

Yankton County Planning Commission
March 13, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on March 13, 2018.

Members present at call to order: Kettering, Klimisch, Kretsinger, Bodenstedt, Sylliaasen, Williams, Guthmiller, and Welch.

Members absent: Gudahl and Becker.

This was the time and place to review and approve the minutes from February 13, 2018.

Action 31318A: Moved by Kretsinger, second by Bodenstedt to approve the February 13, 2018 as written.

By voice vote, all members present voted aye.

Motion carried.

Plat Considerations:

Deerfield Trucking

Tract 2, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Alphonse Road Yankton, SD.

Action 31318B: Moved by Kretsinger, second by Bodenstedt to recommend approval of the plat. Tract 2, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Alphonse Road Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion regarding application from Daniel Healy. Applicant is requesting a Conditional Use Permit to operate a quarry (gravel) in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4 & SE1/4, SE1/4 and Lots 5, 6 and 9, S18-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. The E911 address is 44064 300th Street, Utica, SD.

Mr. Healy stated the plan for the operation is to mine gravel veins until the supply is exhausted. The gravel mining time period (four to eight years) will be variable as dictated by demand. The operation will haul gravel during daylight hours with minimal weekend activity. All trucks will meet weight limit requirements. The haul route is west on 300th Street to US Hwy 81.

The Planning Commission discussed the application and stated the required information is documented, the South Dakota Department of Environment and Natural Resources mining permit is issued, the haul route is identified and the floodplain requirements will be monitored by the Floodplain Administrator.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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Meeting Date: March 13, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Daniel Healy

Parcel Number: 07.018.100.200

Legal description: Lots 5, 6 & 9, S18-T95N-R55W

Physical Address: 44064 300th Street, Utica, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant requested CUP under Article 15, Section 1515 requirements to operate a quarry in an Agriculture District (AG) in Yankton County.
2. Notice of public hearing was given according to state and county law; The applicant mailed notifications letters to all owners of real property one-half mile buffer on March 1, 2018, 10 days prior to the PC hearing as supported by the affidavit. Legal notification was published on March 3, 2018 10 days before the Planning Commission meeting. The property was posted on March 5, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public hearing was held at 7:10 pm on March 13, 2018. Mr. Healy stated the plan for the operation is to mine gravel veins until the supply is exhausted. The gravel mining time period (four to eight years) will be variable as dictated by demand. The operation will haul gravel during daylight hours with minimal weekend activity. All trucks will meet weight limit requirements. The haul route is west on 300th Street to US Hwy 81. The Planning Commission discussed the application and stated the required information is documented, the South Dakota Department of Environment and Natural Resources mining permit is issued, the haul route is identified and the floodplain requirements will be monitored by the Floodplain Administrator. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this ordinance described in the application to include:
 - A. Recommend granting of the conditional use;
 - B. Recommend granting with conditions; The Planning Commission recommends approval of the conditional use permit with conditions as stated in the findings.
 - C. Recommend denial of the conditional use.
5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that

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satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress and egress to property and structures thereon will not be negatively impacted; The ingress and egress is established with 300th Street to US Hwy 81.
- B. Off right-of-way parking and loading areas are not required nor will noise, glare or odor affect adjoining properties in the district; The applicant will provide sufficient dust control, operate in daylight hours and manage noise levels during operation.
- C. Refuse and service areas are required; The applicant will provide sufficient refuse containers during the CUP time period
- D. Utilities are available and compatible; All utilities are available and compatible
- E. Screening and buffering are required; The area is large enough and sufficient buffers are present to be compatible in the neighborhood.
- F. Exterior lighting will not cause glare nor affect traffic safety and is compatible with properties in the district; The hours of operation will be daylight only, no exterior lighting permitted.
- G. Yards and open spaces have been met or exceeded; The area is large enough and sufficient buffers are present to be compatible in the neighborhood.
- H. The use is compatible with adjacent properties and the granting of a conditional use will not adversely affect the public interest; The quarry will begin operation in summer 2018 and operate under the conditions until mining materials are depleted. The Conditional Use Permit includes the following conditions:
 - 1. The quarry mining license #11-919 is current until June 6, 2018.
 - 2. The quarry will only haul and conduct business with materials from this quarry. No storage or off-site storage of any other materials will be allowed under this Conditional Use Permit.
 - 3. All future expansion of the mining operation will be monitored by the Floodplain Administrator to assure compliance with all regulations.

Action 31318C: Moved by Klimisch, second by Williams to recommend approval of a Conditional Use Permit, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, based on Finding of Facts dated March 13, 2018, to operate a Quarry (gravel) in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4 & SE1/4, SE1/4 and Lots 5, 6 and 9, S18-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. The E911 address is 44064 300th Street, Utica, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion regarding application from Orlando Munkvold. Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to six +/- (6.54) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, S23-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota. The E911 address is 43863 294th Street, Menno, SD.

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Plat Consideration:

Tract 1, Munkvold Metal Addition, NE1/4, S23-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota. The E911 address is 43863 294th Avenue, Menno, SD.

Mr. Munkvold stated he is requesting the plat to separate production agriculture property from farmstead property. The plat is establishing a farmstead lot from the production property. The mortgage requirements for residential loans restrict lot size.

The Planning Commission discussed the application and determined the proposed plat included the shelterbelt, some accessory structures and the residence. The lot is large enough to provide space for future accessory structures if necessary. Many of the buildings on the property are part of the production agriculture such as grain bins, machine sheds and feedlot structures and not included in the farmstead plat.

The findings shall state at the time this variance was approved, the plat consideration is in an Agriculture District. A signed agriculture waiver will be required for this variance.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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Meeting date: March 13, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Orlando Munkvold

Parcel Number: 12.023.100.100

Legal description: NE1/4, S23-T96N-R56W

Physical Address: 43503 292nd Street, Menno, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
 - A. The strict application of the ordinance would produce undue hardship; *The property is created to meet mortgage requirements for residential plats.*
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; *The hardship can be shared by other properties but is limited to properties requiring mortgage arrangements.*
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; *The*

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granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.

- D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
- A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings when property is separated to provide mortgage financing.
- B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum lot requirement have been granted in Yankton County.
- C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
- D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (minimum lot requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on March 2, 2018 (supported by affidavit), a legal notice was published on March 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on March 5, 2018.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:25 pm on March 13, 2018. Mr. Munkvold stated he is requesting the plat to separate production agriculture property from farmstead property. The plat is establishing a farmstead lot from the production property. The mortgage requirements for residential loans restrict lot size. The Planning Commission discussed the application and determined the proposed plat included the shelterbelt, some accessory structures and the residence. The lot is large enough

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to provide space for future accessory structures if necessary. Many of the buildings on the property are part of the production agriculture such as grain bins, machine sheds and feedlot structures and not included in the farmstead plat.

The findings shall state at the time this variance was approved, the plat consideration is in an Agriculture District. A signed agriculture waiver will be required for this variance.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.

8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.

9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Lot Requirement is approved.

Action 31318D: Moved by Williams, second by Kretsinger to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated March 13, 2018, of Minimum Lot Requirement from twenty (20) acres to six +/- (6.54) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, S23-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota. The E911 address is 43863 294th Street, Menno, SD.

By roll call vote, all members present voted aye.

Motion carried

Action 31318E: Moved by Kettering, second by Sylliaasen to recommend approval of a plat. Said property is legally described as: Tract 1, Munkvold Metal Addition, NE1/4, S23-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota. The E911 address is 43863 294th Avenue, Menno, SD.

By roll call vote, all members present voted aye.

Motion carried.

Action 31318F: Moved by Kretsinger, seconded by Williams for adjournment.

By voice vote, all members present voted aye.

Motion carried.

The next meeting of the Yankton County Planning Commission will be held at 7:00 P.M. Tuesday, April 10, 2018.

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Respectfully submitted:
Patrick Garrity AICP
Zoning Administrator