

YANKTON COUNTY COMMISSION MEETING
December 28, 2018

A special meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 12 noon on Friday, December 28, 2018.

Roll call was taken with the following Commissioners present: Don Kettering, Raymon Epp, Debra Bodenstedt, Todd Woods; Absent: Gary Swensen.

There were no conflicts of interest reported by Commissioners.

Chairman Woods said he had received a letter in regard to the Curtis Oliver's Variance and Conditional Permits.

Action 18504C: A motion was made by Bodenstedt and seconded by Epp to approve the meeting agenda with the following addition: Change in Levies. All present voted aye; motion carried.

Action 18505C: A motion was made by Kettering and seconded by Bodenstedt to approve the minutes of the December 18, 2018 meeting. All present voted aye; motion carried.

Action 18506C: Action: A motion was made by Bodenstedt and Epp seconded by to approve the following claims: **Commissioners:** South Dakota Department of Legislative Audit (Professional Services) \$20,139.00; **Road & Bridge:** Lycox Enterprises (Supplies) \$292.50, Lycox Enterprises (Machinery Equipment) \$20,900.00, Titan Machinery (Machinery Equipment) \$106,000.00. General Fund \$20,139.00, Road & Bridge \$127,192.50. All present voted aye; motion carried.

The Auditor presented contingency transfers as follows. Commissioners \$21,100; Treasurer \$2,700; Data \$7,700; States Attorney 3,400; CLERP \$13,450; Government Buildings \$44,500; Director of Equalization \$750; Coroner \$5,000; Mental Health Centers \$3,500; Mental Illness Board \$11,700; Senior Citizens \$7,800; County Extension \$100; Soil Conservation \$300; Weed 3,000; Highway Department \$83,300; Emergency Management \$23,200; Debt Service Napa Junction \$29,000.

Action 18507A: A motion was made by Bodenstedt and seconded by Epp to approve the contingency transfers as presented. All present voted aye; motion carried.

Action 17508C: A motion was made by Bodenstedt and seconded by Kettering to approve the budgeted cash transfer of \$10,000.00 from the General Fund to Emergency Management Services. All present voted aye; motion carried.

The County Auditor presented the following levy corrections; Secondary Road .616, Secondary Road Opt Out .093.

Commissioner Epp spoke on the Town and Township conference he attended December 7 in Chamberlain SD.

Action 18509Z: A motion was made by Kettering and seconded by Bodenstedt to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of a minimum Lot Requirement application from Scott Sorensen. Variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.70) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1, Turkey Creek Addition, W1/2, NE1/4, S16-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293rd Street, Irene, SD. The Planning Commission recommended approval 5-3.

Applicant did not attend due to the weather.

Action 18510Z: A motion was made by Bodenstedt and seconded by Kettering, based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Accessory Structure for Scott Sorensen, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from twenty (20) acres to five +/- (5.70) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1, Turkey Creek Addition, W1/2, NE1/4, S16-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293rd Street, Irene, SD. All present voted aye; motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Mat & Jon Maras. Applicants requested a permit for three (3) self-storage facilities in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Lot 8, Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is TBA Deer Boulevard, Yankton, SD. The Planning Commission recommended approval 7-0 with one abstain.

The Applicant did not attend due to the weather.

Ryan Heine spoke in opposition of the permit.

Action 18511Z: A motion was made by Bodenstedt and seconded by Kettering based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting

and on file in the Zoning Administrator's Office, to approve the application From Matt & Jon Maras for three (3) self-storage facilities in a Lakeside Commercial District (LC) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as Lot 8, Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address TBA Deer Boulevard, Yankton, SD. All present voted aye; motion carried.

Conditional Use Permit Public This was the time and place for a public hearing for a Conditional Use Permit application from Curtis Oliver. Applicant requested a permit to build ten (10) multi-family units in a Moderate Density Rural Residential District (R-2) Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2 Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD. The Planning Commission recommended approval 8-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Multi Family Storage for Curtis Oliver. Variance of Maximum Building Size Requirement, multi-family storage facility from 1,200 sq. ft. to 5,000 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as N123 acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, SD. The Planning Commission recommended approval 6-2.

Conditional Use Permit Public This was the time and place for a public hearing for a Conditional Use Permit application from Curtis Oliver. Applicant requested a permit to build a campground in Lakeside Commercial District (LC) in Yankton County. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD. The Planning Commission recommended approval 8-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Multi Family Storage for Curtis Oliver. Variance of Maximum Building Size Requirement, multi-family storage facility from 1,200 sq. ft. to 11,500 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as N123 acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD. The Planning Commission recommended approval 7-1.

Applicant Curtis Oliver spoke on his CUP and Variance requests.

Action 18512Z: A motion was made by Kettering and seconded by Epp based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve application from Curtis Oliver to build ten (10) multi-family units in a Moderate Density Residential District (R-2) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address TBA Welkom Drive, Yankton, SD. All present voted aye; motion

Action 18513Z: A motion was made by Bodenstedt and seconded by Epp, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Variance of Maximum Building Size Requirement, to approve park model construction facility and campground storage facility from 1,200 sq. ft. to 5,000 sq ft. in a Lakeside Commercial District (LC) in Yankton County, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Said property is legally described as N123 acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD. All present voted aye; motion carried.

Action 18514Z: A motion was made by Epp and seconded by Bodenstedt based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve application from Curtis Oliver to build a campground in Lakeside Commercial District (LC)) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as N123 Acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2 Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address TBA SD Hwy 52, SD. All present voted aye; motion carried.

Action 18515Z: A motion was made by Bodenstedt and seconded by Epp, based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Variance of Maximum Building Size Requirement for Curtis Oliver. Variance of Maximum Building Size Requirement, multi-family storage facility from 1,200 sq. ft. to 11,500 sq. ft. in a Moderate Density Rural Residential District (R-2) in a Lakeside Commercial District (LC) in Yankton County, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Said property is legally described as N123 acres, NE1/4, exc Lots 3, 5, 6, Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD. Roll call vote was taken with Bodenstedt, Epp and Woods voting Aye; Kettering Voting Nay; Motion required a super majority (4 votes) Motion failed, 3-1.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Cameron Colony. Applicant requested a permit to build/operate a Class F 2800 head (280 AU Animal Units) port (swine under 55 pounds) nursery barn in an Agriculture District (AG) in Yankton County. Said property is legally described as SW1/4, S1-T96N-R55W, hereinafter to as Mayfield Township, County of Yankton, State of South Dakota. E911 address 44542 292nd Street, Irene, SD. The Planning Commission recommended approval 8-0.

Applicant Tedd Waldner spoke on his CUP application.

Action 18516Z: A motion was made by Kettering and seconded by Epp to approve a Conditional Use Permit for Cameron Colony, based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build/operate a Class F 2800 head (280 AU Animal Units) port (swine under 55 pounds) nursery barn in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as SW1/4, S1-T96N-R55W, hereinafter to as Mayfield Township, County of Yankton, State of South Dakota. E911 address is TBA 44542 292nd Street, Irene, SD. Roll call vote was taken with Kettering, Epp, Bodenstedt and Woods voting Aye; Motion carried, 4-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Craig Johnson. Applicant requested a permit to build/operate a Class F 2400 head (240 AU Animal Units) port (swine under 44 pounds) nursery barn in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, & SW1/4 exc Lot H-1 & exc Lot R-65, NW1/4, SW1/4 & exc Lot R-66 SW1/4. SW1/4 & EXC 10 acres & exc S300', W330', SW1/4, SW1/4, exc S300', E200', W530', SW1/4, SW1/4, S7-T94N-R54W, hereinafter to as Volin Township, County of Yankton, State of South Dakota. E911 address 30441 447th Avenue, Volin, SD. The Planning Commission recommended approval 8-0.

Applicant Craig Johnson spoke on his CUP application.

Action 18517Z: A motion was made by Kettering and seconded by Bodenstedt to approve a Conditional Use Permit for Craig Johnson, based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build/operate a Class F 2400 head (240 AU Animal Units) port (swine under 55 pounds) nursery barn in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4, & SW1/4 exc Lot H-1 & exc Lot R-65, NW1/4, SW1/4 & exc Lot R-66 SW1/4. SW1/4 & EXC 10 acres & exc S300', W330', SW1/4, SW1/4, exc S300', E200', W530', SW1/4, SW1/4, S7-T94N-R54W, hereinafter to as Volin Township, County of Yankton, State of South Dakota. E911 address is TBA 30441 447th Avenue, Volin, SD. Roll call vote was taken with Kettering, Bodenstedt, Epp and Woods voting Aye; Motion carried, 4-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Jeff Koster. Variance of Minimum Lot Requirement, on three lots, from two (2) acres to .87 acre and a variance of Minimum Lot Requirement on three lots from two (2) acres to .51 acre in a Commercial District (C) in Yankton County. Said property is legally described as Block 4, exc Lots 31, 32 & 33, Sunrise Addition, S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBD Oak Street, Yankton, SD. The Planning Commission recommended approval 8-0.

Applicant Jeff Koster answered questions from the board.

Action 18518Z: A motion was made by Bodenstedt and seconded by Epp, based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement for Jeff Koster, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance, on three lots, from two (2) acres to .87 acre and a variance of Minimum Lot Requirement on three lots from two (2) acres to .51 acre in a Commercial District (C) in Yankton County. Said property is legally described as Block 4, exc Lots 31, 32 & 33, Sunrise Addition, S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA Oak Street, Yankton, SD. All present voted aye; motion carried.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Minimum Yard Requirement application from Jeff Koster. Variance of Minimum Yard Requirement on three lots front yard from one hundred (100) feet to sixty five (65) feet and a variance of a Minimum Requirement, on five lots, front yard from one hundred (100) feet to fifty (50) feet in a Commercial District in Yankton County. Said property is legally described as Block 4, exc Lots 31, 32 & 33, Sunrise Addition, S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBD Oak Street, Yankton, SD. The Planning Commission recommended approval 8-0.

Action 18519Z: A motion was made by Bodenstedt and seconded by Kettering, based on Findings of Fact from the April 11, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Yard Requirement for Jeff Koster, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance, three lots front yard from one hundred (100) feet to sixty five (65) feet and a variance of a Minimum Requirement, on five lots, front yard from one hundred (100) feet to fifty (50) feet in a Commercial District Yankton County. Said property is legally described as as Block 4, exc Lots 31, 32 & 33, Sunrise Addition, S10-T93N-R55W, hereinafter referred to as Mission Hill Township, County of Yankton, State of South Dakota. The E911 address is TBA Oak Street, SD. All present voted aye; motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Yankton Energy. Applicant requested a permit for Manufacturing to

build an Ethanol Plant in a Commercial District (C) in Yankton County. Said property is legally described as Lot 1, exc Lot 2-5, Lot 1, Dakota Rail Par, S/D & exc Lot R-31, S21-T94N-R56W, hereinafter to as Utica North Township, County of Yankton, State of South Dakota. E911 address 30668 436th Avenue, Utica, SD. The Planning Commission recommended approval 8-0.

Action 18520Z: A motion was made by Bodenstedt and seconded by Epp to approve a Conditional Use Permit for Yankton Energy, based on Findings of Fact from the December 11, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for Manufacturing to build an Ethanol Plant in a Commercial District (C) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as Lot 1, exc Lot 2-5, Lot 1, Dakota Rail Park, S/D & exc Lot R-31, S21-T94N-R56W, hereinafter to as Utica North Township, County of Yankton, State of South Dakota. E911 address is TBA 30668 436th Avenue, Utica, SD. Roll call vote was taken with Bodenstedt, Epp, Kettering and Woods voting Aye; Motion carried, 4-0.

Matt Winsand spoke on the CUP for Yankton Energy. Cheri Loest also spoke on the application.

Action 18521C: A motion was made by Kettering and seconded by Bodenstedt to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 18522Z: motion was made by Kettering and seconded by Bodenstedt to adopt the following resolution Whereas it appears, Scott Sorensen, owner of record, has caused a plat to be made of the following real property: Tract 1, Turkey Creek Addition, W1/2, NE1/4, S15-T96N-R54W, hereinafter referred to as Turkey Valley Township County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried.

Action 18523Z: motion was made by Bodenstedt and seconded by Kettering to adopt the following resolution Whereas it appears, Deerfield Truck & Equipment, owner of record, has caused a preliminary plat to be made of the following real property: Lots 1-20, Whitetail Run, SE1/4, NE1/4, & NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried.

Action 18524Z: motion was made by Epp and seconded by Bodenstedt to adopt the following resolution Whereas it appears, Jeff Koster, owner of record, has caused a plat to be made of the following real property: Lots 34-40, Block 4, Sunrise Addition, SW1/4, SW1/4, S10-T93N-R55W, hereinafter referred to as Mission Hill South Township County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same.

Action 18525C: A motion was made by Bodenstedt and seconded by Epp to approve the following resolution. All present voted aye; motion carried.

A Resolution to Update Amendments for Article 9, Article 14, Article 15, Article 18, Article 19, Article 22, Article 26, Article 27 and Yankton County Zoning Map
Yankton County Zoning Ordinance #16

WHEREAS, South Dakota Codified Law 11-2-13 allows Yankton County to establish zoning Regulations; and,
WHEREAS, The Yankton County Zoning Ordinance (Ordinance #16) establishes zoning regulations in Yankton County, South Dakota; and,
WHEREAS, Article 20, Section 2003 of the Yankton County Zoning Ordinance (Ordinance #16) gives the Yankton County Commission powers to approve amendments the Yankton County Zoning Ordinance (Ordinance #16); and,
The Yankton County Commission hereby agrees Yankton County Zoning Ordinance to be updated with all applicable zoning amendments and zoning district amendments. The update includes all amendments and zoning changes to December 28, 2018.
NOW, THEREFORE, BE IT RESOLVED, that the Yankton County Commission, hereby recommends in order to establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of the impact of all activity, and to protect the health, safety and welfare of the County of Yankton, approves the update of all amendment adoptions for Article 9, Article 14, Article 15, Article 18, Article 19, Article 22, Article 26, Article 27 and Yankton County Zoning Map to update the Yankton County Zoning Ordinance (Ordinance #16).

MOTION: Bodenstedt SECOND: Epp Aye: 4 Nay: 0

Yankton County Chairman, Todd Woods /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Zoning: Zoning Administrator Pat Garrity presented to the board his 2018 year-end

Yankton County Planning Staff Report.

There were two public comments from Cheri Loest and Dan Klimisch.

Action 18526C: A motion was made by Epp and seconded by Bodenstedt to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, January 8, 2019.

Todd Woods, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor