeal to the Drainage Board.

SECTION 3.14.

OFFICIAL MAPS

The official map for recording all permitted and vested projects shall be the 7.5 minute topographic illustrations published by the U.S. Geological Survey. The official maps shall be on record in the county Planning and Zoning office.

SECTION 3.15.

DRAINAGE PERMIT FEES

- General Drainage - \$100.00
- Drainage District or Coordinated Drainage Area - \$100

Application materials for drainage permits may be obtained at the office of the Yankton County Planning and Zoning.

SECTION 3.16.

DRAINAGE INSPECTION FEE

Drainage work performed without first obtaining a required permit shall be subject to an inspection fee of \$500.00, in addition to any permit fees, and to cover additional expenses incurred by the County.

SECTION 3.17.

CONDITIONS TO PERMITS

Conditions may be attached to a drainage permit to ensure that the proposed drainage is accomplished in accordance with the purposes of this ordinance.

SECTION 3.18.

EXPIRATION OF DRAINAGE PERMITS

A drainage permit shall expire and become null and void if the authorized construction is not commenced within eighteen (18) months of the effective date of the permit and completed within thirty-six (36) months of the effective date of the permit unless written approval of an extension is given by the Drainage Administrator unless otherwise stated by the Board as a condition of granting the Drainage Permit.

**ARTICLE IV
ADMINISTRATION AND ENFORCEMENT**

SECTION 4.01.

POWERS AND DUTIES

The Drainage Administrator is hereby authorized and directed to enforce all the provisions of this ordinance and establish rules for its administration. The Drainage Administrator in conjunction with the Yankton County Commission may designate technical officers and/or inspectors, attorneys, or other employees that shall be authorized to assist in the administration and enforcement of this ordinance.

SECTION 4.02.

DISTURBING PUBLIC RIGHT-OF-WAYS PROHIBITED

No person or contractor shall cut a ditch within a public right-of-way, remove silt or soil, alter, obstruct, or otherwise disturb such right-of-way in any way. Such activity shall be a violation of this ordinance and state statute. Any person may request the County Highway Superintendent or Township Board of Supervisors to authorize the clean out and maintenance of a public right-of-way or ditch in order to restore it to its original condition. Township Board of Supervisors does not need a drainage permit to clean out and maintain the township public right-of-ways or ditches.

SECTION 4.03.

RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Drainage Administrator or an authorized representative has reasonable cause to believe that there exists upon any premises an ordinance violation, the Drainage Administrator or an authorized representative may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon the Drainage Administrator by this ordinance, provided that if such property be occupied, the Drainage Administrator shall first present proper credentials and request entry; and if such property be unoccupied, the Drainage Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry. If such entry is refused, the Drainage Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Drainage Administrator or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any property shall fail or neglect, after proper request is made as herein provided, to promptly permit entry thereon by the Drainage Administrator or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

SECTION 4.04.

ACTIVITIES WITHOUT NOTICE

The Yankton County Drainage Board may at any time and on its own motion, without notice, remove silt, debris, weeds and other vegetative growth, repair damaged structures, retard and/or restore an unapproved drainage or may take any other action as necessary to maintain the approved drainage improvements.

SECTION 4.05.

STOP ORDER AND INJUNCTION

Whenever any work is being done contrary to the provisions of this ordinance, the Drainage Administrator may order the work stopped by notice in writing served on any persons engaged in or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Drainage Administrator to proceed. In the event of a violation or threatened violation of this ordinance, the Drainage Board, may institute injunction or other appropriate action or proceedings, in addition to other remedies, to prevent the unlawful construction or use of any drainage work.

SECTION 4.06.

ASSESSMENT AGAINST PROPERTY

Any and all costs associated with the replacement, repair, restoration, or reconstruction to a condition prior to the work performed in violation of this ordinance may be assessed against all of the landowners' real property. Assessments shall be levied in the same manner and method as other assessments pursuant to SDCL 46A-10A and 46A-11.

SECTION 4.07.

INSPECTION FEES

Any person performing drainage activities without a permit as required under Sections 3.01. and 3.02. shall pay an inspection fee of \$500 in addition to the permit fee. These fees are in addition to the remedies set forth in other sections of this ordinance and may be assessed and collected in the same manner set forth in Section 4.06.

SECTION 4.08.

VIOLATION AND PENALTY

Any person draining water without a permit is guilty of a Class 1 misdemeanor and may be subject, in addition to any criminal penalty, a civil penalty not to exceed \$1000 per day of violation. Any person violating any other provisions of this ordinance is guilty of a Class 2 misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day the violation continues may

YANKTON COUNTY DRAINAGE ORDINANCE # 19

constitute a separate offense.

Violating the terms and conditions of a permit, or violating the ordinances which constitute the permit system, is punishable by a maximum \$1000 fine, thirty (30) days in jail, or both.

SECTION 4.09.

OTHER VIOLATIONS PURSUANT TO STATE STATUTE

In addition to violations and penalties set forth in Section 4.08.; South Dakota statutes provide for the following offenses and penalties:

- a. SDCL 31-32-7 Destruction, etc., of highway grade or ditch – Violation as misdemeanor.
- b. SDCL 31-32-8 Civil liability for violating preceding sections.
- c. SDCL 31-32-9 Duty of governing body to remove obstructions or repair –
Recovery of expense from wrongdoer – Temporary
obstruction for building purposes.
- d. SDCL 31-32-1 Intentionally damaging highway or bridge – Felony.
- e. SDCL 31-12-44 Repairs for wind and water erosion assessed to private
landowner.
- f. SDCL 31-21-13 Obstruction of ditch as misdemeanor.
- g. SDCL 31-21-12 Civil liability for obstruction of ditch.
- h. SDCL 31-21-11 Entry upon land for maintenance of ditch.
- i. SDCL 31-32-3.1 Intentional dumping on highway right-of-way prohibited –
Violation as misdemeanor.

**ARTICLE V
DRAINAGE COMPLAINTS**

SECTION 5.01.

JURISDICTION ON DRAINAGE DISPUTES

Any landowner may take a drainage dispute directly to circuit court. Whereas the Board of Resolution is composed of the same officials as the Drainage Board in accordance with SDCL 46A-10A-34, the Board of Resolution has jurisdiction to address drainage disputes in the unincorporated area of Yankton County under the following circumstances:

1. The drainage or impediment to drainage was performed prior to September 10, 1991.
2. New information or evidence exists which was not available for consideration by the Drainage Board when the permit for the specified drainage project was issued.

SECTION 5.02.

FILING A COMPLAINT

Any aggrieved landowner may file a drainage complaint by setting forth the facts of the drainage dispute in writing and submitting it to the Yankton County Planning and Zoning office. The complaint shall include the name and address of the complainant, the location of the property which has suffered damage or may suffer damage, the name and address of the respondent, the name and address of the landowner (if different than the respondent), and the location of the property against which the complaint is being registered. The complaint shall fully describe the nature of the complaint and include any damages the complainant feels have been incurred, along with documentation in support of those damages. When possible, the complaint should detail the type and location of work, and when the work occurred. The Board of Resolution may require that a drainage complaint include expert reports from a professional engineer or surveyor at the complainant's expense. These expert reports may be requested by the Board of Resolution at the time that it initially reviews and accepts jurisdiction of the drainage complaint, or if after it has been presented with information at a hearing, the Board of Resolution may determine that expert reports are necessary in order to proceed.

Upon acceptance of jurisdiction of a drainage complaint by the Board of Resolution, the Drainage Administrator shall serve the respondent with a notice and a copy of the drainage complaint by certified mail, return receipt requested.

SECTION 5.03.

HEARING ON COMPLAINT

Upon receiving the return receipt or notification that the certified mail was refused by the respondent, the Drainage Administrator shall schedule a hearing. The Drainage Administrator shall notify all affected parties by postage prepaid, certified mail of the date and time for the hearing not less than seven (7) days prior to the public hearing. If after notice, either party cannot attend the scheduled hearing and wants to appear personally, said party shall, not less than five (5) business days prior to the scheduled hearing, request a continuance. The request for continuance must be provided to both the Board of Resolution and all other affected parties. The Board of Resolution may in its sole discretion grant or refuse the request for a continuance.

At the time set for hearing, any interested individual shall have the opportunity to appear and be heard. The parties may submit affidavits and/or oral testimony and other evidence for consideration by the Board of Resolution. In lieu of appearing personally, a party may submit its evidence to the County Auditor prior to the hearing to be submitted to the Board of Resolution for consideration. Failure of a party to appear at such hearing shall result in the hearing being held with whatever party does appear, and the Board of Resolution shall consider all evidence submitted to it.

The Board of Resolution may make a decision regarding the drainage dispute at the hearing, may defer the item pending additional information from either of the disputing parties, or may hold additional hearings on the dispute. Complaints may be upheld upon an affirmative vote of three-fourths of the full membership of the Board of Resolution. Any decision shall be consistent with the provisions of SDCL 46A-10A-20. Both parties shall be notified by first class mail of the Board of Resolution's decision.

SECTION 5.04.

APPEAL OF BOARD DECISION

Any affected party may appeal the Board of Resolution's decision on a drainage dispute to circuit court. Such appeal shall commence within twenty (20) days from the decision by the Board of Resolution per SDCL 46A-10A-35.

DEFINITIONS

Joint County and Planning Commission proposed changes (05-04-21)

AMENDED

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

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

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.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus:

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

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

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—4,999 200 – 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 <u>including cow/calf pairs</u>	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, <u>goats</u>	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	2,999—2,000	1,999—1,000	999—300
Horses	5,000—2,500	2,499—1500—	1,499—1,000	999—500	499—150
Mature dairy cattle, excluding calves under 300 pounds	7,143—3,571	3,570—2,143—	2,142—1,429	1,428—714	713—214
Farrow to finish sows	2,703—1,351	1,350—811—	810—541	540—270	269—81
Swine in a production unit	21,276—10,638	10,637—6,382	6,381—4,255	4,254—2,128	2,127—638
Nursery swine less than 55 pounds	100,000—50,000	49,999—30,000	29,999—20,000	19,999—10,000	9,999—3,000
Finisher swine over 55 pounds	25,000—12,500	12,499—7,500	7,499—5,000	4,999—2,500	2,499—750
Sheep or lambs, goats	100,000—50,000	49,999—30,000	29,999—20,000	19,999—10,000	9,999—3,000
Laying hens	303,030—151,515	151,514—90,909	90,908—60,606	60,605—30,303	30,302—92090
Ducks and/or geese	50,000—25,000	24,999—15,000	14,999—10,000	9,999—5,000	4,999—1,500
Turkeys—	555,555—277,777	277,776—166,666	166,665—111,111	111,110—55,555	55,554—16,666

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 expansion of 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 is previously defined 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.

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. 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.

Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Matches Flood Ordinance definition)

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;
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.
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 dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over of current operation size if the operation exists on an

occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.

7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

Section 507 Conditional Uses

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 and Concentrated Animal Feeding Operation expansion over 25% of current operation size.~~
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(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 ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

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, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site. ~~, 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~~ fifty (50) feet;
2. There shall be a rear yard of not less than a depth of ~~seventy five (75) feet~~ fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than ~~seventy five (75) feet~~ fifty (50) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. ~~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 Agriculture and Natural Resources regulations.

Section 516 New Residence 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:
 - a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
 - b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
 - c. Be signed by the building permit applicant; and
 - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.

2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. ~~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 perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

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 a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
 - ii. The methods utilized to control pests and flies.
 - iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and

- shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
- iv. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized-, subject to approval of Planning Commission and Board of Adjustment.
 - v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
 - vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP
- c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:
- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
 - ii. A state general permit is required if any of the following situations are met.
 - 1. Any CAFO greater than or equal to 1000 animal units.
 - 2. A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3. A general permit is required by Yankton County as a condition of approval.
 - 4. The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
 - iii. Proposed maintenance of waste facilities.
 - iv. Number and size of containment areas.
 - v. Timeframe for removal of manure from storage containment.
 - vi. Land application process and/or methods (surface, injection, etc.).
 - vii. Legal description and map, including documented proof of area to be utilized for manure application.

- viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
 - d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.
 - e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations.
2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe.

The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<u>Facility Setback Chart (Feet)</u>		
<u>Class</u>	<u>A</u>	<u>B</u>
<u>Animal Units</u>	<u>500 to 10,000</u>	<u>200 to 499</u>
<u>Solid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>1.98 feet per A.U. (minimum 1,320) (maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.2 feet per A.U. (minimum 2,640) (maximum 1.5 miles)</u>	<u>2,640</u>
<u>Liquid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>2.64 feet per A.U. (minimum 1,320) (maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.64 feet per A.U. (minimum 2,640) (maximum 1.5 miles)</u>	<u>2,640</u>
<u>Any Style Manure System</u>		
<u>Public wells</u>	<u>1,000</u>	<u>1,000</u>

<u>Private well</u>	<u>250</u>	<u>250</u>
<u>Private well (operator's)</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams</u>	<u>660</u>	<u>660</u>
<u>Right-of-way line</u>	<u>330</u>	<u>330</u>
<u>Property line delineating a change in ownership</u>	<u>660</u>	<u>660</u>
<u>100 year flood plain</u>	<u>PROHIBITED</u>	<u>PROHIBITED</u>

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

- h. A notification section should be formulated by the applicant. It should be a reasonable attempt is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall should be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

<u>Manure Application Setback Chart</u>			
	<u>Injection or Incorporated within 24 hours</u>	<u>Surface Applied</u>	<u>Irrigated</u>
<u>Public wells (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Private wells (feet)</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Private wells (operator's) (feet)</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams (public drinking supply) (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Lakes, rivers and streams (fisheries) (feet)</u>	<u>250</u>	<u>660</u>	<u>660</u>
<u>All public road right- of-ways (feet)</u>	<u>10</u>	<u>10</u>	<u>100</u>
<u>Municipalities (feet)</u>	<u>660</u>	<u>1,000</u>	<u>2,640</u>
<u>Residence other than operator's (feet)</u>	<u>100</u>	<u>330</u>	<u>750</u>

~~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~~ 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.

DEFINITIONS

Joint County and Planning Commission proposed changes (05-04-21)

AMENDED

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

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

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.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus:

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

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

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

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

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

Cow, feeder, or slaughter beef animal, <u>including cow/calf pairs</u>	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, <u>goats</u>	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

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

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

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that is previously defined 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.

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

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

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

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants,

shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

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

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. 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.

Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of

permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
8. Utility facilities; and
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 structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;

12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate;
16. Stock dams; and
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 dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.
7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Agricultural, fertilizer, and chemical sales and applications;
2. Agricultural product processing facilities;
3. Aquaculture;
4. Auction yards and barns;

5. Bars;
6. Bed and breakfast operations;
7. Buying stations;
8. Churches;
9. Concentrated Animal Feeding Operations and Concentrated Animal Feeding Operation expansion over 25% of current operation size.
10. Construction services;
11. Day cares, group family home;
12. Exhibition areas;
13. Fairgrounds;
14. Fireworks sales;
15. Game farms;
16. Game lodges;
17. Golf courses;
18. Grain elevators;
19. Indoor shooting/archery ranges;
20. Kennels;
21. Landing Strips;
22. Manufacturing, light;
23. Motor vehicle tracks or play areas;
24. Manure irrigation;
25. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
26. Open sales areas;
27. Outdoor shooting/archery ranges;
28. Parks;
29. Portable processing plants;
30. Private recreation areas;

31. Private shooting preserves;
32. Quarries, pursuant to Section 1515;
33. Remote fuel depots;
34. Repair shops, auto-body;
35. Repair shops, motor vehicle and equipment;
36. Riding stables;
37. Rodeo arenas;
38. Salvage yards;
39. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
40. Spreading, injection, or other application of manure or animal waste generated from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);
41. Temporary construction facilities; and
42. Towers, pursuant to Article 25 & Article 26;
43. Wildlife and game production areas; and
44. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

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, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.
5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

Section 515 Minimum Yard Requirements

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

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than fifty (50) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Agriculture and Natural Resources regulations.

Section 516 New Residence 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:

- a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
 - b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
 - c. Be signed by the building permit applicant; and
 - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
 3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. No perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

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 a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
- ii. The methods utilized to control pests and flies.
- iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
- iv. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized-, subject to approval of Planning Commission and Board of Adjustment.

- v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
 - vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP
- c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:
- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
 - ii. A state general permit is required if any of the following situations are met.
 - 1. Any CAFO greater than or equal to 1000 animal units.
 - 2. A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3. A general permit is required by Yankton County as a condition of approval.
 - 4. The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
 - iii. Proposed maintenance of waste facilities.
 - iv. Number and size of containment areas.
 - v. Timeframe for removal of manure from storage containment.
 - vi. Land application process and/or methods (surface, injection, etc.).
 - vii. Legal description and map, including documented proof of area to be utilized for manure application.
 - viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.

- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations.
2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe.

The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the ~~separation~~ setback distance. Any authorized person, business or governmental entity that is within the ~~separation~~ setback distance may waive the ~~separation~~ setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<u>Facility Setback Chart (Feet)</u>		
<u>Class</u>	<u>A</u>	<u>B</u>
<u>Animal Units</u>	<u>500 to 10,000</u>	<u>200 to 499</u>
<u>Solid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>1.98 feet per A.U.</u> <u>(minimum 1,320)</u> <u>(maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.2 feet per A.U.</u> <u>(minimum 2,640)</u> <u>(maximum 1.5 miles)</u>	<u>2,640</u>
<u>Liquid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>2.64 feet per A.U.</u> <u>(minimum 1,320)</u> <u>(maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.64 feet per A.U.</u> <u>(minimum 2,640)</u> <u>(maximum 1.5 miles)</u>	<u>2,640</u>
<u>Any Style Manure System</u>		
<u>Public wells</u>	<u>1,000</u>	<u>1,000</u>
<u>Private well</u>	<u>250</u>	<u>250</u>
<u>Private well (operator's)</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams</u>	<u>660</u>	<u>660</u>
<u>Right-of-way line</u>	<u>330</u>	<u>330</u>
<u>Property line delineating a change in ownership</u>	<u>660</u>	<u>660</u>
<u>100 year flood plain</u>	<u>PROHIBITED</u>	<u>PROHIBITED</u>

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
 - h. A notification section should be formulated by the applicant. It should be a reasonable attempt 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 should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall should be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
<u>Public wells (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Private wells (feet)</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Private wells (operator's) (feet)</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams (public drinking supply) (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Lakes, rivers and streams (fisheries) (feet)</u>	<u>250</u>	<u>660</u>	<u>660</u>
<u>All public road right- of-ways (feet)</u>	<u>10</u>	<u>10</u>	<u>100</u>
<u>Municipalities (feet)</u>	<u>660</u>	<u>1,000</u>	<u>2,640</u>
<u>Residence other than operator's (feet)</u>	<u>100</u>	<u>330</u>	<u>750</u>

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 five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or

Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

Eliminate Section 506

1. Dwellings, single family including modular homes ~~pursuant to Section 516~~ (move to permitted use (503))
2. Dwellings, two-family ~~pursuant to Section 516~~ (move to permitted use (503))
3. Dwellings, additional farm dwelling, in excess of one (1) ~~pursuant to Section 516 and 1509~~; (move to permitted use (503))
4. Manufactured Homes, ~~pursuant to Section 516 and 1509~~; (move to permitted use (503))
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3); (move to conditional use (507))
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the Facility Setback Chart in Section 519(2). All DANR requirements must be met. (move to conditional use (507))
7. Agribusinesses are allowed on lots no smaller than five (5) acres. ~~A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.~~ (move to permitted use (503))

Also eliminate

Section 516 New Residence 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:
 - ~~a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;~~~~

~~b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.~~

~~c. Be signed by the building permit applicant; and~~

~~d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.~~

2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and

3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 6/14/2021

Applicant – Deerfield Trucking Lot 13 Whitetail Run- 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 Lot 13, Whitetail Run, in the SE1/4 of the NE1/4 of Section 16, 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 Lot 13, Whitetail Run, in the

Section No: 16 Township No: 93

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 52.47

How is the property currently being used? Lakeside Commercial

What is the proposed use of the property? Lakeside Commercial

Surveyor/Engineer Information

Firm Name: Brandt Land Surveying

Address: _____

City: Yankton State: South Zip: 57078

Contact Person: John Brandt

Phone: 605-665-8455

Property Owner Information

Name: Deerfield truck and Equipment

Address: PO Box 805

City: Laurel State: Nebraska Zip: 68745

Contact person: Dennis Breck

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

Agent's name: _____

Agent's Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

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

2. What is/are the lot size(s) 4.31

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: Undecided

Name, address and phone number of contractor(s)

Owner certification

This is to certify that Deerfield Trucking
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: 07/13/2021
Board of Adjustment date: 07/20/2021

UTICA TOWNSHIP**SECTION 1N**

1. Siebrandt, Jacob etux 5

SECTION 2N

1. Kralicek, Melissa 11

SECTION 2S

1. Holdahl, Robert etux 5

SECTION 3N

1. Grate, Leo etux 11

SECTION 3S

1. Holtzmann Family Trust

SECTION 4N

1. Nedved, Mark 7

SECTION 4S

1. Larson, Robert 8
2. Brandt Trust, Merle etal 11

3. Zimmerman, Steve 20
4. List Trust, Robert 18

SECTION 5S

1. Batcheller, Jay 8

SECTION 6N

1. Town of Utica 6

SECTION 6S

1. Maska, Leann 5
2. Olivier, Curtis etux 6
3. Loecker, Mark etux 5
4. Blaha, Jon etux 5

SECTION 7N

1. Anthony, Craig etux 10

SECTION 7S

1. Phillips, Timothy etux 5

SECTION 8N

1. Christianson, David etux 6
2. Hughes, Scott etux 13

SECTION 8S

1. Fanta, Timothy etux 9

SECTION 9S

1. Rokahr, Steven 9

SECTION 11S

1. Heceky Trust, Terrance etux 11
2. Affordable Self Storage LLC 8

SECTION 12N

1. Marquardt Family LP 6

SECTION 13N

1. Cotton, Jeffrey etux 8

SECTION 14S

1. Yankton Medical Clinic PC 12

SECTION 16N

1. Anstine, Rodney etux 7

SECTION 17N

1. Schenkel, Darrell etux 8
2. Tacke, WM etux 13

SECTION 18N

1. Cap LE, Stanley etal 5
2. Cap, Robert etux 7

SECTION 19

1. Schenkel, Daniel etux 7

SECTION 20N

1. Yankton Co Sharpshooters Assn 12
2. Johnson, Michael etux 9

SECTION 21N

1. Kralicek, Frank etux 5

SECTION 21S

1. White Crane Estates LLC 18

SECTION 22N

1. Taggart, William etux 9

SECTION 24

1. Marquardt, Doug 13
2. Keller, Dallas etux 10

SECTION 26

1. Barnes, David etux 7

SECTION 32

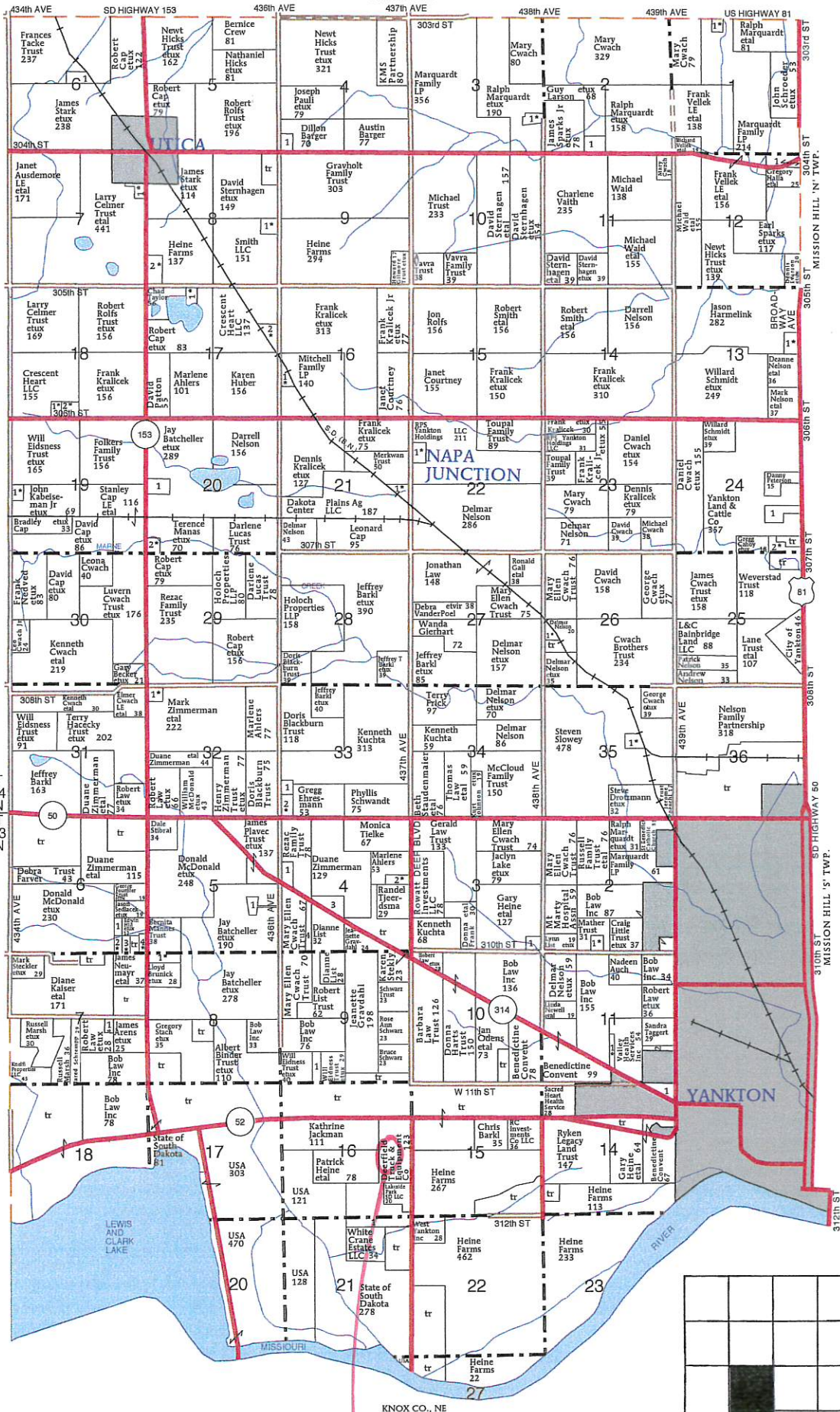
1. Zimmerman Trust, Henry etal 12

SECTION 33

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

SECTION 35

1. Slowey, Steven etux 14



PLAT OF LOT 13, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

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

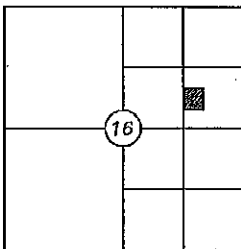
NOTE:
BASIS OF BEARING
BY GPS OBSERVATION



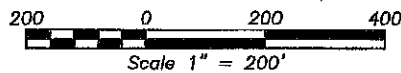
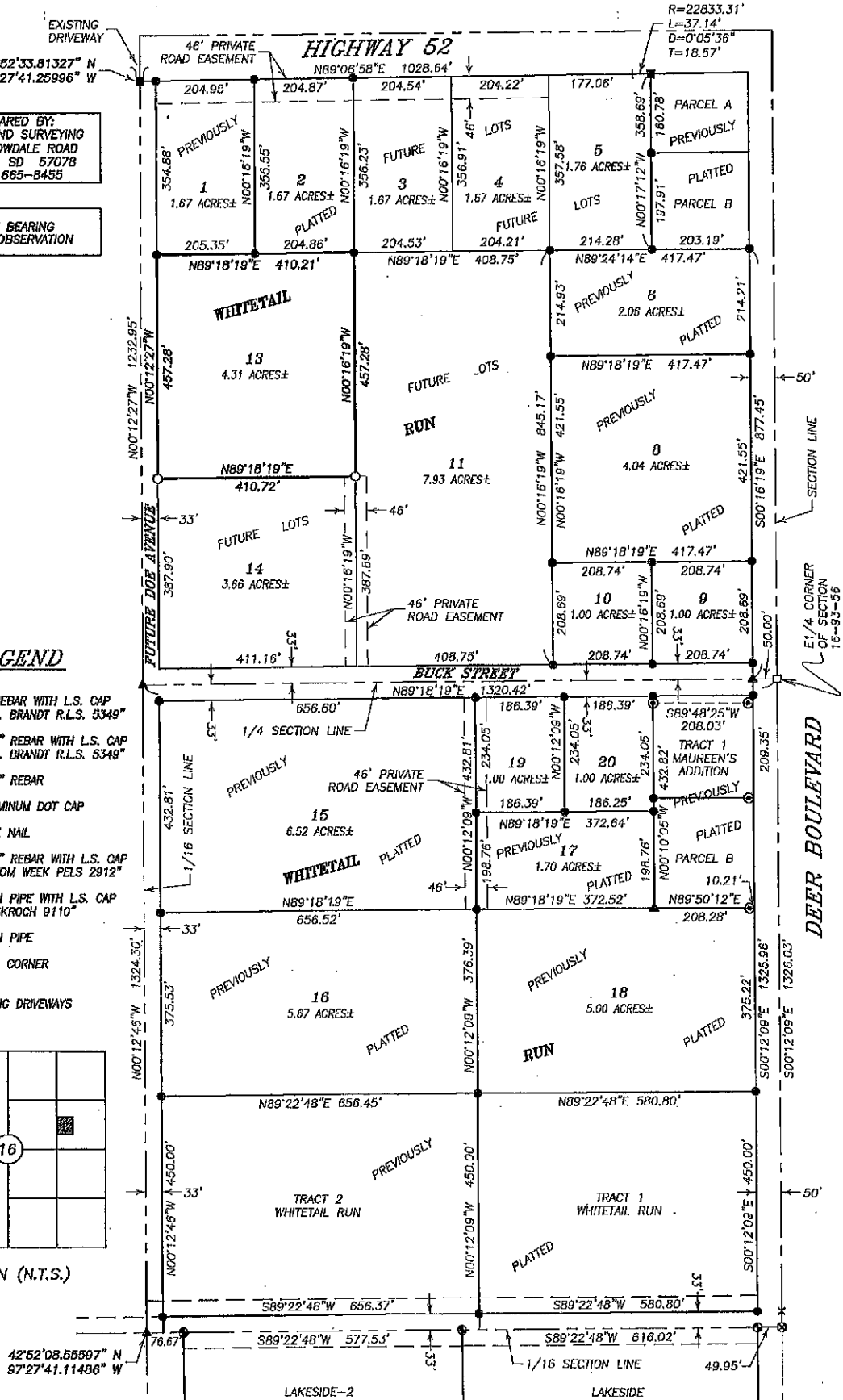
LEGEND

- 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 5/8" REBAR
- FOUND ALUMINUM DOT CAP
- ⊗ FOUND P-K NAIL
- ⊕ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND IRON PIPE WITH L.S. CAP STAMPED "SKROGH 9110"
- ⊙ FOUND IRON PIPE
- × CALCULATED CORNER

NO EXISTING DRIVEWAYS



LOCATION (N.T.S.)



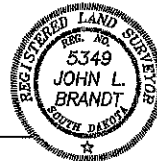
PLAT OF LOT 13, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF
SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

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 AND PLAT OF LOT 13, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, 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 9TH DAY OF JUNE, 2021.

JOHN L. BRANDT REG. NO. 5349



OWNER'S CERTIFICATE

I, DENNIS L. CHRISTENSEN, AS PRESIDENT OF DEERFIELD TRUCK & EQUIPMENT COMPANY, A NEBRASKA CORPORATION, DO HEREBY CERTIFY THAT DEERFIELD TRUCK & EQUIPMENT COMPANY 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, PLATING 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 GRANT THE 46' PRIVATE ROAD EASEMENT AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 20____.

DENNIS L. CHRISTENSEN
PRESIDENT, DEERFIELD TRUCK & EQUIPMENT COMPANY

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DENNIS L. CHRISTENSEN, WHO ACKNOWLEDGED HIMSELF TO BE THE PRESIDENT OF DEERFIELD TRUCK & EQUIPMENT COMPANY, AND THAT HE AS PRESIDENT, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

RESOLUTION OF APPROVAL

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 TO THE CITY COMMISSION 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, SOUTH DAKOTA DATE _____

I, THE UNDERSIGNED, 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 COUNCIL OF THE CITY OF YANKTON, SOUTH DAKOTA ON THIS _____ DAY OF _____, 20____.

FINANCE OFFICER, YANKTON, SOUTH DAKOTA DATE _____

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 DATE _____

ZONING ADMINISTRATOR DATE _____

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

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

APPROVAL OF HIGHWAY AUTHORITY

ACCESS TO DEER BOULEVARD 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 DATE _____

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 PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE ON THE _____ DAY OF _____, 20____, HAVE BEEN PAID IN FULL.

COUNTY TREASURER DATE _____

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 DATE _____

REGISTER OF DEEDS

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

REGISTER OF DEEDS

Plat Approval
Application
9050
Applicant
Dennis Breck
Fees Paid
\$100.00
Created
June 10, 2021

Number
9050

Final | Plat of Lot 13, Whitetail
Run, in the SE1/4 of the NE1/4
of Section 16, T93N, R56W of
the 5th P.M., Yankton County,
South Dakota | Deerfield truck
and Equipment | PO Box 805 |
09.016.200.100
Submitted by DennisBreck on
6/10/2021



Applicant

Dennis Breck

Bill@co.yankton.sd.us

Parcel search Completed On 6/10/2021 10:06 AM EST by bconkling



ParcelID	Address	City	OwnerName	Acres
09.016.200.100		YANKTON	DEERFIELD TRUCK & EQUIPMENT CO (D)	52.470

Requested Information Completed On 6/10/2021 10:10 AM EST by bconkling

Fee
\$100.00

Plat Type
Final

Development Information

Plat Name
Plat of Lot 13, Whitetail Run, in the SE1/4 of the NE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota

Section No:

16

Township No:

93

Range

56

Number of Lots/Tracts

1

Number of Acres

52.47

How is this property currently being used?

Lakeside Commercial

What is the proposed use of the property?

Lakeside Commercial

Surveyor/Engineer Information

Firm Name

Brandt Land Surveying

Address

1202 Willowdale Rd

City

Yankton

State

South Dakota

Zip

57078

Contact Person

John Brandt

Phone

605-665-8455

Property Owner Information

Owner Name

Deerfield truck and Equipment

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

Agent's Title

Plat Information

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

Yes

What is/are the lot size(s)

4.31

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:

Undecided

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

Plat Approval Items Completed On 6/10/2021 10:12 AM EST by bconkling

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

Upload Copy of Plat

[lot 13.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 6/10/2021 10:12 AM EST by bconkling

Owner Certification

Owner(s)

Deerfield Trucking

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

Owner Signature



Owner Signature


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

Agent Name

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



Payment Completed On 6/14/2021 1:37 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	18096
Amount Paid	\$100.00

Planning Commission Review Completed On 6/14/2021 1:38 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:

07/13/2021

Plat Approval Application (Planning Commission) Completed On 6/14/2021 1:38 PM EST by bconkling

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

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Receipt

Paid by
Dennis Breck
Bill@co.yankton.sd.us

Payment number
Date paid
Payment method

18096
June 14, 2021 01:37 PM
Check

\$100.00 paid on June 14, 2021

Plat Approval Application

Application ID: 9050

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 6/15/2021

Applicant – James Souhrada **Souhrada's Addition- 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 Souhrada's Addition, in the SE1/4 of the NE1/4 of Section 31, T95N, R57W of the 5th P.M., Yankton County, South Dakota.

Planning Commission date: 7/13/2021
Board of Adjustment date: 7/20/2021

Time: 7:25pm
Time:

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Plat of Souhrada's addition, in the

Section No: 31 Township No: 95

Range: 57 Number of Lots/Tracts: 1

Number of Acres: 151.7

How is the property currently being used? AG

What is the proposed use of the property? AG

Surveyor/Engineer Information

Firm Name: Tom Week

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: Tom Week

Phone: 6056658333

Property Owner Information

Name: James Souhrada

Address: 30225 429 Ave

City: Lesterville State: SD Zip: 57040

Contact person: James Souhrada

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

Agent's name: _____

Agent's 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) 20.005

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

James Souhrada

Owner Signature

Owner Signature

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

Agent Signature

Planning Office Use Only: Planning Commission Date: _____

County Commission Date: _____

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

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

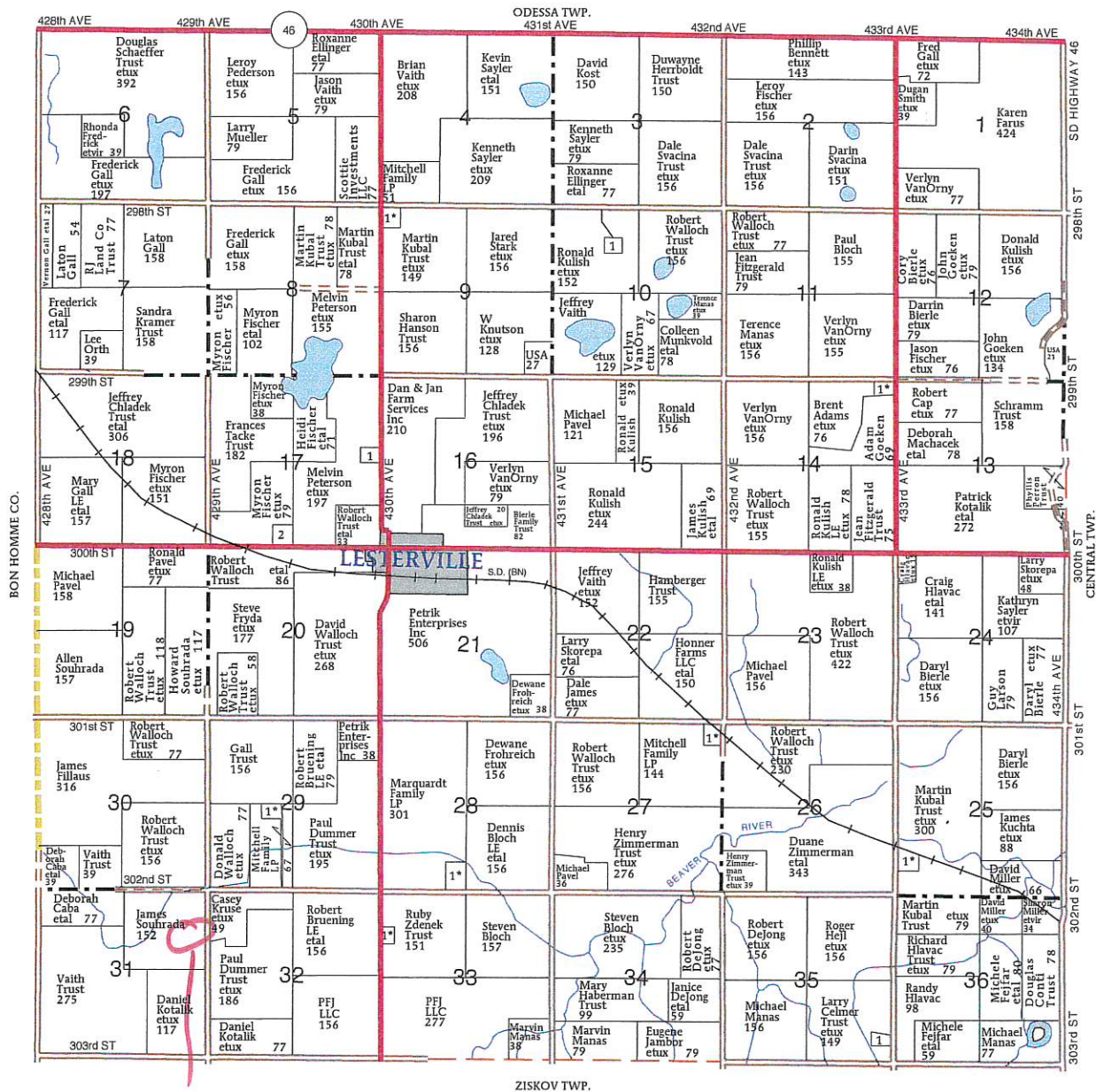
In order to insure prompt approval of your plat, please follow these steps:

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

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

Planning Commission date: 07/13/2021

Board of Adjustment date: 07/20/2021

**LESTERVILLE TOWNSHIP****SECTION 9**

1. Pommerville, Michael etux 7

SECTION 10

1. Gartzke, Melvin 5

SECTION 14

1. Svec, Denise etal 9

SECTION 171. Peterson, George 5
2. Auch, Douglas etux 9**SECTION 25**

1. Schanche, Kenneth etux 7

SECTION 27

1. Lawrence, Robert etux 9

SECTION 28

1. Marquardt, Ralph etux 11

SECTION 29

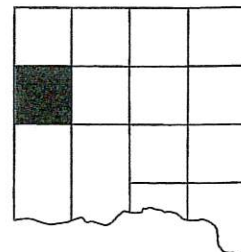
1. Kruse, Casey etux 12

SECTION 33

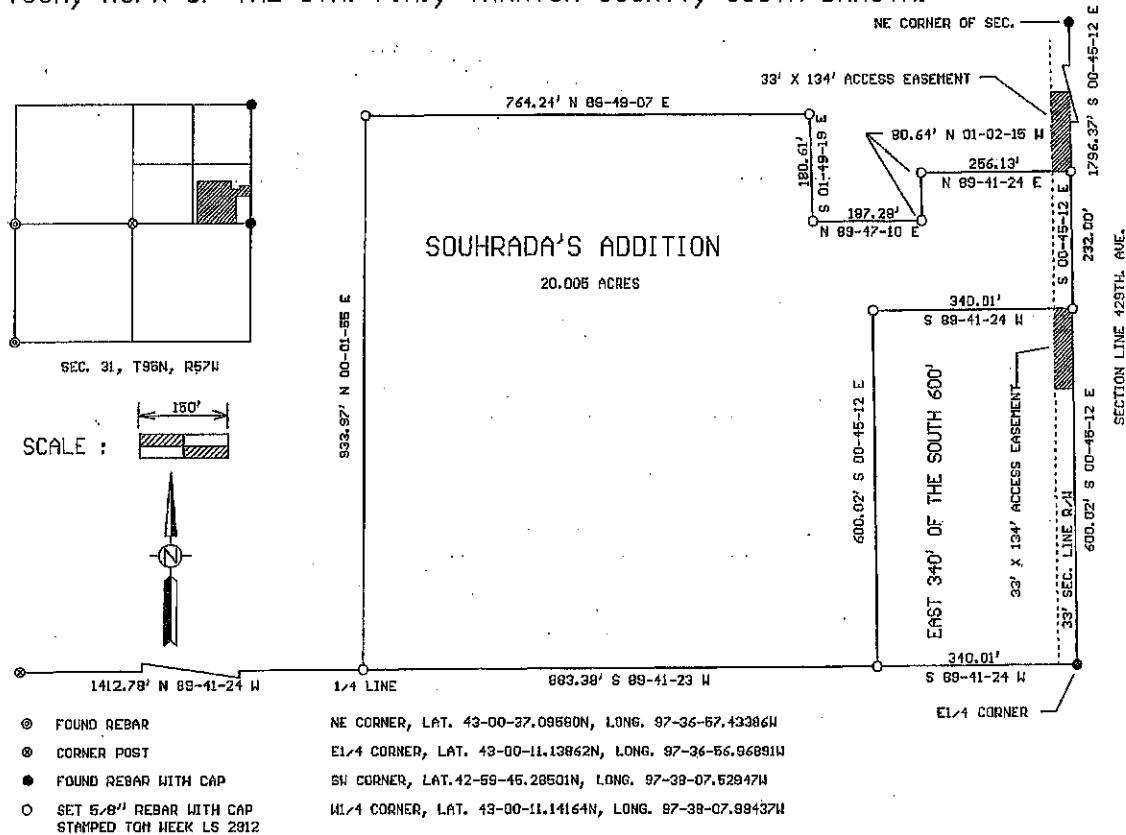
1. Tesch, Wiatt etux 5

SECTION 35

1. Pullen, Lorinda 6



PLAT OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31,
T95N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 8TH. DAY OF MAY, 2021.

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

OWNERS CERTIFICATE

I, JAMES A. SOUHRADA, DO HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I AM ALSO PROVIDING THE 33' BY 134' ACCESS EASEMENT TO BE PART OF THE FRONTAGE OF THE SOUHRADA'S ADDITION.

DATED THIS _____ DAY OF _____, 2021.

JAMES A. SOUHRADA

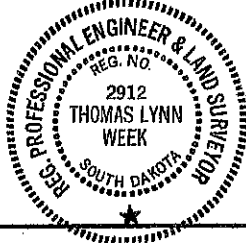
STATE OF SOUTH DAKOTA
COUNTY OF _____

ON THIS _____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES A. SOUHRADA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

SHEET 1 OF 3



SHEET 2 OF 3

PLAT OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

EASEMENT DEDICATION

I HOWARD J. SOUHRADA, OWNER OF THE EAST 340 FEET OF THE SOUTH 600 FEET OF THE NE1/4 OF SECTION 31, T95N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY PROVIDE THE 33' BY 134' ACCESS EASEMENT TO BE PART OF THE FRONTAGE OF THE SOUHRADA'S ADDITION.

DATED THIS _____ DAY OF _____, 2021.

HOWARD J. SOUHRADA

STATE OF SOUTH DAKOTA

COUNTY OF _____

ON THIS _____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED HOWARD J. SOUHRADA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

CERTIFICATE OF STREET AUTHORITY

THE LOCATION OF THE EXISTING ACCESS IS FROM THE DEEDED EASEMENTS. ANY CHANGE IN THE EXISTING ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

DATED THIS _____ DAY OF _____, _____.

TOWNSHIP/COUNTY AUTHORITY

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 2021.

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

SHEET 3 OF 3

PLAT OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. .

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS ____ DAY OF _____, 2021.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS ____ DAY OF _____, 2021.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS ____ DAY OF _____, 2021, _____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK NO. _____, PAGE _____.

REGISTER OF DEEDS, YANKTON COUNTY

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

Plat Approval
Application
9330
Applicant
James Souhrada

Fees Paid
\$100.00
Created
June 16, 2021

Number
9330

Final | Plat of Souhrada's
addition, in the SE1/4 of the
NE1/4 of Section 31, T95N,
R57W of the 5th P.M., Yankton
County, South Dakota | James
Souhrada | 30225 429 Ave |
15.031.100.100
Submitted by Jamessouhrada
on 6/16/2021



Applicant

James Souhrada

bill@co.yankton.sd.us

Parcel search Completed On 6/16/2021 9:34 AM EST by bconkling



ParcelID	Address	City	OwnerName	Acres
15.031.100.100	30225 429 AVE	LESTERVILLE	SOUHRADA, JAMES A (D)	151.700

Requested Information Completed On 6/16/2021 9:45 AM EST by bconkling

Fee
\$100.00

Plat Type
Final

Development Information

Plat Name

Plat of Souhrada's addition, in the SE1/4 of the NE1/4 of Section 31, T95N, R57W of the 5th P.M., Yankton County, South Dakota

Section No:

31

Township No:

95

Range

57

Number of Lots/Tracts

1

Number of Acres

151.7

How is this property currently being used?

AG

What is the proposed use of the property?

AG

Surveyor/Engineer Information

Firm Name

Tom Week

Address

407 Regal Dr

City

Yankton

State

SD

Zip

57078

Contact Person

Tom Week

Phone

6056658333

Property Owner Information

Owner Name

James Souhrada

Address

30225 429 Ave

City

Lesterville

State

SD

Zip

57040

Owner Phone

0000000000

Contact Person

James Souhrada

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)

20.005

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 6/16/2021 9:45 AM EST by bconkling

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

Upload Copy of Plat

[Souhrada.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 6/16/2021 9:46 AM EST by bconkling

Owner Certification

Owner(s)

james Souhrada

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

Owner Signature



Owner Signature

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

Agent Name

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

Agent Signature

Payment Completed On 6/16/2021 9:46 AM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	13836
Amount Paid	\$100.00

Planning Commission Review Completed On 6/16/2021 9:47 AM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

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

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

Taxes paid at County Treasures?

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:

07/13/2021

Plat Approval Application (Planning Commission) Completed On 6/16/2021 9:47 AM EST by bconkling

Plat Approval Application (Planning Commission)

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Receipt

Paid by
James Souhrada
bill@co.yankton.sd.us

Payment number
Date paid
Payment method

13836
June 16, 2021 09:46 AM
Check

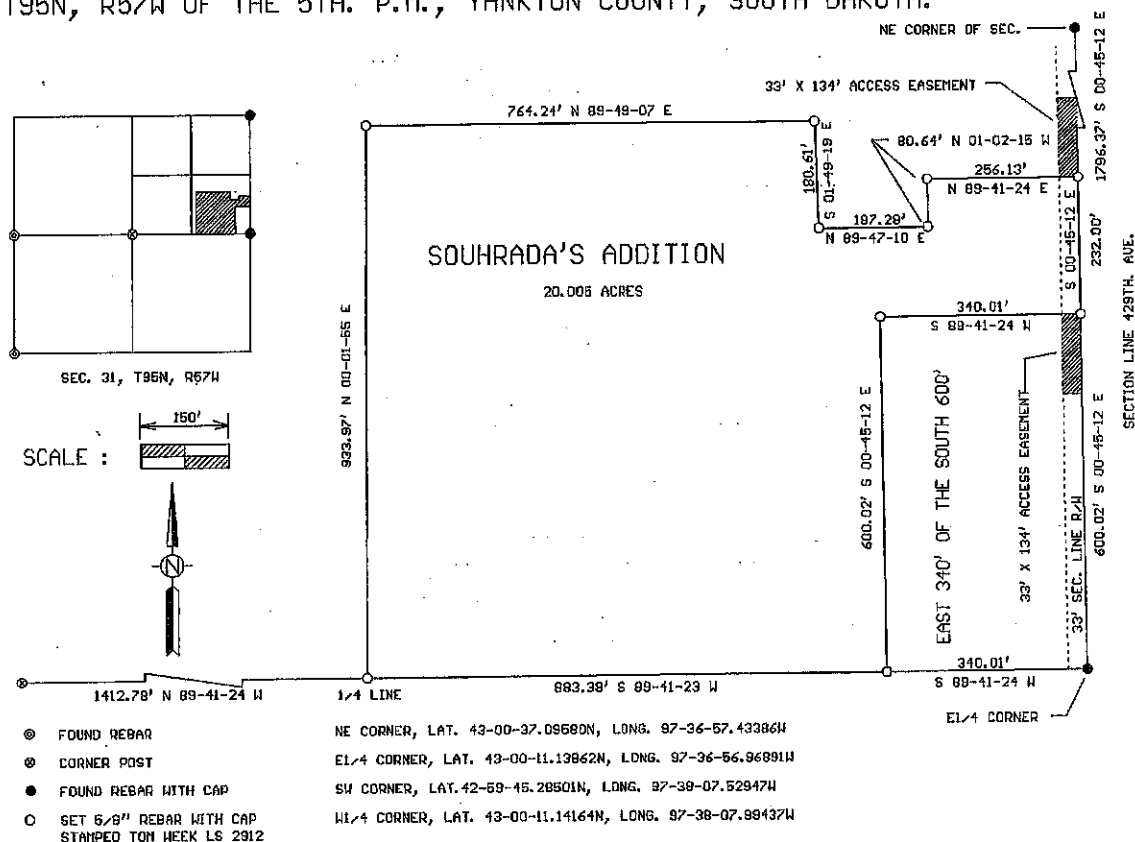
\$100.00 paid on June 16, 2021

Plat Approval Application

Application ID: 9330

Description	Amount
Fee	\$100.00

PLAT OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31,
T95N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 8TH. DAY OF MAY, 2021.

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

OWNERS CERTIFICATE

I, JAMES A. SOUHRADA, DO HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I AM ALSO PROVIDING THE 33' BY 134' ACCESS EASEMENT TO BE PART OF THE FRONTAGE OF THE SOUHRADA'S ADDITION.

DATED THIS _____ DAY OF _____, 2021.

JAMES A. SOUHRADA

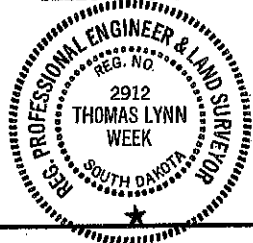
STATE OF SOUTH DAKOTA
COUNTY OF _____

ON THIS _____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES A. SOUHRADA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

SHEET 1 OF 3



REG. NO. 2912
THOMAS LYNN
WEEK
SOUTH DAKOTA

SHEET 3 OF 3

PLAT OF SOUHRADA'S ADDITION, IN THE SE1/4 OF THE NE1/4 OF SECTION 31, T95N, R57W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. .

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS ____ DAY OF _____, 2021.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS ____ DAY OF _____, 2021.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS ____ DAY OF _____, 2021, _____ O'CLOCK ____ .M., AND DULY RECORDED IN BOOK NO. ____, PAGE ____.

REGISTER OF DEEDS, YANKTON COUNTY

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

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 6/22/2021

Applicant – Brandy McDonald **Tract 1 McDonald Addition- 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 Tract 1 of McDonald Addition in Government Lots 1 and 2 in the Northeast ¼ of Section 2, Township 95 North, Range 55 West of the 5th P.M., Yankton County, South Dakota

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Plat of Tract 1 of McDonald

Section No: 2 Township No: 95

Range: 55 Number of Lots/Tracts: 1

Number of Acres: 154.08

How is the property currently being used? AG

What is the proposed use of the property? AG

Surveyor/Engineer Information

Firm Name: Ehrhart, Griffin, and Associates

Address: _____

City: Sioux Falls State: SD Zip: 57104

Contact Person: Nick Johannsen

Phone: 6053397215

Property Owner Information

Name: Mac Farm, LLC

Address: 29725 445th

City: Irene State: SD Zip: 57037

Contact person: Brandy McDonald

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) 20 Acres

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

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

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

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

If yes: Single Family Dwellings

Name, address and phone number of contractor(s)

Owner certification

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

Brandy McDonald

Owner Signature

Owner Signature

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

Agent Signature

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

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

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

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

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

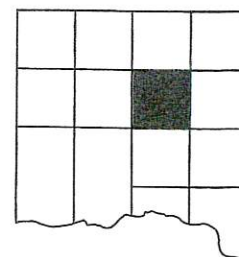
- ☒ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?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

Planning Commission date: 07/13/2021

Board of Adjustment date: 07/20/2021



2. Truman, Gary etux 7
SECTION 27
1. Habeck Trust, Robert
etux 6
SECTION 29
1. Haffner Farms LLP 31
2. Schramm Trust, Joanne
etvir 31
SECTION 32
1. Duchscher, Michael
etux 7
2. Great Bear Sand and
Gravel LLC 20
SECTION 35
1. Ekeren, Glendon etux 13
SECTION 36
1. Mellem, Paul etux 8
2. Daugherty, Rick 8



PLAT OF TRACT 1 OF McDONALD ADDITION

IN GOVERNMENT LOTS 1 AND 2 IN THE NORTHEAST 1/4 OF
SECTION 2, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE
5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

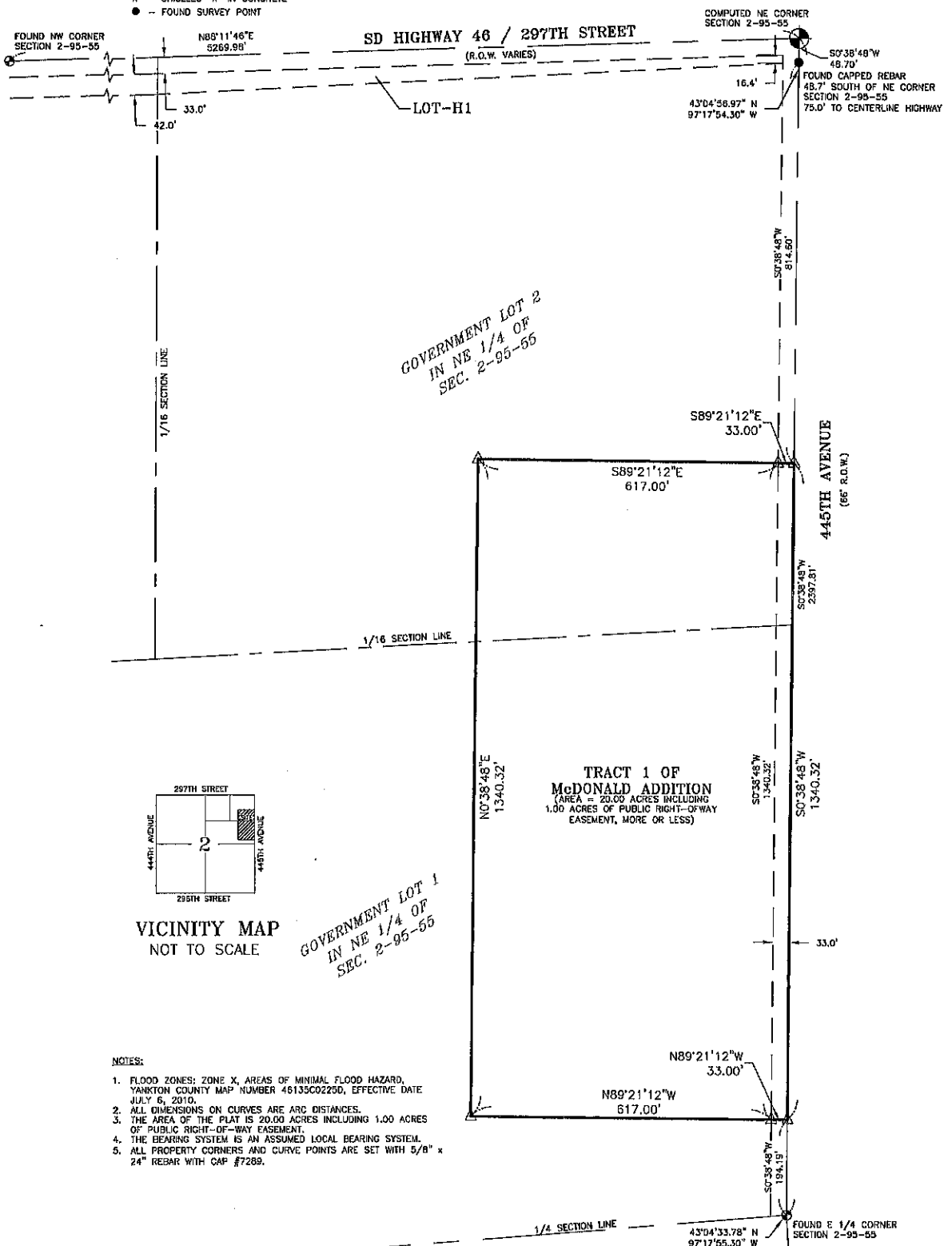
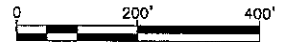
LEGEND

- | | |
|--------------------------------|---|
| P - PLAT DISTANCE | △ - SET SURVEY POINT, 5/8" X 24" REBAR WITH CAP #7289 |
| A - SURVEYED DISTANCE | U.E. - UTILITY EASEMENT |
| R - RECORD DISTANCE | D.E. - DRAINAGE EASEMENT |
| C.T.P. - CRIMPED TOP PIPE | S.S.E. - SANITARY SEWER EASEMENT |
| O.T.P. - OPEN TOP PIPE | S.A.E. - SUMP ACCESS EASEMENT |
| S.D.H. - STAR DRILL HOLE | |
| "X" - CHISELED "X" IN CONCRETE | |
| ● - FOUND SURVEY POINT | |



NORTH

SCALE 1" = 200'



VICINITY MAP
NOT TO SCALE

NOTES:

1. FLOOD ZONES: ZONE X, AREAS OF MINIMAL FLOOD HAZARD, YANKTON COUNTY MAP NUMBER 46135C02250, EFFECTIVE DATE JULY 6, 2010.
2. ALL DIMENSIONS ON CURVES ARE ARC DISTANCES.
3. THE AREA OF THE PLAT IS 20.00 ACRES INCLUDING 1.00 ACRES OF PUBLIC RIGHT-OF-WAY EASEMENT.
4. THE BEARING SYSTEM IS AN ASSUMED LOCAL BEARING SYSTEM.
5. ALL PROPERTY CORNERS AND CURVE POINTS ARE SET WITH 5/8" X 24" REBAR WITH CAP #7289.

ehw
griffin
& associates

Project No. S0201375

PAGE 1 OF 2

ENGINEERING PLANNING LAND SURVEYING

601 N. Minnesota Ave. • Sioux Falls, South Dakota 57104 • 605/339-7215

**PLAT OF
TRACT 1 OF
McDONALD ADDITION**
IN GOVERNMENT LOTS 1 AND 2 IN THE NORTHEAST 1/4 OF
SECTION 2, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE
5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nicholas J. Johannsen, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before May 13, 2021, survey a parcel of land described as "Part of Government Lots 1 and 2 in the Northeast 1/4 of Section 2, Township 95 North, Range 55 West of the 5th P.M., Yankton County, South Dakota," and divided the same into "TRACT 1 OF McDONALD ADDITION IN GOVERNMENT LOTS 1 AND 2 IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA," containing areas as shown on the above plat.

I further certify that the above parcel was surveyed by me, or under my direct personal supervision and that the plat as shown is a true and accurate representation of that survey.


NICHOLAS J. JOHANNSEN, L.S. 7289

OWNER'S CERTIFICATE

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

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

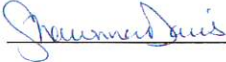
Dated this 14th day of May, 2021.


Jay McDonald
Member, Mac Farm, L.L.C.

State of South Dakota)
County of Yankton) SS

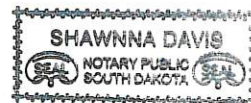
On this 14th day of May, 2021, before me, the undersigned officer, personally appeared Jay McDonald, Member, Mac Farms L.L.C. known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained.

In witness thereof I hereunto set my hand and official seal



NOTARY PUBLIC, Cheyenne County, SD

My commission expires: 12.21.26



CERTIFICATE OF STREET AUTHORITY

The location of existing access roads abutting or approaches entering the Township Road, is hereby approved. Any change in the existing access shall require additional approval.

Approved this _____ day of _____, 2021.

Township Road Authority
Yankton County, South Dakota

COUNTY PLANNING COMMISSION APPROVAL

Approval of the final plan of "TRACT 1 OF McDONALD ADDITION IN GOVERNMENT LOTS 1 AND 2 IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA" is hereby granted by the Yankton County Planning Commission on this _____ day of _____, 2021.

Chair, County Planning Commission
Yankton County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the final plan of "TRACT 1 OF McDONALD ADDITION IN GOVERNMENT LOTS 1 AND 2 IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA" was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the _____ day of _____, 2021.

Chairman County Commission
Yankton County, South Dakota

COUNTY AUDITOR'S CERTIFICATE

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

Dated this _____ day of _____, 2021.

County Auditor
Yankton County, South Dakota

DIRECTOR OF EQUALIZATION

I the director of Equalization of Yankton County, South Dakota, do hereby certify that a copy of the above final plan has been filed in my office.

Director of Equalization
Yankton County, South Dakota

COUNTY TREASURER'S CERTIFICATE

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

Dated this _____ day of _____, 2021.

Treasurer
Yankton County, South Dakota

REGISTER OF DEEDS

Filed for record on this _____ day of _____, 2021, at o'clock

M., and recorded in book _____ of Plats on page _____.

Register of Deeds,
Yankton County, South Dakota

Plat Approval
Application
9627

Fees Paid
\$100.00

Applicant
zoning guest

Created
June 22, 2021

Number
9627

Final | Plat of Tract 1 of
McDonald Addition in
Government Lots 1 and 2 in the
Northeast 1/4 of Section 2,
Township 95 North, Range 55
West of the 5th P.M., Yankton
County, South Dakota | Mac
Farm, LLC | 29725 445th |
07.002.100.100
Submitted by
YanktonZoningGuest on
6/22/2021



Applicant

zoning guest

bill@co.yankton.sd.us

Parcel search Completed On 6/22/2021 9:56 AM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
07.002.100.100	29725 445 AVE	YANKTON	MAC FARM LLC (D)	154.080

Requested Information Completed On 6/22/2021 10:01 AM EST by bconkling

Fee
\$100.00

Plat Type
Final

Development Information

Plat Name

Plat of Tract 1 of McDonald Addition in Government Lots 1 and 2 in the Northeast 1/4 of Section 2, Township 95 North, Range 55 West of the 5th P.M., Yankton County, South Dakota

Section No:

2

Township No:

95

Range

55

Number of Lots/Tracts

1

Number of Acres

154.08

How is this property currently being used?

AG

What is the proposed use of the property?

AG

Surveyor/Engineer Information

Firm Name

Ehrhart, Griffin, and Associates

Address

601 N Minnesota Ave

City

Sioux Falls

State

SD

Zip

57104

Contact Person

Nick Johannsen

Phone

6053397215

Property Owner Information

Owner Name

Mac Farm, LLC

Address

29725 445th

City

Irene

State

SD

Zip

57037

Owner Phone

6057601962

Contact Person

Brandy McDonald

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)

20 Acres

Is this plat an existing farmstead

No

If a farmstead, how many acres are surrounding it

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

Yes

Is this property to have construction on it

Yes

If Yes:

Single Family Dwellings

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

Plat Approval Items Completed On 6/22/2021 10:02 AM EST by bconkling

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

Upload Copy of Plat

[McDonald.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 6/22/2021 10:02 AM EST by bconkling

Owner Certification

Owner(s)

Brandy McDonald

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

Owner Signature



Owner Signature

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

Agent Name

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

Agent Signature

Payment Completed On 6/30/2021 11:50 AM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	1085
Amount Paid	\$100.00

Planning Commission Review Completed On 6/30/2021 11:51 AM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

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

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

Taxes paid at County Treasures?

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:

07/13/2021

Plat Approval Application (Planning Commission) Completed On 6/30/2021 11:51 AM EST by bconkling

Documents

Internal Notes

Documents

Yankton County, South Dakota

Paid by
zoning guest
bill@co.yankton.sd.us

Payment number
Date paid
Payment method

Receipt

1085
June 30, 2021 11:50 AM
Check

\$100.00 paid on June 30, 2021

Plat Approval Application

Application ID: 9627

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 6/29/2021

Applicant

Mike Mathison- 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 Mathison Tract 6, in the NE1/4 of the NE1/4, Section 6, 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 Mathison Tract 6, in the

Section No: 6 Township No: 93

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 5.71

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: Tom Week

Address:

City: Yankton State: SD Zip: 57078

Contact Person: Tom Week

Phone: 605-665-8333

Property Owner Information

Name: Mike Mathison

Address: 1702 Dakota

City: Yankton State: SD Zip: 57078

Contact person: Mike Mathison

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

Agent's name: _____

Agent's 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) 5.71 acres

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

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

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

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

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

Owner certification

This is to certify that Mike Mathison
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.

Mike Mathison
Owner Signature

Owner Signature

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

Agent Signature

Planning Office Use Only: Planning Commission Date: _____

County Commission Date: _____

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

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

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

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

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

Planning Commission date: 07/13/2021

Board of Adjustment date: 07/20/2021

UTICA TOWNSHIP**SECTION 1N**

1. Siebrandt, Jacob etux 5

SECTION 2N

1. Kralicek, Melissa 11

SECTION 2S

1. Holdahl, Robert etux 5

SECTION 3N

1. Grate, Leo etux 11

SECTION 3S

1. Holtzmann Family Trust

SECTION 4N

1. Nedved, Mark 7

SECTION 4S

1. Larson, Robert 8
2. Brandt Trust, Merle etal 11

3. Zimmerman, Steve 20
4. List Trust, Robert 18

SECTION 5S

1. Batcheller, Jay 8

SECTION 6N

1. Town of Utica 6

SECTION 6S

1. Maska, Leann 5
2. Olivier, Curtis etux 6
3. Loecker, Mark etux 5
4. Blaha, Jon etux 5

SECTION 7N

1. Anthony, Craig etux 10

SECTION 7S

1. Philips, Timothy etux 5

SECTION 8N

1. Christianson, David etux 6

SECTION 8S

2. Hughes, Scott etux 13

SECTION 9S

1. Fanta, Timothy etux 9

SECTION 9S

1. Rokahr, Steven 9

SECTION 11S

1. Heceky Trust, Terrance etux 11
2. Affordable Self Storage LLC 8

SECTION 12N

1. Marquardt Family LP 6

SECTION 13N

1. Cotton, Jeffrey etux 8

SECTION 14S

1. Yankton Medical Clinic PC 12

SECTION 16N

1. Anstine, Rodney etux 7

SECTION 17N

1. Schenkel, Darrell etux 8
2. Tacke, WM etux 13

SECTION 18N

1. Cap LE, Stanley etal 5
2. Cap, Robert etux 7

SECTION 19

1. Schenkel, Daniel etux 7

SECTION 20N

1. Yankton Co Sharpshooters Assn 12
2. Johnson, Michael etux 9

SECTION 21N

1. Kralicek, Frank etux 5

SECTION 21S

1. White Crane Estates LLC 18

SECTION 22N

1. Taggart, William etux 9

SECTION 24

1. Marquardt, Doug 13
2. Keller, Dallas etux 10

SECTION 26

1. Barnes, David etux 7

SECTION 32

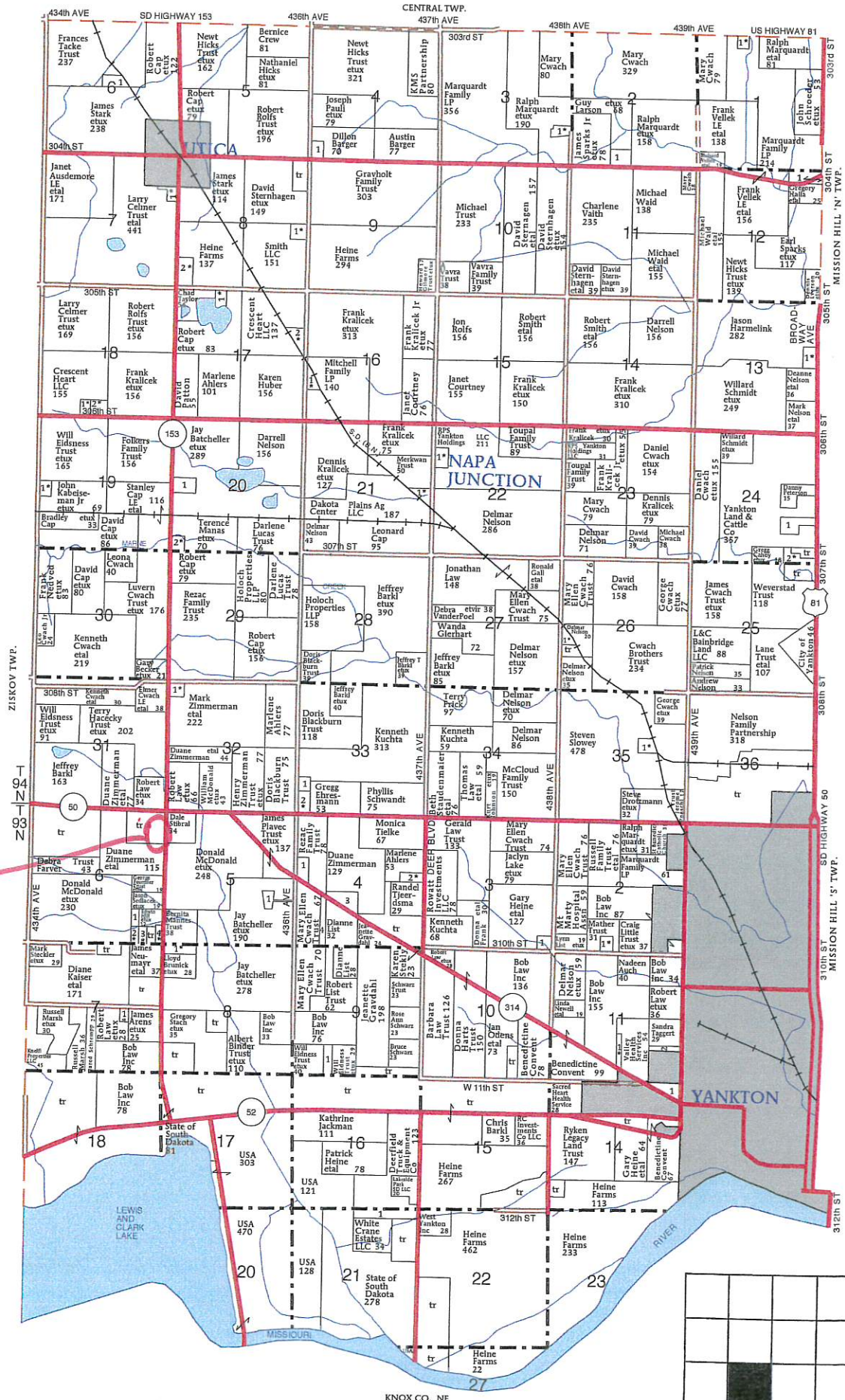
1. Zimmerman Trust, Henry etal 12

SECTION 33

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

SECTION 35

1. Slowey, Steven etux 14



SHEET 1 OF 3

PLAT OF MATHISON TRACT 6, IN THE N.E.1/4 OF THE N.E.1/4, SECTION 6, T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, MICHAEL J. MATHISON AND JAMA S. MATHISON, AS TRUSTEES OF THE MICHAEL AND JAMA MATHISON LIVING TRUST DATED 10/21/2016, DO HEREBY CERTIFY THAT THE MICHAEL AND JAMA MATHISON LIVING TRUST DATED 10/21/2016 IS THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED PROPERTY: MATHISON TRACT 6, IN THE N.E.1/4 OF THE N.E.1/4, SECTION 6, T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS _____ DAY OF _____, 2021.

MICHAEL J. MATHISON,
TRUSTEE

JAMA S. MATHISON,
TRUSTEE

STATE OF SOUTH DAKOTA
COUNTY OF _____

ON THIS _____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MICHAEL J. MATHISON AND JAMA S. MATHISON AS TRUSTEES OF THE MICHAEL AND JAMA MATHISON LIVING TRUST, DATED 10/21/2016, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND AS TRUSTEES, ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING MATHISON TRACT 6, IN THE N.E.1/4 OF THE N.E.1/4, SECTION 6, T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: MATHISON TRACT 6, IN THE N.E.1/4 OF THE N.E.1/4, SECTION 6, T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 2021.

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS _____ DAY OF _____, 2021.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

SHEET 3 OF 3

PLAT OF MATHISON TRACT 6, IN THE N.E.1/4 OF THE N.E.1/4, SECTION 6, T93N, R56W, OF THE 5TH.
P.M., YANKTON COUNTY, SOUTH DAKOTA.

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES
WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS
OFFICE, HAVE BEEN PAID. DATED THIS ____ DAY OF _____, 2021.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I
HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS ____ DAY OF _____, 2021,
____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK NO. ____, PAGE ____.

REGISTER OF DEEDS, YANKTON COUNTY

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

Plat Approval
Application
10067

Fees Paid
\$100.00

Applicant
Mike Mathison

Created
June 29, 2021

Number
10067

Final | Plat of Mathison Tract 6,
in the NE1/4 of the NE1/4,
Section 6, T93N, R56W, of the
5th P.M., Yankton County, South
Dakota | Mike Mathison | 1702
Dakota | 09.006.100.100
Submitted by Mikemathison on
6/29/2021



Applicant

Mike Mathison

6056617305

mmathison111@gmail.com

Parcel search Completed On 6/29/2021 11:51 AM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.006.100.100			MATHISON, MICHAEL LIVING TRUST (D) MATHISON, JAMA LIVING TRUST (D)	0.000

Requested Information Completed On 6/29/2021 11:56 AM EST by bconkling

Fee
\$100.00

Plat Type
Final

Development Information

Plat Name

Section No:

6

Township No:

93

Range

56

Number of Lots/Tracts

1

Number of Acres

5.71

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

Tom Week

Address

407 Regal Dr

City

Yankton

State

SD

Zip

57078

Contact Person

Tom Week

Phone

605-665-8333

Property Owner Information

Owner Name

Mike Mathison

Address

1702 Dakota

City

Yankton

State

SD

Zip

57078

Owner Phone

605-661-7305

Contact Person

Mike Mathison

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)

5.71 acres

Is this plat an existing farmstead

No

If a farmstead, how many acres are surrounding it

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

Yes

Is this property to have construction on it

No

If Yes:

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

Plat Approval Items Completed On 6/29/2021 12:52 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

[mathison.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 6/29/2021 12:52 PM EST by bconkling

Owner Certification

Owner(s)

Mike Mathison

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

Owner Signature



Owner Signature

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

Agent Name

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

Agent Signature

Payment Completed On 6/29/2021 3:55 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	8039
Amount Paid	\$100.00

Planning Commission Review Completed On 6/29/2021 3:55 PM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

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

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

Taxes paid at County Treasures?

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:

07/13/2021

Plat Approval Application (Planning Commission) Completed On 6/29/2021 3:56 PM EST by bconkling

Documents

Internal Notes

Documents

Yankton County, South Dakota

Paid by
Mike Mathison
mmathison111@gmail.com

Payment number
Date paid
Payment method

Receipt
8039
June 29, 2021 03:55 PM
Check

\$100.00 paid on June 29, 2021

Plat Approval Application

Application ID: 10067

Description	Amount
Fee	\$100.00

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

To Whom it may concern,

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

Legal Description:

General Area Location or Street Address: _____
From the _____ **District**
To the _____ **District**

Purpose: To bring property into compliance

Parcel: _____

Existing Land Use: _____

Petitioner: (Print) _____
Signature: _____
Date: _____ Phone: _____
Address: _____

City State Zip

Owner: (Print) _____
Signature: _____
Date: _____ Phone: _____
Address: _____

City State Zip

Additional Signatures may be submitted on a separate page.

Planning & Zoning

Zoning Administrator

321 W. 3rd St. Suite 209
Yankton, SD 57078

PH: (605) 260-4445
FAX: (605) 668-9682



__-__-2021

OWNER
ADDRESS
TOWN/STATE/ZIP

RE: Yankton County One-time Administrative Rezone of Rural Transitional District Zones (RT)

Dear Property Owner:

Yankton County Commission has decided to allow for a one-time administrative rezone of Rural Transitional District zones to allow existing properties to bring their properties into compliance with their use and create more buildable properties than what is currently allowed in Rural Transitional Districts. If you are a larger acreage, would you be willing to divide into 5 acre (Low Density Rural R-1 District) or 1 acre lots (Moderate Density Rural R-2 District)? Or if you are in the lake area, would you prefer Lakeside Commercial (LC District) along the highway? Your property is described as _____, also known as Parcel _____ with a current zone as RT. Yankton County would like to know if you are interested in rezoning and what zone your preference would be. If you are interested in moving this rezone of property forward at no cost to you, please fill out the attached form and return back to the above address within 30 days of receipt of this letter. Or contact our office to discuss further. If you would like to review the zones, you can find the zoning ordinance on the Yankton County Website at co.yankton.sd.us under the Planning Department link: <https://intuviosolutions.blob.core.windows.net/templator-uploads/Uploads/documents/25/Yankton%20County%20Zoning%20Ordinance%20Adopted%202-18-2020%202.pdf>

This saves you \$450 if you were to rezone your property on your own. What does this do for you as a citizen? If you ever need or desire to sell the property, the appraisal identifies that the property is within zoning compliance as it exists. It protects the value of properties by permitting them the most appropriate land uses. There may be advantages to types of buildings allowed, better setback requirements, or ability to divide land to create more parcels for possible development. If you have further questions do not hesitate to call or stop by the office.

Sincerely,

Gary Vetter
Development Services Director

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-18128	SD DEPARTMENT OF REVENUE	I-202107158695	101-4-34170	SALES TAX RETURN		4.55
01-18128	SD DEPARTMENT OF REVENUE	I-202107158695	101-4-34180	SALES TAX RETURN		1.95
01-18128	SD DEPARTMENT OF REVENUE	I-202107158695	101-4-34182	SALES TAX RETURN		42.84
01-18128	SD DEPARTMENT OF REVENUE	I-202107158695	101-4-34212	SALES TAX RETURN		95.55
DEPARTMENT 0000 NON-DEPARTMENTAL						TOTAL: 144.89

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 111 COMMISSIONERS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-111-42800	UTILITIES-COMMISSIONERS		52.50
01-05065	FIRST BANKCARD	I-202107168720	101-5-111-42600	SUPPLIES-COMMISSIONERS		62.78
01-14001	YANKTON COUNTY OBSERVER	I-202107158693	101-5-111-42300	PUBLISHINGS-COMMISSIONERS		584.80
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-111-42600	SUPPLIES-COMMISSIONERS		7.10
01-24003	YANKTON DAILY P & D	I-202107158697	101-5-111-42300	PUBLISHINGS-COMMISSIONERS		1,168.27
DEPARTMENT 111 COMMISSIONERS					TOTAL:	1,875.45

VENDOR SET: 01 Yankton County

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 120 ELECTIONS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-120-42600	SUPPLIES-ELECTIONS		25.88
DEPARTMENT 120 ELECTIONS						TOTAL: 25.88

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 130 COURT

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00269	AVERA SACRED HEART HOSP	I-202107138592	101-5-130-42210	LAB-CRT		624.00
01-02155	CERTIFIED LANGUAGES INT	I-202107168717	101-5-130-42200	PROF SERVICES-CRT		130.35
01-02670	MEGAN REEVES	I-202107138598	101-5-130-42200	PROF SERVICES-CRT		49.40
01-03224		I-202107158683	101-5-130-42210	JUROR FEES-CRT		50.84
01-03564	MURPHY LAW OFFICE PC	I-202107138602	101-5-130-42200	PROF SERVICES-CRT		606.45
01-03568	JOHN BILLINGS	I-202107158684	101-5-130-42200	PROF SERVICES-CRT		4,009.50
01-08036	CLOVIA DEE	I-202107148616	101-5-130-42200	PROF SERVICES-CRT		337.80
01-10061	KENNEDY PIER LOFTUS & R	I-202107148619	101-5-130-42200	PROF SERVICES-CRT		1,360.00
01-10065		I-202107158686	101-5-130-42210	JUROR FEES-CRT		460.80
01-15308	SHEIRFF MCDONOUGH COUNT	I-202107148625	101-5-130-42200	PROF SERVICES-CRT		10.00
01-15386	POLK COUNTY SHERIFF'S O	I-202107148626	101-5-130-42200	PROF SERVICES-CRT		76.80
01-18170	DEPARTMENT OF HEALTH	I-202107148627	101-5-130-42210	LAB JUNE 2021-CRT		280.00
01-18801	DEAN SCHAEFER	I-202107148631	101-5-130-42200	PROF SERVICES-CRT		564.00
01-22259	THOMSON REUTERS - WEST	I-202107168727	101-5-130-42600	SUPPLIES-CRT		776.00
01-22259	THOMSON REUTERS - WEST	I-202107168727	101-5-130-42600	SUPPLIES-CRT		79.57

DEPARTMENT 130 COURT

TOTAL:

9,415.51

VENDOR SET: 01 Yankton County
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 141 AUDITOR

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-141-42800	UTILITIES-AUDITOR		175.06
01-02483	CULLIGAN	I-202107158682	101-5-141-42600	SUPPLIES-AUDITOR		43.50
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-141-42600	SUPPLIES-AUDITOR		119.01
01-18951	SECURITY SHREDDING SERV	I-202107148632	101-5-141-42500	MAINTENANCE-AUDITOR		35.00
DEPARTMENT 141 AUDITOR				TOTAL:		372.57

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-142-42800	UTILITIES-TREASURER		209.41
01-02483	CULLIGAN	I-202107158682	101-5-142-42600	SUPPLIES-TREASURER		57.50
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-142-42600	SUPPLIES-TREASURER		183.41
01-18951	SECURITY SHREDDING SERV	I-202107148632	101-5-142-42500	MAINTENANCE-TREASURER		35.00
DEPARTMENT 142 TREASURER						TOTAL: 485.32

7/16/2021 2:07 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 7
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 143 DATA PROCESSING BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-143-42800	UTILITIES-DATA		832.83
01-05065	FIRST BANKCARD	I-202107168720	101-5-143-42500	MAINTENANCE-DATA		44.28
01-12031	MILLER CONSULTING LLC	I-202107148621	101-5-143-42500	MAINTENANCE-DATA		680.00
DEPARTMENT 143 DATA PROCESSING TOTAL:						1,557.11

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01404	CENTURY BUSINESS PRODUC	I-202107168707	101-5-151-42400	RENTALS-STATES ATTY		457.26
01-12031	MILLER CONSULTING LLC	I-202107148621	101-5-151-42500	MAINTENANCE-STATES ATTY		40.00
01-18951	SECURITY SHREDDING SERV	I-202107148632	101-5-151-42500	MAINTENANCE-STATES ATTY		210.00
DEPARTMENT 151 STATES ATTORNEY TOTAL:						707.26

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 161 GOVERNMENT BUILDINGS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00228	SOUTHGATE	I-202107138591	101-5-161-42500	MAINTENANCE-GOVT CTR		140.00
01-01200	VAST BUSINESS	I-202107168703	101-5-161-42800	UTILITIES-GOVT CTR		26.25
01-02001	CITY OF YANKTON	I-202107168710	101-5-161-42600	SUPPLIES-GOVT CTR		37.22
01-04023	ECHO GROUP	I-202107168715	101-5-161-42600	SUPPLIES-GOVT CTR		93.30
01-09120	JANSSEN'S GARBAGE SERVI	I-202107148617	101-5-161-42800	UTILITIES-GOVT CTR		240.00
01-09287	JCL SOLUTIONS	I-202107158685	101-5-161-42600	SUPPLIES-GOVT CTR		105.87
01-12371	MIDAMERICAN ENERGY	I-202107168729	101-5-161-42800	UTILITIES-GOVT CTR		560.61

DEPARTMENT 161 GOVERNMENT BUILDINGS TOTAL: 1,203.25

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-162-42800	UTILITIES-DOE		229.50
01-12031	MILLER CONSULTING LLC	I-202107148621	101-5-162-42500	MAINTENANCE-DOE		40.00
01-12418	MICROFILM IMAGING SYSTE	I-202107158689	101-5-162-42500	MAINTENANCE-DOE		70.00
DEPARTMENT 162 DIRECTOR OF EQUALIZATI TOTAL:						339.50

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 163 REGISTER OF DEEDS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-163-42800	UTILITIES-ROD		177.58
01-12418	MICROFILM IMAGING SYSTE	I-202107158690	101-5-163-42400	RENTALS-ROD		171.00
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-163-42600	SUPPLIES-ROD		56.34
01-22241	ONE OFFICE SOLUTION	I-202107168726	101-5-163-42600	SUPPLIES-ROD		37.96
01-24003	YANKTON DAILY P & D	I-202107158697	101-5-163-42600	SUPPLIES-ROD		190.10

DEPARTMENT 163	REGISTER OF DEEDS	TOTAL:	632.98
----------------	-------------------	--------	--------

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 165 VETERANS SERVICE OFFICER

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-165-42800	UTILITIES-VA		26.25
01-12031	MILLER CONSULTING LLC	I-202107148621	101-5-165-43500	MINOR EQUIPMENT-VA		1,250.00
01-12031	MILLER CONSULTING LLC	I-202107148621	101-5-165-42500	MAINTENANCE-VA		160.00
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-165-42600	SUPPLIES-VA		6.76

DEPARTMENT 165 VETERANS SERVICE OFFIC TOTAL: 1,443.01

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 169 SAFETY CENTER BUILDING

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168704	101-5-169-42800	UTILITIES-SAFETY CTR		821.38
01-02001	CITY OF YANKTON	I-202107168709	101-5-169-42800	DUMPSTER FEES-SAFETY CTR		192.00
01-02084	COLE PAPERS INC.	I-202107168713	101-5-169-42600	SUPPLIES-SAFETY CTR		86.94
01-04023	ECHO GROUP	I-202107168714	101-5-169-42600	SUPPLIES-SAFETY CTR		577.56
01-10330	KONE INC	I-202107148620	101-5-169-42500	MAINTENANCE-SAFETY CTR		325.38

DEPARTMENT 169 SAFETY CENTER BUILDING TOTAL: 2,003.26

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 211 SHERIFF

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02001	CITY OF YANKTON	I-202107168710	101-5-211-42610	FUEL-SHERIFF		2,716.61
01-02483	CULLIGAN	I-202107158682	101-5-211-42600	SUPPLIES-SHERIFF		46.00
01-12174	MICROSOFT	I-202107148623	101-5-211-42520	MAINTENANCE CONTRACTS-SHERIFF		1,188.00
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-211-42520	MAINTENANCE CONTRACTS-SHERIFF		264.94
01-19064	TIRE MUFFLER ALIGNMENT	I-202107148634	101-5-211-42500	MAINTENANCE-SHERIFF		22.66
01-22241	ONE OFFICE SOLUTION	I-202107168726	101-5-211-42600	SUPPLIES-SHERIFF		53.18
DEPARTMENT 211 SHERIFF					TOTAL:	4,291.39

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 212 COUNTY JAIL

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00269	AVERA SACRED HEART HOSP	I-202107158669	101-5-212-42200	PROF SERVICES-JAIL		67.66
01-00269	AVERA SACRED HEART HOSP	I-202107158670	101-5-212-42200	PROF SERVICES-JAIL		185.97
01-00269	AVERA SACRED HEART HOSP	I-202107158671	101-5-212-42200	PROF SERVICES-JAIL		107.40
01-00269	AVERA SACRED HEART HOSP	I-202107158672	101-5-212-42200	PROF SERVICES-JAIL		1,270.88
01-00269	AVERA SACRED HEART HOSP	I-202107158673	101-5-212-42200	PROF SERVICES-JAIL		202.90
01-00269	AVERA SACRED HEART HOSP	I-202107158674	101-5-212-42200	PROF SERVICES-JAIL		203.80
01-00269	AVERA SACRED HEART HOSP	I-202107158675	101-5-212-42200	PROF SERVICES-JAIL		153.53
01-00269	AVERA SACRED HEART HOSP	I-202107158676	101-5-212-42200	PROF SERVICES-JAIL		860.94
01-00269	AVERA SACRED HEART HOSP	I-202107158677	101-5-212-42200	PROF SERVICES-JAIL		102.20
01-00377	AMG RADIOLOGY YANKTON	I-202107158678	101-5-212-42200	PROF SERVICES-JAIL		10.35
01-00377	AMG RADIOLOGY YANKTON	I-202107158679	101-5-212-42200	PROF SERVICES-JAIL		452.55
01-00402	AVERA MEDICAL GROUP	I-202107138593	101-5-212-42200	PROF SERVICES-JAIL		1,592.00
01-01023	BUHL'S CLEANERS	I-202107158680	101-5-212-42600	SUPPLIES-JAIL		10.65
01-02483	CULLIGAN	I-202107158682	101-5-212-42200	SUPPLIES-JAIL		27.75
01-03073	DIAMOND DRUGS	I-202107138600	101-5-212-42200	PROF SERVICES-JAIL		354.68
01-03678	TRINITY SERVICES GROUP	I-202107138603	101-5-212-42210	FOOD SERVICES-JAIL		3,928.12
01-03678	TRINITY SERVICES GROUP	I-202107138604	101-5-212-42210	FOOD SERVICES-JAIL		3,804.99
01-18290	STRACHAN SALES, INC	I-202107148629	101-5-212-42210	FOOD SERVICES-JAIL		3,704.72
01-24002	YANKTON REXALL DRUG CO.	I-202107158696	101-5-212-42200	PROF SERVICES-JAIL		161.43
01-24004	YANKTON MEDICAL CLINIC	I-202107158700	101-5-212-42200	PROF SERVICES-JAIL		254.60
01-24017	YANKTON ANESTHESIOLOGY	I-202107158701	101-5-212-42200	PROF SERVICES-JAIL		107.40

DEPARTMENT 212 COUNTY JAIL

TOTAL:

17,564.52

7/16/2021 2:07 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 16
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 213 CORONER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-18295	SANFORD HEALTH	I-202107148630	101-5-213-42200	PROF SERVICES-CORONER		2,340.00
DEPARTMENT 213 CORONER					TOTAL:	2,340.00

VENDOR SET: 01 Yankton County

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 101 GENERAL FUND

DEPARTMENT: 226 YANKTON AREA SEARCH & RES

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02001	CITY OF YANKTON	I-202107168710	101-5-226-42600	SUPPLIES-YASR		16.43
DEPARTMENT 226 YANKTON AREA SEARCH & TOTAL:						16.43

VENDOR SET: 01 Yankton County
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 411 CARE OF POOR

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-12031	MILLER CONSULTING LLC	I-202107148621	101-5-411-42500	MAINTENANCE-POOR RELIEF		20.00
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-411-42600	SUPPLIES-POOR RELIEF		79.41
01-22259	THOMSON REUTERS - WEST	I-202107168727	101-5-411-42600	SUPPLIES-POOR RELIEF		79.57
DEPARTMENT 411 CARE OF POOR						TOTAL: 178.98

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168703	101-5-421-42800	UTILITIES-NURSE		243.85
01-01536	TIAA COMMERCIAL FINANCE	I-202107168708	101-5-421-42400	RENTALS-NURSE		58.67
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-421-42600	SUPPLIES-NURSE		37.27
DEPARTMENT 421 PUBLIC HEALTH NURSE TOTAL:						339.79

7/16/2021 2:07 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
VENDOR SET: 01 Yankton County
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 424 AMBULANCE

PAGE: 20
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01696	ESO SOLUTIONS, INC.	I-202107138595	101-5-424-42500	MAINTENANCE-AMBULANCE		5,764.50
01-01902	BOUND TREE MEDICAL LLC	I-202107138596	101-5-424-42600	SUPPLIES-AMBULANCE		1,637.25
01-01940	B & L COMMUNICATIONS	I-202107138597	101-5-424-42600	SUPPLIES-AMBULANCE		2,580.00
01-02001	CITY OF YANKTON	I-202107168710	101-5-424-42600	FUEL-AMBULANCE		907.60
01-05065	FIRST BANKCARD	I-202107168720	101-5-424-42600	SUPPLIES-AMBULANCE		773.56
01-05065	FIRST BANKCARD	I-202107168720	101-5-424-42600	FUEL-AMBULANCE		1,037.62
01-05065	FIRST BANKCARD	I-202107168720	101-5-424-42700	TRAVEL-AMBULANCE		50.00
01-09120	JANSSEN'S GARBAGE SERVI	I-202107148618	101-5-424-42800	UTILITIES-AMBULANCE		300.00
01-11049	LEAF	I-202107158688	101-5-424-42400	RENTALS-AMBULANCE		81.43
01-12129	MATHESON TRI-GAS INC. d	I-202107148622	101-5-424-42400	RENTALS-AMBULANCE		86.15
01-19064	TIRE MUFFLER ALIGNMENT	I-202107148633	101-5-424-42600	SUPPLIES-AMBULANCE		138.37
01-22241	ONE OFFICE SOLUTION	I-202107168726	101-5-424-42600	SUPPLIES-AMBULANCE		194.63
01-24003	YANKTON DAILY P & D	I-202107158699	101-5-424-42300	PUBLISHINGS-AMBULANCE		248.31

DEPARTMENT 424 AMBULANCE TOTAL: 13,799.42

7/16/2021 2:07 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 21
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 441 MENTLLY HANDICAPPED BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-03276	DAKOTABILITIES	I-202107138601	101-5-441-00000	CARE JULY/AUG/SEPT 2021-MI		540.00
01-18215	SD ACHIEVE dba LIFESCAP	I-202107148628	101-5-441-00000	CARE JUNE 2021-MI		240.00
DEPARTMENT 441 MENTLLY HANDICAPPED TOTAL:						780.00

7/16/2021 2:07 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 22
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 445 MENTAL ILLNESS BOARD BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-11005	LEWIS & CLARK BEHAVIORA	I-202107158687	101-5-445-00000	HEARINGS-MI		368.00
01-11092	LUCILLE M. LEWNO	I-202107168721	101-5-445-00000	HEARINGS-MI		140.00
DEPARTMENT 445 MENTAL ILLNESS BOARD TOTAL:						508.00

7/16/2021 2:07 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 23
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 525 SENIOR CITIZENS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02001	CITY OF YANKTON	I-202107168711	101-5-525-00000	2ND QTR SENIOR CITIZENS		6,764.47
DEPARTMENT 525 SENIOR CITIZENS					TOTAL:	6,764.47

VENDOR SET: 01 Yankton County
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 611 COUNTY EXTENSION

ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01523	SDSU EXTENSION	I-202107158681	101-5-611-42700	TRAVEL-EXTENSION		32.42
01-13001	NORTHWESTERN ENERGY	I-202107158692	101-5-611-42800	UTILITIES-EXTENSION		132.15
01-14005	OLSON'S PEST TECHNICIAN	I-202107158694	101-5-611-42500	MAINTENANCE-EXTENSION		150.00
01-24075	YANKTON FIRE & SAFETY C	I-202107158702	101-5-611-42600	SUPPLIES-EXTENSION		30.00
DEPARTMENT 611 COUNTY EXTENSION					TOTAL:	344.57

VENDOR SET: 01 Yankton County
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 615 WEED

ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02008	NAPA AUTO PARTS OF YANK	I-202107148642	101-5-615-42600	SUPPLIES-WEED		111.25
01-02280	C & R SUPPLY INC	I-202107148645	101-5-615-42600	SUPPLIES-WEED		61.34
01-03559	CMRS-FP	I-202107148647	101-5-615-42600	SUPPLIES-WEED		25.00
01-14001	YANKTON COUNTY OBSERVER	I-202107148658	101-5-615-42300	PUBLISHINGS-WEED		96.00
01-21095	VAN DIEST SUPPLY CO	I-202107148665	101-5-615-42690	CHEMICALS-WEED		5,331.80
01-24003	YANKTON DAILY P & D	I-202107148667	101-5-615-42300	PUBLISHINGS-WEED		275.25
				DEPARTMENT 615 WEED	TOTAL:	5,900.64

VENDOR SET: 01 Yankton County
PACKET: 02034 07-20-2021 CLAIMS -- LYND
FUND : 101 GENERAL FUND
DEPARTMENT: 711 PLANNING & ZONING

ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT		
01-01200	VAST BUSINESS	I-202107168703	101-5-711-42800	UTILITIES-ZONING		62.50		
01-05065	FIRST BANKCARD	I-202107168720	101-5-711-42700	TRAVEL-ZONING		957.83		
01-12418	MICROFILM IMAGING SYSTE	I-202107158691	101-5-711-42400	RENTALS-ZONING		70.00		
01-15188	PHEASANTLAND INDUSTRIES	I-202107148624	101-5-711-42600	SUPPLIES-ZONING		55.93		
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	101-5-711-42600	SUPPLIES-ZONING		19.07		
01-22241	ONE OFFICE SOLUTION	I-202107168726	101-5-711-42600	SUPPLIES-ZONING		47.50		
01-24003	YANKTON DAILY P & D	I-202107158697	101-5-711-42300	PUBLISHINGS-ZONING		65.63		
01-24003	YANKTON DAILY P & D	I-202107158698	101-5-711-42300	PUBLISHINGS-ZONING		367.00		
				DEPARTMENT 711	PLANNING & ZONING	TOTAL:	1,645.46	
				FUND	101	GENERAL FUND	TOTAL:	74,679.66

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
=====						
01-00069	A-OX WELDING SUPPLY CO.	I-202107148636	201-5-311-42600	SUPPLIES-HWY		216.34
01-01011	BOMGAARS	I-202107148637	201-5-311-42500	MAINTENANCE-HWY		7.98
01-01012	B-Y ELECTRIC	I-202107148638	201-5-311-42800	UTILITIES-HWY		57.79
01-01013	B-Y WATER DISTRICT	I-202107148639	201-5-311-42800	UTILITIES-HWY		108.00
01-01104	BARCO MUNICIPAL PRODUCT	I-202107148640	201-5-311-42600	SUPPLIES-HWY		695.08
01-01166	BUTLER MACHINERY CO.	I-202107148641	201-5-311-42500	MAINTENANCE-HWY		476.92
01-01200	VAST BUSINESS	I-202107168705	201-5-311-42800	UTILITIES-HWY		228.20
01-02008	NAPA AUTO PARTS OF YANK	I-202107148643	201-5-311-42500	MAINTENANCE-HWY		126.99
01-02008	NAPA AUTO PARTS OF YANK	I-202107148643	201-5-311-42600	SUPPLIES-HWY		41.99
01-02058	CONCRETE MATERIALS	I-202107148644	201-5-311-42600	SUPPLIES-HWY		49,572.91
01-02143	CENTURYLINK	I-202107168716	201-5-311-42800	UTILITIES-HWY		48.92
01-03258	DIAMOND MOWERS INC	I-202107148646	201-5-311-42500	MAINTENANCE-HWY		1,220.27
01-03559	CMRS-FP	I-202107148648	201-5-311-42600	SUPPLIES-HWY		25.00
01-03570	WEASE AUTO	I-202107148649	201-5-311-42500	MAINTENANCE-HWY		651.00
01-04856	GROWMARK FS	I-202107148650	201-5-311-42640	FUEL-HWY		3,804.80
01-04856	GROWMARK FS	I-202107148650	201-5-311-42600	SUPPLIES-HWY		58.32
01-05242	FASTENAL INDUSTRIAL & C	I-202107148651	201-5-311-42500	MAINTENANCE-HWY		63.98
01-08014	I STATE TRUCK CENTER	I-202107148652	201-5-311-42500	MAINTENANCE-HWY		3,379.63
01-09120	JANSSEN'S GARBAGE SERVI	I-202107148653	201-5-311-42800	UTILITIES-HWY		45.00
01-11011	LONGS PROPANE INC.	I-202107148654	201-5-311-42640	FUEL-HWY		41.85
01-12110	MIDWEST STRIPING	I-202107148655	201-5-311-42600	SUPPLIES-HWY		1,540.00
01-12213	MIDWEST RADIATOR & EXHA	I-202107148656	201-5-311-42600	SUPPLIES-HWY		118.80
01-12371	MIDAMERICAN ENERGY	I-202107148657	201-5-311-42800	UTILITIES-HWY		30.68
01-14030	O'REILLY AUTO PARTS	I-202107148659	201-5-311-42500	MAINTENANCE-HWY		37.20
01-17226	RIVERSIDE HYDRAULICS &	I-202107148660	201-5-311-42500	MAINTENANCE-HWY		338.98
01-18221	TRANSOURCE	I-202107148661	201-5-311-42500	MAINTENANCE-HWY		2,000.32
01-18745	SOUTHEASTERN ELECTRIC C	I-202107148662	201-5-311-42800	UTILITIES-HWY		39.30
01-19005	TRUCK TRAILER SALES SER	I-202107148663	201-5-311-42500	MAINTENANCE-HWY		188.11
01-21059	VERMEER HIGH PLAINS	I-202107148664	201-5-311-42500	MAINTENANCE-HWY		560.89
01-22241	ONE OFFICE SOLUTION	I-202107148666	201-5-311-42600	SUPPLIES-HWY		37.98
01-24059	YANKTON WINNELSON COMPA	I-202107148668	201-5-311-42500	MAINTENANCE-HWY		9.10

DEPARTMENT 311

HIGHWAY CONSTRUCTION & TOTAL:

65,772.33

FUND

201

ROAD & BRIDGE

TOTAL:

65,772.33

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107168706	207-5-225-42800	UTILITIES-E911		115.35
01-02001	CITY OF YANKTON	I-202107168712	207-5-225-42200	2ND QTR E911 DISPATCH		31,539.00
01-02692	CENTURYLINK	I-202107138599	207-5-225-42800	UTILITIES-E911		83.20
01-06224	GOLDEN WEST TELECOMMUNI	I-202107148615	207-5-225-42800	UTILITIES-E911		145.03
DEPARTMENT 225 LOCAL EMERGENCY PLANNI TOTAL:						31,882.58
FUND 207 EMERGENCY 911 FUND TOTAL:						31,882.58

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
=====						
01-01012	B-Y ELECTRIC	I-202107138594	226-5-222-42800	UTILITIES-EDS		52.85
01-05065	FIRST BANKCARD	I-202107168719	226-5-222-42600	SUPPLIES-EDS		946.82
01-05065	FIRST BANKCARD	I-202107168719	226-5-222-42700	TRAVEL-EDS		99.61
01-05065	FIRST BANKCARD	I-202107168719	226-5-222-42300	PUBLISHINGS-EDS		231.32
01-05065	FIRST BANKCARD	I-202107168719	226-5-222-42200	PROF SERVICESS-EDS		45.30
01-05065	FIRST BANKCARD	I-202107168719	226-5-222-42620	LEPC FUND-EDS		150.28
01-16017	QUALIFIED PRESORT SERVI	I-202107168722	226-5-222-42600	SUPPLIES-EDS		1.58
01-19247	TABOR LUMBER COOPERATIV	I-202107148635	226-5-222-42600	SUPPLIES-EDS		407.52
01-21042	VERIZON	I-202107168725	226-5-222-42800	UTILITIES-EDS		104.70
			DEPARTMENT 222	EMERGENCY MANAGEMENT	TOTAL:	2,039.98

			FUND	226	EMERGENCY MANAGEMENT	TOTAL: 2,039.98

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
=====						
01-03710		I-202107138606	248-4-34230	REFUND-SOBRIETY TESTING		29.00
01-03711		I-202107138607	248-4-34230	REFUND-SOBRIETY TESTING		32.00
01-03712		I-202107138608	248-4-34230	REFUND- SOBRIETY TESTING		7.00
01-03713		I-202107138609	248-4-34230	REFUND-SOBRIETY TESTING		6.00
01-03714		I-202107138610	248-4-34230	REFUND-SOBRIETY TESTING		18.00
01-03715		I-202107138611	248-4-34230	REFUND-SOBRIETY TESTING		7.00
01-03716		I-202107138612	248-4-34230	REFUND-SOBRIETY TESTING		19.00
01-03717		I-202107148613	248-4-34230	REFUND-SOBRIETY TESTING		9.00
01-03718		I-202107148614	248-4-34230	REFUND-SOBRIETY TESTING		14.00
DEPARTMENT 0000 NON-DEPARTMENTAL					TOTAL:	141.00

FUND 248 24/7 SOBRIETY FUND					TOTAL:	141.00

7/16/2021 2:07 PM

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 31

ITEMS PRINTED: PAID, UNPAID

VENDOR SET: 01 Yankton County

PACKET: 02034 07-20-2021 CLAIMS -- LYND

FUND : 704 COUNTY LAW LIBRARY

DEPARTMENT: 000 MISC

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-22259	THOMSON REUTERS - WEST	I-202107168727	704-5-000-00000	YANKTON LAW LIBRARY		1,984.87
DEPARTMENT 000 MISC						TOTAL: 1,984.87
FUND 704 COUNTY LAW LIBRARY						TOTAL: 1,984.87

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02291	SATELLITE TRACKING OF P	I-202107168718	759-4-34216	TRACKING MONITORS-JAIL		630.50
01-03709		I-202107138605	759-4-34217	REFUND-CAM DAILY		10.00
01-18405	BYRON NOGELMEIER	I-202107168723	759-4-34217	REFUND-CAM DAILY FEE		2,670.00
DEPARTMENT 0000 NON-DEPARTMENTAL						TOTAL: 3,310.50
FUND 759 CLEARING FUND						TOTAL: 3,310.50

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-03709		I-202107138605	768-4-34230	REFUND-SCRAM		69.00
01-18405	BYRON NOGELMEIER	I-202107168724	768-4-34230	REFUND-STATE PARTICIPATION FE		250.00
DEPARTMENT 0000 NON-DEPARTMENTAL TOTAL:						319.00
FUND 768 ST WIDE 24/7 SOBRIETY TOTAL:						319.00
REPORT GRA TOTAL:						180,129.92

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GROUP BUDGET=====		
				ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG
2021	101-4-34170	NOTARY FEE *NON-EXPENS	4.55	500-	364.55-				
	101-4-34180	OTHER COPIES *NON-EXPENS	1.95	2,000-	1,910.99-				
	101-4-34182	ASSESSOR'S COPI *NON-EXPENS	42.84	500-	114.21				
	101-4-34212	FINGER PRINTS *NON-EXPENS	95.55	4,000-	1,389.10-				
	101-5-111-42300	PUBLISHINGS	1,753.07	13,000	4,096.78				
	101-5-111-42600	SUPPLIES	69.88	1,000	272.86				
	101-5-111-42800	UTILITIES	52.50	500	132.50				
	101-5-120-42600	SUPPLIES	25.88	1,200	423.74				
	101-5-130-42200	PROFESSIONAL SERVICE & FEE	7,144.30	400,000	197,706.18				
	101-5-130-42210	JUROR-WITNESS-HEARINGS-LAB	1,415.64	50,000	30,093.20				
	101-5-130-42600	SUPPLIES	855.57	5,000	1,705.91-	Y			
	101-5-141-42500	REPAIRS & MAINTENANCE	35.00	2,000	334.27				
	101-5-141-42600	SUPPLIES	162.51	10,000	6,707.96				
	101-5-141-42800	UTILITIES	175.06	2,000	774.04				
	101-5-142-42500	REPAIRS & MAINTENANCE	35.00	1,800	1,075.51				
	101-5-142-42600	SUPPLIES	240.91	13,000	4,753.92				
	101-5-142-42800	UTILITIES	209.41	3,900	2,433.27				
	101-5-143-42500	REPAIRS & MAINTENANCE	724.28	41,179	14,289.22				
	101-5-143-42800	UTILITIES	832.83	11,000	5,170.19				
	101-5-151-42400	RENTALS	457.26	7,000	1,449.18				
	101-5-151-42500	REPAIRS & MAINTENANCE	250.00	2,500	880.00-	Y			
	101-5-161-42500	REPAIRS & MAINTENANCE	140.00	25,000	10,942.38				
	101-5-161-42600	SUPPLIES	236.39	12,000	4,113.51				
	101-5-161-42800	UTILITIES	826.86	72,000	40,596.29				
	101-5-162-42500	REPAIRS & MAINTENANCE	110.00	46,300	27,227.42				
	101-5-162-42800	UTILITIES	229.50	3,000	1,393.50				
	101-5-163-42400	RENTALS	171.00	8,000	4,373.00				
	101-5-163-42600	SUPPLIES	284.40	3,000	1,258.68				
	101-5-163-42800	UTILITIES	177.58	2,600	1,100.08				
	101-5-165-42500	REPAIRS & MAINTENANCE	160.00	1,525	1,050.00				
	101-5-165-42600	SUPPLIES	6.76	820	737.02				
	101-5-165-42800	UTILITIES	26.25	450	266.25				
	101-5-165-43500	FURNITURES & MINOR EQUIPME	1,250.00	0	1,250.00-	Y			
	101-5-169-42500	REPAIRS & MAINTENANCE	325.38	40,000	25,286.06				
	101-5-169-42600	SUPPLIES	664.50	19,000	11,010.29				
	101-5-169-42800	UTILITIES	1,013.38	137,000	71,086.66				
	101-5-211-42500	REPAIRS & MAINTENANCE	22.66	25,601	15,024.25				
	101-5-211-42520	MAINTENANCE CONTRACTS	1,452.94	10,000	6,705.50				
	101-5-211-42600	SUPPLIES	99.18	6,800	5,588.72				
	101-5-211-42610	FUEL	2,716.61	38,240	22,931.80				
	101-5-212-42200	PROFESSIONAL SERVICES	6,116.04	115,000	81,243.40				
	101-5-212-42210	FOOD SERVICE	11,437.83	225,000	119,448.40				
	101-5-212-42600	SUPPLIES	10.65	40,000	22,446.40				
	101-5-213-42200	PROFESSIONAL SERVICE & FEE	2,340.00	30,000	20,934.00				

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GROUP BUDGET=====		
				ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG
	101-5-226-42600	SUPPLIES	16.43	7,782	4,128.06				
	101-5-411-42500	REPAIRS & MAINTENANCE	20.00	100	285.00-	Y			
	101-5-411-42600	SUPPLIES	158.98	3,000	949.38				
	101-5-421-42400	RENTALS	58.67	950	470.15				
	101-5-421-42600	SUPPLIES	37.27	1,350	488.90				
	101-5-421-42800	UTILITIES	243.85	3,500	1,791.38				
	101-5-424-42300	PUBLISHINGS	248.31	1,000	618.60				
	101-5-424-42400	RENTALS	167.58	8,160	3,847.34				
	101-5-424-42500	REPAIRS & MAINTENANCE	5,764.50	46,500	30,142.38				
	101-5-424-42600	SUPPLIES	7,269.03	104,500	49,307.08				
	101-5-424-42700	TRAVEL	50.00	7,000	6,007.74				
	101-5-424-42800	UTILITIES	300.00	32,130	17,215.34				
	101-5-441-00000	MISC	780.00	90,000	44,930.90				
	101-5-445-00000	MISC	508.00	100,000	69,085.42				
	101-5-525-00000	MISC	6,764.47	47,195	36,736.82				
	101-5-611-42500	REPAIRS & MAINTENANCE	150.00	7,000	4,606.41				
	101-5-611-42600	SUPPLIES	30.00	5,500	3,586.32				
	101-5-611-42700	TRAVEL	32.42	3,500	3,203.02				
	101-5-611-42800	UTILITIES	132.15	8,000	3,895.29				
	101-5-615-42300	PUBLISHINGS	371.25	2,500	1,135.25				
	101-5-615-42600	SUPPLIES	197.59	12,000	9,302.81				
	101-5-615-42690	CHEMICALS	5,331.80	22,000	9,508.65				
	101-5-711-42300	PUBLISHINGS	432.63	2,000	546.69-	Y			
	101-5-711-42400	RENTALS	70.00	8,900	7,398.34				
	101-5-711-42600	SUPPLIES	122.50	4,150	1,294.45				
	101-5-711-42700	TRAVEL	957.83	5,000	2,962.46				
	101-5-711-42800	UTILITIES	62.50	1,150	418.23				
	201-5-311-42500	REPAIRS & MAINTENANCE	9,061.37	190,000	98,837.00				
	201-5-311-42600	SUPPLIES	52,306.42	500,484	73,769.82				
	201-5-311-42640	HWY FUEL	3,846.65	146,250	98,920.95				
	201-5-311-42800	UTILITIES	557.89	32,000	14,227.90				
	207-5-225-42200	PROFESSIONAL SERVICE & FEE	31,539.00	152,656	89,320.00				
	207-5-225-42800	UTILITIES	343.58	44,000	29,248.16				
	226-5-222-42200	PROFESSIONAL SERVICE & FEE	45.30	14,298	2,993.55				
	226-5-222-42300	PUBLISHINGS	231.32	1,000	701.99				
	226-5-222-42600	SUPPLIES	1,355.92	41,879	20,735.02				
	226-5-222-42620	LEPC SUPPLIES	150.28	7,832	6,991.67				
	226-5-222-42700	TRAVEL	99.61	8,514	6,729.81				
	226-5-222-42800	UTILITIES	157.55	17,700	9,719.47				
	248-4-34230	SOBRIETY TESTIN*NON-EXPENS	141.00	70,000-	24,064.00-				
	704-5-000-00000	MISC	1,984.87	0	3,742.66-	Y			
	759-4-34216	TRACKING MONITO*NON-EXPENS	630.50	0	513.50-				
	759-4-34217	SCRAM BRACELETS*NON-EXPENS	2,680.00	0	521.00				
	768-4-34230	SOBRIETY TESTIN*NON-EXPENS	319.00	0	468.00-				
	** 2021 YEAR TOTALS		180,129.92						

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
101	NON-DEPARTMENTAL	144.89
101-111	COMMISSIONERS	1,875.45
101-120	ELECTIONS	25.88
101-130	COURT	9,415.51
101-141	AUDITOR	372.57
101-142	TREASURER	485.32
101-143	DATA PROCESSING	1,557.11
101-151	STATES ATTORNEY	707.26
101-161	GOVERNMENT BUILDINGS	1,203.25
101-162	DIRECTOR OF EQUALIZATION	339.50
101-163	REGISTER OF DEEDS	632.98
101-165	VETERANS SERVICE OFFICER	1,443.01
101-169	SAFETY CENTER BUILDING	2,003.26
101-211	SHERIFF	4,291.39
101-212	COUNTY JAIL	17,564.52
101-213	CORONER	2,340.00
101-226	YANKTON AREA SEARCH & RES	16.43
101-411	CARE OF POOR	178.98
101-421	PUBLIC HEALTH NURSE	339.79
101-424	AMBULANCE	13,799.42
101-441	MENTALLY HANDICAPPED	780.00
101-445	MENTAL ILLNESS BOARD	508.00
101-525	SENIOR CITIZENS	6,764.47
101-611	COUNTY EXTENSION	344.57
101-615	WEED	5,900.64
101-711	PLANNING & ZONING	1,645.46

101 TOTAL	GENERAL FUND	74,679.66
201-311	HIGHWAY CONSTRUCTION & MA	65,772.33

201 TOTAL	ROAD & BRIDGE	65,772.33
207-225	LOCAL EMERGENCY PLANNING	31,882.58

207 TOTAL	EMERGENCY 911 FUND	31,882.58
226-222	EMERGENCY MANAGEMENT	2,039.98

226 TOTAL	EMERGENCY MANAGEMENT	2,039.98
248	NON-DEPARTMENTAL	141.00

248 TOTAL	24/7 SOBRIETY FUND	141.00

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
704-000	MISC	1,984.87

704 TOTAL	COUNTY LAW LIBRARY	1,984.87
759	NON-DEPARTMENTAL	3,310.50

759 TOTAL	CLEARING FUND	3,310.50
768	NON-DEPARTMENTAL	319.00

768 TOTAL	ST WIDE 24/7 SOBRIETY FUN	319.00

** TOTAL **		180,129.92

NO ERRORS

** END OF REPORT **

ILLUSTRATION 18
AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER
 YANKTON COUNTY
 June 30, 2021

DATE

CASH ON HAND IN TREASURER'S OFFICE:

SILVER AND PENNIES	\$0.93
ONES	\$0.00
FIVES	\$15.00
TENS	\$30.00
TWENTIES	\$740.00
FIFTIES	\$50.00
HUNDREDS	\$1,800.00
CASH ITEMS	\$54.20
CHECKS (SEE ATTACHED TAPE)	\$42,339.49
OFFICE CHANGE	\$1,430.00

TOTAL CASH ON HAND	\$46,459.62
---------------------------	--------------------

CHECKING ACCOUNT BALANCES:

FIRST DAKOTA NATIONAL BANK CR CARD	\$13,380,314.51
------------------------------------	-----------------

SAVINGS ACCOUNT BALANCES:

1ST DAKOTA NATIONAL BANK	\$265,669.96
COR TRUST BANK GAYVILLE	\$659,172.80
COR TRUST BANK YANKTON	\$249,954.43
FIRST NATIONAL BANK, YANKTON	\$595,495.31
GREAT WESTERN BANK	\$1,008,690.35
WELLS FARGO BANKS	\$369,731.84

CERTIFICATES OF DEPOSIT:**INVESTMENTS:****OTHER ACCOUNT BALANCES:**

BAD CHECKS	\$6,019.89
------------	------------

GRAND TOTAL CASH AND BALANCES	\$16,581,508.71
--------------------------------------	------------------------

\$101,640.09 Fed Tax Payment was paid out on 07-08-2021 Actual amount:	\$16,479,868.62
--	------------------------

GENERAL LEDGER CASH AND INVESTMENT BALANCES BY FUNDS:

GENERAL FUND	\$7,748,536.81
SPECIAL FUND	\$7,162,351.97

TRUST AND AGENCY FUNDS	\$1,568,979.84
------------------------	----------------

GRAND TOTAL GENERAL LEDGER CASH AND INVESTMENTS	\$16,479,868.62
--	------------------------

COUNTY AUDITOR SIGNATURE

DATE

COUNTY TREASURER SIGNATURE

DATE

POOLED CASH REPORT
AS OF: JUNE 30TH, 2021

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>CLAIM ON CASH</u>					
101-10100		GENERAL CASH & DEPOSITS	8,164,815.00	(416,278.19)	7,748,536.81
201-10100		ROAD & BRIDGE CASH & DEPOSITS	2,407,498.62	645,478.47	3,052,977.09
207-10100		E911	274,279.00	13,871.08	288,150.08
210-10100		JAIL BLDG CASH & DEPOSITS	588,866.31	(2,173.48)	586,692.83
226-10100		EMERGENCY MANAGEMENT	(118,362.62)	131,004.00	12,641.38
229-10100		DOMESTIC ABUSE	14,884.19	644.17	15,528.36
233-10100		COUNTY BUILDING	162,517.61	33.17	162,550.78
243-10100		HISTORICAL PRESERVATION	6,264.58	547.78	6,812.36
248-10100		24/7 FUND	56,721.62	4,631.87	61,353.49
250-10100		M & P R FUND	112,065.02	(283.42)	111,781.60
290-10100		AMERICAN RESCUE PLAN	0.00	2,215,676.00	2,215,676.00
295-10100		RURAL ACCESS INFRASTRUCTURE	0.00	0.00	0.00
303-10100		CAP PROJECT SAFETY CENTER	0.00	0.00	0.00
304-10100		CAP PROJECT ROAD & BRDGE	0.00	0.00	0.00
306-10100		CAP PROJECT - NAPA JUNCTION	0.00	0.00	0.00
402-10100		DEBT SERVICE-SAFETY CENTER	376,815.96	12,267.14	389,083.10
403-10100		Debt Service - Highway Blg	0.00	0.00	0.00
404-10100		DEBT SERVICE - NAPA JUNCTION	259,104.90	0.00	259,104.90
704-10100		COUNTY LAW LIBRARY	1,912.76	247.00	2,159.76
705-10100		TOWER FUND	13,358.41	0.00	13,358.41
721-10100		DISTRICT SCHOOLS	1,038,104.26	(660,779.39)	377,324.87
723-10100		CITIES & TOWNS	264,914.10	(144,772.53)	120,141.57
725-10100		TOWNSHIPS	52,343.68	(19,279.02)	33,064.66
733-10100		ROAD DISTRICTS	0.00	0.00	0.00
734-10100		BOND DEPOSITS	0.00	0.00	0.00
735-10100		DELINQUENT TAXES	34,960.03	(615.24)	34,344.79
736-10100		MUNICIPALITIES	17.35	0.00	17.35
739-10100		SPECIAL ASSESSMENTS	0.00	0.00	0.00
740-10100		DRAINAGE DITCHES	365,765.11	20.89	365,786.00
742-10100		STATE MOTOR	525,190.92	69,374.51	594,565.43
748-10100		LOCAL EMERGENCY PLANNING	4,460.25	0.00	4,460.25
757-10100		SPECIAL HIGHWAY	48.58	0.00	48.58
759-10100		CLEARING FUND	5,052.93	269.50	5,322.43
763-10100		REDEMPTION	114.85	0.00	114.85
764-10100		RC & D LOWER JAMES	4,620.00	0.00	4,620.00
767-10100		FIRE/ROAD DISTRICT	180.86	(180.86)	0.00
768-10100		Statewide 24/7 Sobriety Prog	2,152.00	(90.00)	2,062.00
769-10100		M & PR Fund	0.00	0.00	0.00
770-10100		OTHER SPECIALS	65,652.61	(54,063.72)	11,588.89
771-10100		YC DITCH #2	0.00	0.00	0.00
TOTAL CLAIM ON CASH			14,684,318.89	1,795,549.73	16,479,868.62
			=====	=====	=====

CASH IN BANK - POOLED CASH

999-10050		TOTAL CASH ON HAND	166,025.07	(55,180.47)	110,844.60
999-10100		Pooled Cash Checking	11,487,417.42	1,726,872.02	13,214,289.44
999-10200		CHECKING CREDIT CARD	0.00	0.00	0.00
999-10300		SAVINGS ACCOUNT BALANCES	3,027,101.49	121,613.20	3,148,714.69

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
999-10400		CD'S ACCOUNT BALANCE	0.00	0.00	0.00
999-10500		BAD CHECKS	<u>3,774.91</u>	<u>2,244.98</u>	<u>6,019.89</u>
		SUBTOTAL CASH IN BANK - POOLED CASH	14,684,318.89	1,795,549.73	16,479,868.62
<u>WAGES PAYABLE</u>					
999-20400		WAGES PAYABLE	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		SUBTOTAL WAGES PAYABLE	0.00	0.00	0.00
		TOTAL CASH IN BANK - POOLED CASH	14,684,318.89	1,795,549.73	16,479,868.62
			=====	=====	=====
<u>DUE TO OTHER FUNDS - POOLED CASH</u>					
999-20300		DUE TO OTHER FUNDS	<u>14,684,318.89</u>	<u>1,795,549.73</u>	<u>16,479,868.62</u>
		TOTAL DUE TO OTHER FUNDS	14,684,318.89	1,795,549.73	16,479,868.62
			=====	=====	=====

YANKTON COUNTY COMMISSION MEETING

July 6, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, July 6, 2021.

Roll call was taken with the following Commissioners present: Don Kettering, Joseph Healy, Wanda Howey-Fox, Dan Klimisch and Cheri Loest.

There were no conflicts of interest reported by Commissioners.

Action 21309C: A motion was made by Healy and seconded by Fox to approve the regular meeting agenda. All present voted aye; motion carried, 5-0.

There were no public comments.

Chair Loest closed public comment.

Action 21310C: A motion was made by Healy and seconded by Fox to approve a Package Off-Sale Liquor License from Marina Grill located in the N2, SW4, Section 17, Township 93N, Range 56W. All present voted aye; motion carried, 5-0.

Action 21311DOE: A motion was made by Klimisch and seconded by Healy to approve the abatement for parcel 78.120.002.140 in the amount of \$2,289.02. All present voted aye; motion carried, 5-0.

Action 21312DOE: A motion was made by Healy and seconded by Kettering to approve to the hiring of Nancy Brockmoller as a temporary/part time employee for the Director of Equalization Office until the end of 2021. The starting wage and work hours will be \$21.42 per hour and no more than 20 hours a week. All present voted aye; motion carried, 5-0.

Action 21313DOE: A motion was made by Kettering and seconded by Klimisch to approve wage increase of \$1.00 per hour for the Interim Director of Equalization. All present voted aye; motion carried, 5-0.

Highway: Highway Superintendent Mike Sedlacek appeared before the board to discuss the highway paving plan. The board also discussed if the Highway Superintendent has authority to approve entrance and right of way applications.

Action 21314HWY: A motion was made by Fox and seconded by Kettering to approve delegating authority to approve entrance and right of way applications to the Highway Superintendent. All present voted aye; motion carried, 5-0.

Emergency Management Director Paul Scherschligt appeared before the board for approval of a temporary burn ban, local emergency operations plan, and Joint Powers Agreement with Cedar and Knox counties for assistance in the event of incidents or events.

Action 21315OEM: A motion was made Kettering and seconded by Fox to approve the Temporary Burn Ban Resolution. All present voted aye; motion carried, 5-0.

Action 21316OEM: A motion was made Fox and seconded by Klimisch to approve the local emergency operations plan. All present voted aye; motion carried, 5-0.

Action 21317OEM: A motion was made Healy and seconded by Kettering to approve the Joint Powers Agreement for incident assistance with Knox and Cedar counties. All present voted aye; motion carried, 5-0.

Drainage: There was a first reading on Drainage Ordinance. The second reading of the Ordinance will be at the next commission meeting on July 20, 2021.

There was no public comment.

The board discussed the proposed "Schulz" amendments to Article 5 of the Yankton County Ordinance that were presented at the June 8, 2021, Planning Commission Meeting. Individuals commenting on the proposed changes were: Chris Barkl, John Gunderson, Zane Williams, Ray Epp, Louis Johnson, Matt Lyngstad, Josh Johnson, Kristi Schultz and Sandy Williams.

Action 21318Z: A motion was made by Kettering and seconded by Fox to reject the June 8, 2021 proposed changes. Roll call vote was taken with Kettering, Fox, Healy and Loest voting aye; Klimisch voting nay; motion carried, 4-1.

Individuals commenting at the Article 5 hearing were: Todd Woods, Richard Vasgaard, Sandy Williams, Ray Epp, Louis Johnson, Matt Lyngstad and Jay Cutts. The second reading of the Ordinance will be at the next commission meeting on July 20, 2021.

Action 21319C: A motion was made by Fox and seconded by Healy to approve a request from the States Attorney Office to advertise for a new attorney position. All present voted aye; motion carried. 5-0

The board discussed options the county will take in moving forward with a new cannabis ordinance or license.

Action 21320C: A motion was made by Healy and seconded by Kettering to approve the following claims: **Elections:** Qualified Presort Services (Supplies) \$27.59, Verizon (Rentals) \$320.08; **Court:** Juror Fees \$981.48, Fox & Youngberg PC (Professional Services) \$17,377.05, Horn Law Office LLC (Professional Services) \$4,087.92, Clovia Dee (Professional

Services) \$377.40, Kennedy Pier Loftus & Reynolds (Professional Services) \$633.60, Koletzky Law Office (Delinquent/Minor) \$722.70, Robertson, Anschutz, Schneid & Crane LLC (Professional Services) \$968.75, Dean Schaefer (Professional Services) \$612.00, Thomson Reuters (Professional Services) \$900.33; **Auditor:** Patty Hojem (Travel) \$42.00, Leaf (Rentals) \$159.00, Miller Consulting LLC (Maintenance) \$100.00, Qualified Presort Services (Supplies) \$72.62, One Office Solution (Supplies) \$141.95; **Treasurer:** Scantron (Maintenance) \$232.00, Qualified Presort Services (Supplies) \$173.29; **Data:** Miller Consulting LLC (Maintenance) \$180.00; **States Attorney:** Robert Klimisch (Travel) \$367.96, Tred-Mark Communications (Minor Equipment) \$3,027.17, Executive MGMT. Finance (Utilities) \$53.25, Miller Consulting LLC (Maintenance) \$2,530.00; **Government Center Building:** Bomgaars (Supplies) \$19.66, City of Yankton (Utilities) \$2,249.24, Carrot-Top Industries (Supplies) \$589.51, Echo Group (Supplies) \$276.35, Johnson Controls (Maintenance) \$424.97, JCL Solutions (Supplies) \$109.86, Menards (Supplies) \$49.97, Menards (Maintenance) \$52.66, Northwestern Energy (Utilities) \$3,158.02, Olson's Pest Technician (Maintenance) \$82.00, O'Connor Company (Supplies) \$199.04; **Director of Equalization:** SDAAO (Travel) \$1,070.00, Miller Consulting LLC (Maintenance) \$20.00, Qualified Presort Services (Supplies) \$91.21, Verizon (Maintenance) \$15.33, One Office Solution (Supplies) \$134.72; **Register of Deeds:** Executive MGMT. Finance (Utilities) \$53.25, Miller Consulting LLC (Maintenance) \$40.00, Qualified Presort Services (Supplies) \$44.45; **VA:** Cody Mangold (Supplies) \$19.97, Qualified Presort Services (Supplies) \$6.17; **Safety Center Building:** City of Yankton (Utilities) \$856.92, Cole Papers Inc. (Supplies) \$706.03, Echo Group (Supplies) \$577.56, Menards (Supplies) \$146.41, MidAmerican Energy (Utilities) \$1,810.54, Northwestern Energy (Utilities) \$8,678.25, One Office Solution (Supplies) \$137.36; **Sheriff:** Kopetsky's Ace Hardware (Maintenance) \$13.77, Darren Moser (Fuel) \$55.74, Culligan (Supplies) \$29.00, Interstate All Battery (Supplies) \$95.64, Northtown Automotive (Maintenance) \$356.33, Pennington County Jail (Travel) \$144.22, Qualified Presort Services (Maintenance Contracts) \$90.94, Wegner Auto Company Inc. (Auto Equipment) \$34,345.00; **County Jail:** Scott Family Dentistry (Professional Services) \$146.00, Cham-Tex (Supplies) \$517.90, Jerry Sorbel (Professional Services) \$510.00, Diamond Drugs (Professional Services) \$137.23, Trinity Services Group (Food Services) \$11,122.14, Precision Kiosk Tech (Professional Services) \$653.25, JCL Solutions (Supplies) \$1,495.60, Kaiser Appliance & Refrigeration (Professional Services) \$183.50, Phoenix Supply (Supplies) \$498.55, Tire Muffler Alignment (Auto Expense) \$188.70, Yankton Rexall Drug (Professional Services) \$306.99; **Coroner:** Sanford Health (Professional Services) \$2,340.00; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$12,396.22; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) \$802.10, Two Way Solutions (Equipment Grant) \$1,854.99; **Care of Poor:** Opsahl-Kostel Funeral Home (Professional Services) \$1,250.00, Qualified Presort Services (Supplies) \$103.33; **Public Health Nurse:** Investigative Services (Professional Services) \$104.00, Qualified Presort Services (Supplies) \$64.38, Office of Child & Family Services (3rd Quarter 2021) \$2,724.50; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$156.70, Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$36.05, Bomgaars (Supplies) \$9.99, BNSF Railway Company (Rentals) \$1,835.68, Vast Business (Utilities) \$177.41, City of Yankton (Utilities) \$348.48, Credit Collection Services (Professional Services) \$153.45, Cintas (Supplies) \$91.40,

Quick Med Claims (Professional Services) \$4,304.34, Fox Run Quik Lube (Supplies) \$91.74, Hy-Vee (Supplies) \$10.48, Auto Value Yankton (Supplies) \$36.79, Miller Consulting LLC (Maintenance) \$40.00, Matheson Tri-Gas Inc. (Supplies) \$242.68, Menards (Supplies) \$277.77, MidAmerican Energy (Utilities) \$196.74, Northwestern Energy (Utilities) \$787.91, Olson's Pest Technicians (Maintenance) \$114.00, Roger's Family Pharmacy (Supplies) \$162.72, Verizon (Utilities) \$305.05, Yankton Daily P & D (Publishing's) \$133.09, Yankton Medical Clinic (Professional Services) \$618.00; **Mental Health Centers:** Ability Building Services (2nd Half 2021 Budget Allotment) \$11,192.50; **Mental Illness Board:** Darcy Lockwood (Hearings) \$12.00, Kerri Cook-Huber (Hearings) \$90.00, Marv Ekeren (Hearings) \$15.00, Mark Katterhagen (Hearings) \$27.00, Lincoln County Treasurer (Hearings) \$1,538.56, Lucille M Lewno (Hearings) \$301.52, Minnehaha County Auditor (Hearings) \$522.18; **Historical Sites:** Yankton County Historical Society (1st Half 2021 Allotment) \$8,000.00; **County Extension:** Kopetsky's Ace Hardware (Supplies) \$45.96, Buhl's Cleaners (Supplies) \$37.82, Lauren Hollenbeck (Travel) \$23.15, Vast Business (Utilities) \$429.14, SDSU Extension (Travel) \$22.78, FP Mailing Solutions (Rentals) \$74.85, City of Yankton (Utilities) \$73.38, Katie Doty (Other) \$60.48, Hy-Vee (Other) \$19.47, Leaf (Rentals) \$424.51, MidAmerican Energy (Utilities) \$8.52, Danielle McFarland (Supplies) \$32.70, Northwestern Energy (Utilities) \$175.70, Olson's Pest Technicians (Maintenance) \$310.00, South Dakota State 4-H (Other) \$55.00, Union County 4-H (Horse Judge) \$99.43, One Office Solution (Supplies) \$396.77, Yankton County Leaders (Ground Maintenance) \$923.59; **Weed:** Bomgaars (Maintenance) \$39.48, Agterra Technologies (Supplies) \$600.00, Direct TV (Utilities) \$88.99, One Office Solution (Supplies) \$45.67; **Planning & Zoning:** Arizona Planning Association (Travel) \$355.00, Leaf (Rentals) \$104.86, Pheasantland Industries (Supplies) \$71.83, Qualified Presort Services (Supplies) \$63.21, Verizon (Utilities) \$42.05, One Office Solution (Maintenance) \$215.44; **Road & Bridge:** Appeara (Supplies) \$126.65, Bomgaars (Supplies) \$216.98, Bomgaars (Maintenance) \$17.58, Barco Municipal Products (Supplies) \$1,747.23, Butler Machinery Co (Maintenance) \$2,095.29, Butler Machinery Co (Supplies) \$52.00, Boyer Trucks (Maintenance) \$5,473.76, Presto-X (Maintenance) \$110.00, City of Yankton (Utilities) \$99.62, NAPA Auto Parts of Yankton (Supplies) \$417.90, NAPA Auto Parts of Yankton (Maintenance) \$311.36, Concrete Materials (Supplies) \$107,172.37, Beth Wilhelms (Travel) \$101.22, Growmark FS (Fuel) \$2,820.92, Growmark FS (Supplies) \$1.38, Fischer Gravel (Supplies) \$3,088.80, Francotyp-Postalia, Inc. (Supplies) \$68.85, Graham Tire Yankton (Maintenance) \$193.40, Jebro Inc. (Supplies) \$16,557.12, Kimball Midwest (Supplies) \$106.07, Longs Propane Inc. (Fuel) \$27.60, Miller Consulting LLC (Maintenance) \$40.00, Menards (Supplies) \$18.87, Northwestern Energy (Utilities) \$779.07, O'Reilly Auto Parts (Maintenance) \$28.06, SD Department of Transportation (Annual Projects) \$45.69, Verizon (Utilities) \$86.96, One Office Solution (Supplies) \$45.67, Yankton Janitorial Supply (Supplies) \$625.00; **Emergency 911 Fund:** Vast Business (Utilities) \$1,232.82, Powerphone (Travel) \$1,103.00, CenturyLink (Utilities) \$159.29, Midcontinent Communications (Utilities) \$115.00; **Emergency Management:** Bomgaars (Supplies) \$460.91, Echo Group (Supplies) \$71.21, Great American Financial (Rentals) \$216.11, Leaf (Rentals) \$90.00, Miller Consulting LLC (Maintenance) \$100.00, Midcontinent Communications (Utilities) \$167.47, MidAmerican Energy (Utilities) \$8.00, Qualified Presort Services (Supplies) 8.26, SDEMA (Professional Services) \$65.00, Two Way Solutions (Professional Services) \$112.99, Verizon (Utilities)

\$819.08, One Office Solution (Publishing's) \$38.73, One Office Solution (Supplies) \$246.71, One Office Solution (Furniture) \$309.99; **24/7 Sobriety Fund:** Pharmchem Inc. (Supplies) \$4,400.35, One Office Solution (Supplies) \$163.98; **Non-Departmental:** Cam Daily Fee (Refund) \$78.00, SCRAM (Refund) \$100.00; General Fund \$166,406.62, Road & Bridge \$142,475.42, Emergency Management \$2,714.46. All present voted aye; motion carried, 5-0.

Action 21321C: A motion was made by Healy and seconded by Kettering to approve the **June, 2021 Gross Payroll: Commissioners:** \$5,848.66; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$16,200.07; **Treasurer:** \$18,293.19; **States Attorney:** \$30,156.17; **Government Buildings:** \$6,177.15; **Director of Equalization:** \$22,280.70; **Register of Deeds:** \$12,463.47; **Veterans Service:** \$3,990.84; **Courthouse & Safety Center:** \$5,466.50; **Sheriff:** \$68,264.27; **County Jail:** \$81,257.97; **Coroner:** \$600.00; **Juvenile:** \$0.00; **Nurse:** \$1,380.00; **Ambulance:** \$63,584.22; **WIC:** \$1,381.28; **Extension:** \$7,320.81; **Soil Conservation:** \$2,597.38; **Weed:** \$6,103.17; **Planning & Zoning:** \$10,593.95; **Road & Bridge:** \$73,519.33; **E911:** \$58.18; **OEM:** \$8,706.63; **24-7 Program:** \$1,211.21. First Dakota National Bank \$34,692.81 (Withholding), First Dakota National Bank \$54,258.06 (FICA) First Dakota National Bank \$12,689.22 (Medicare), South Dakota Retirement System \$33,201.86 (Other Employees), South Dakota Retirement System \$20,346.00 (Sheriff), South Dakota Retirement System (Spouse Opt) \$174.94, South Dakota Retirement System (Supplemental) \$7,716.66, American Family Life Assurance Company (AFLAC) \$5,201.71, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$588.73, Boston Mutual Life Insurance \$341.43, Colonial Life & Accident \$1,613.38, Avera Health Plans \$60,031.96, Optilegra \$418.69, United Way of Greater Yankton 10.00, Delta Dental \$1,296.00, VSP Vision \$225.22, Harmelink & Fox Law Office \$293.24, HealthEquity \$3,448.80. Gross Payroll \$452,439.15, Net Payroll \$331,612.79. All present voted aye; motion carried, 5-0.

Action 21322C: A motion was made by Fox and seconded by Klimisch to approve the June 15, 2021 meeting minutes. All present voted aye; motion carried, 5-0.

Action 21323C: A motion was made by Fox and seconded by Kettering to approve the June 25, 2021 budget meeting minutes. All present voted aye; motion carried, 5-0.

There was one public comment from Jeff Gudahl.

Chair Loest closed public comment.

Commissioner updates: NFAA Archery Tournament will be from September 14-29, 2021; The Center Rock-A-Thon will be July 8, 2021 from 10:30 to 1:30; and American Rescue Plan.

Action 21324C: A motion was made by Fox and seconded by Healy to recess the regular session at 8:40 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13. All present voted aye; motion carried, 5-0.

Action 21325C: A motion was made by Kettering and seconded by Fox to adjourn the executive session at 9:00 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

No action was taken as a result of executive session.

Action 21326C: A motion was made by Fox and seconded by Healy to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, July 20, 2021 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor