

Yankton County Planning Commission  
December 11, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on December 11, 2018.

Members present at call to order: Guthmiller, Kettering, Becker, Bodenstedt, Gudahl, Williams, Koenigs, and Welch.

Members absent: Kretsinger.

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

Action 121118A: Moved by Gudahl, second by Kettering to approve the November 13, 2018 minutes as written.

By voice vote, all members present voted aye.

Motion carried.

Subdivision Preliminary Plat Consideration:

Deerfield Truck & Equipment

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, State of South Dakota. The E911 address is TBA Deer Boulevard, Yankton, SD.

Action 121118B: Moved by Bodenstedt, second by Williams to recommend approval of the preliminary plat described as: 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, State of South Dakota. The E911 address is TBA Deer Boulevard, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

Todd Knodel / Greg Ryken

Lots 3 & 4, Tract A, Law Overlook Subdivision, SW1/4, SE1/4, S7, & NE1/4, S18-T93N-R56W and Lots 1 – 5, Tract B, Law Overlook Subdivision, NE1/4, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Okie Dokie Lane, Yankton, SD.

Action 121118C: Moved by Guthmiller, second by Kretsinger to recommend continuance, to the January, 2019 meeting, of the preliminary plat described as: Lots 3 & 4, Tract A, Law Overlook Subdivision, SW1/4, SE1/4, S7, & NE1/4, S18-T93N-R56W and Lots 1 – 5, Tract B, Law Overlook Subdivision, NE1/4, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Okie Dokie Lane, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

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Jeff Koster

Lots 34 – 40, Block 4, Sunrise Addition, SW1/4, SW1/4, S10-T93N-R55W, hereinafter referred to as Mission Hill South, County of Yankton, State of South Dakota. The E911 address is TBA Eastside Drive and TBA Oak Street, Yankton, SD.

Action 121118D: Moved by Becker, second by Guthmiller to recommend approval of the preliminary plat described as: Lots 34 – 40, Block 4, Sunrise Addition, SW1/4, SW1/4, S10-T93N-R55W, hereinafter referred to as Mission Hill South, County of Yankton, State of South Dakota. The E911 address is TBA Eastside Drive and TBA Oak Street, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

Planning Commission chairman, Mike Welch, explained the public comment period implemented on July 1, 2018. The session will be provided at the meeting. Please sign the speaker sheet in the back of the room prior to speaking.

This was the time and place for discussion regarding application from Scott Sorensen. Applicant is requesting a 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 at as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293<sup>rd</sup> Street, Irene, SD.

Plat Consideration:

Tract 1A, Turkey Creek Addition, W1/2, NE1/4, S16-T96N-R54W, hereinafter referred at as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293<sup>rd</sup> Street, Irene, SD.

Scott Sorensen was not present to present his application. Zoning Administrator, Pat Garrity, stated the plat variance and plat consideration are from the “change finder” zoning enforcement process Yankton County is conducting this year. Mr. Sorensen build an accessory structure without a permit within the yard requirement. Mr. Sorensen did a new plat to increase the yard requirements but the plat is under the twenty (20) acre lot requirement. The Zoning Administrator suggested the applicant be allowed to move forward to the Board of Adjustment as this a multi-month process to correct an existing regulation violation.

Mr. Welch stated all applicants should be present at the planning commission meetings. The discussion acknowledged the applicant is proceeding to resolve the violation and a request to have the applicant appear at the Board of Adjustment meeting if approved by the planning commission. Jeff Gudahl made a motion to a continuance of the application to the January, 2019 meeting. No second. Deb Bodenstedt made a motion to approve the variance with the applicant mandatory presence at the Board of Adjustment meeting.

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

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Scott Sorensen

Parcel Number: 04.016.100.035

Legal description: Tract 1, Turkey Creek Addition, W1/2, NE1/4, S16-T96N-R54W

Physical Address: 44855 293<sup>rd</sup> Street, Irene, 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 applicant is requesting the Minimum Lot Requirement variance to correct a minimum yard requirement violation in an Agriculture District (AG). The lot is a farmstead lot originally created too small to accommodate the yard requirements in an Agriculture District (AG).*
  - A. 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 in the district when farmstead lots are created for various reasons (mortgage, separate from production property, separate ownership).*
  - B. 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 granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.*
  - C. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed 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 is recurring sufficiently to provide remedy with a zoning amendment.*
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*

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- area is rural in character, Mr. Sorensen owns the adjacent property and the structures will now meet the minimum yard requirement.
- 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 the result of the applicant and a remedy is available.
- 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 approved 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 November 30, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on December 3, 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 7:05 pm on December 11, 2018. Scott Sorensen was not present to present his application. Zoning Administrator, Pat Garrity, stated the plat variance and plat consideration are from the "change finder" zoning enforcement process Yankton County is conducting this year. Mr. Sorensen built an accessory structure without a permit within the yard requirement. Mr. Sorensen did a new plat to increase the yard requirements but the plat is under the twenty (20) acre lot requirement. The Zoning Administrator suggested the applicant be allowed to move forward to the Board of Adjustment as this a multi-month process to correct an existing regulation violation.  
Mr. Welch stated all applicants should be present at the planning commission meetings. The discussion acknowledged the applicant is proceeding to resolve the violation and a request to have the applicant appear at the Board of Adjustment meeting if approved by the planning commission.  
Jeff Gudahl made a motion to a continuance of the application to the January, 2019 meeting. No second. Deb Bodenstedt made a motion to approve the variance with the applicant mandatory presence at the Board of Adjustment meeting.  
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

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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 121118E: Moved by Bodenstedt, second by Guthmiller to recommend approval of the Variance, based on Findings of Fact dated December 11, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, 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 at as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293<sup>rd</sup> Street, Irene, SD.

By roll call vote, five members present voted aye, three members voted nay.

Motion carried.

Plat Consideration:

Tract 1A, Turkey Creek Addition, W1/2, NE1/4, S16-T96N-R54W, hereinafter referred at as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293<sup>rd</sup> Street, Irene, SD.

Action 121118F: Moved by Bodenstedt, second by Guthmiller to recommend approval of the plat. Said property is legally described as Tract 1A, Turkey Creek Addition, W1/2, NE1/4, S16-T96N-R54W, hereinafter referred at as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44855 293<sup>rd</sup> Street, Irene, SD.

By roll call vote, seven members present voted aye, one member voted nay.

Motion carried.

This was the time and place for discussion regarding application from Matt and Jon Maras. Applicant is requesting a Conditional Use Permit for 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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Deer Boulevard, Yankton, SD.

The October 9, 2018 Planning Commission meeting presented the following information: *Jon Maras discussed the proposal to build self-storage facility in a Lakeside Commercial District. The project site plan shows three (3) buildings 326 feet X 80 feet (26,000 sq. ft. each) on a four (4) acre lot. The drive surface will be crushed asphalt base around each building site. The drainage is proposed to go 50% east direction and 50% west direction. This is an issue as no proper drainage plan is in place to receive the water flowing west. Mr. Maras stated the project*

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*could arrange for all drainage to flow east to Deer Boulevard ditch. The preliminary plan shows proposed lots and access but no plans for proper drainage from the proposed lots.*

*The Planning Commission discussed the application and determined the preliminary plan needs to address drainage from the subdivision to retention ditches and Deer Boulevard ditch. The plan needs to show retention when necessary and long term implementation of the drainage plan in the entire subdivision. That current owners are responsible to develop the complete preliminary subdivision plan with proper grading and drainage plan.*

*The Planning Commission offered a continuance until November 13, 2018.*

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

Jon Maras discussed the application and stated the preliminary plat recommended for approval this evening meets the planning commission recommendation to provide proper drainage for the development site. All the drainage for this proposal will flow to the east (Deer Boulevard). The structures will be three (3) buildings 326 feet X 80 feet (26,000 sq. ft. each) on a four (4) acre lot. The drive surface will be crushed asphalt base around each building site. The ingress / egress will be from Deer Boulevard and the bike trail will be required to have a cement overlay to properly support the storage business traffic. The site plan includes landscaping and site improvements. The outdoor lights will all be downcast style.

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

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CONDITIONAL USE  
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Matt & Jon Maras

Parcel Number: 09.016.200.100

Legal description: Lot 8, Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W

Physical Address TBA Deer Boulevard, Yankton, 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 is requesting a Conditional Use Permit for a Conditional Use Permit (Article 11, Section 1107 (16)) to build three (3) storage units 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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Deer Boulevard, Yankton, SD.

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2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed CUP on December 1, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on December 3, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:15 pm on December 11, 2018 in the Yankton County Government Center County Commission chambers. The October 9, 2018 Planning Commission meeting presented the following information: **Jon Maras discussed the proposal to build self-storage facility in a Lakeside Commercial District. The project site plan shows three (3) buildings 326 feet X 80 feet (26,000 sq. ft. each) on a four (4) acre lot. The drive surface will be crushed asphalt base around each building site. The drainage is proposed to go 50% east direction and 50% west direction. This is an issue as no proper drainage plan is in place to receive the water flowing west. Mr. Maras stated the project could arrange for all drainage to flow east to Deer Boulevard ditch. The preliminary plan shows proposed lots and access but no plans for proper drainage from the proposed lots.**  
The Planning Commission discussed the application and determined the preliminary plan needs to address drainage from the subdivision to retention ditches and Deer Boulevard ditch. The plan needs to show retention when necessary and long term implementation of the drainage plan in the entire subdivision. That current owners are responsible to develop the complete preliminary subdivision plan with proper grading and drainage plan.  
The Planning Commission offered a continuance until November 13, 2018.  
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.  
Jon Maras discussed the application and stated the preliminary plat recommended for approval this evening meets the planning commission recommendation to provide proper drainage for the development site. All the drainage for this proposal will flow to the east (Deer Boulevard). The structures will be three (3) buildings 326 feet X 80 feet (26,000 sq. ft. each) on a four (4) acre lot. The drive surface will be crushed asphalt base around each building site. The ingress / egress will be from Deer Boulevard and the bike trail will be required to have a cement overlay to properly support the storage business traffic. The site plan includes landscaping and site improvements. The outdoor lights will all be downcast style.  
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; orThe commission recommends granting approval of the conditional use permit with listed conditions.
  - 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 proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (Deer Boulevard). The applicant will improve the approach with a cement overlay to properly support the storage business traffic
- B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are currently compliant.
- C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas is in compliance.
- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering is provided with landscaping.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations for proposed activity.
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest.

Action 121118G: Moved by Becker, second by Kettering to recommend to approve a Conditional Use Permit based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, 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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Deer Boulevard, Yankton, SD.

By roll call vote, seven members voted aye, one member abstain.

Motion carried.

This was the time and place for discussion regarding application from Curtis Olivier. Applicant is requesting a Conditional Use Permit to build a campground in a Lakeside Commercial District (LC) in Yankton County. Applicant is requesting a variance of Maximum Building Size Requirement, to provide park model construction facility, from 1,200 sq. ft. to 11,500 sq. ft. in a Moderate Density Rural Residential District (R-2). Said property is legally described as N123

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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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

The November 13, 2018 Planning Commission meeting presented the following information. **Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed.**

**Mr. Olivier discussed the proposed campground and stated the concept will be “park models” which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The “park models” will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the “park models” and then provide storage for the campground.**

**Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.**

**Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.**

December 11, 2018 meeting, the Conditional Use Permit request for the campground, Curtis Olivier presented a detailed Rules and Operations manual for the campground. Mr. Olivier stated the property ownership for the campground will be a single owner (lots will be rented). The subdivision preliminary plat Lots 16 and Lot 17 will not be subdivided without a public hearing.

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Mr. Olivier presented a detailed septic system, electrical plan and fresh water plan. The subdivision plan shows a detailed surface drainage plan and ingress / egress plan. The proposed storage building will only be accessed from the campground property. Mr. Olivier presented photographs showing the traffic flow, landscape plans and structure placement. Mr. Olivier will obtain a South Dakota state campground permit and is meeting all the Yankton County requirements.

Chairperson Welch requested public comment from proponents of the proposal. Doug Walsh, area resident, stated his approval of the project. He stated Mr. Olivier will build a quality development and it will be an asset to the community.

Chairperson Welch requested public comment from opponents of the proposal. Nick Moser, attorney representing neighbors, discussed the Article 18 requirements for proper ingress / egress. The only entrance / exit will be the current SD Hwy 52 access driveway. Mr. Moser also discussed the definitions of a campground and the Olivier proposal does not fit the definition as stated. The project is a “tiny house” or “manufactured house” park or facility. The campground Conditional Use Permit is not a proper approach for this application.

Christopher Dickes, neighbor, stated the proposal is more complete than the previous month presentation. Mr. Dikes stated the rules / regulations are applicable to the property owners not the campground tenants. The Planning Commission recommends compliance from the property owner.

Gary Kleinschmidt, neighbor, stated the rules / regulations must be enforced to maintain the standards of the surrounding property owners. Mr. Kleinschmidt stated the rules are “almost too good to be true” and expects them to be enforced by the property owners and incorporated into the CUP findings of fact.

Keith DeJager, neighbor, stated his opposition to the project and felt they are more like modular homes than a campground. His preference would be a storage facility is a commercial operation must occur on this property. Mr. DeJager also stated Welkom Drive is not available for ingress / egress for the campground vehicles.

Mr. Olivier rebuttal was confirmation of the ingress / egress from SD Hwy 52, the storage will only be accessed from the campground property and the structures are not campers they are regulated as a campground with all the applicable rules the same as a campground.

Mr. Welch ended public comment and Mr. Becker confirmed the ingress / egress plan for the campground is SD Hwy 52 and for the multi-family housing is Welkom Drive. Mr. Koenigs requested a clarification of manufactured homes definition. The zoning administrator stated the definition and it is clear the proposal is not a manufactured home park as all manufactured homes have a federal register (HUD) requirement. The “tiny home” concept is not in the definitions. The zoning ordinance does provide a classification of 1109 – Classification of Unlisted Use. This section does provide guidance to allow activities not specifically listed but are similar in use to specifically listed uses in the zoning ordinance.

The Planning Commission determined the proposal is similar to the campground regulation currently in use, the site plan is detailed to provide strict adherence to ingress / egress requirements, landscape, lighting, septic system, fresh water, traffic flow and published campground guidelines and rules.

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

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CONDITIONAL USE  
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: 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

Physical Address TBA SD Hwy 52, Yankton, 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 is requesting a Conditional Use Permit for a Conditional Use Permit (Article 11, Section 1107-2) to build a campground in a 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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed CUP on November 29, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:25 pm on December 11, 2018 in the Yankton County Government Center County Commission chambers. The November 13, 2018 Planning Commission meeting presented the following information. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed. Mr. Olivier discussed the proposed campground and stated the concept will be “park models” which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units.

The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The “park models’ will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the “park models” and then provide storage for the campground.

Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans.

Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved.

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

December 11, 2018 meeting, the Conditional Use Permit request for the campground, Curtis Olivier presented a detailed Rules and Operations manual for the campground. Mr. Olivier stated the property ownership for the campground will be a single owner (lots will be rented). The subdivision preliminary plat Lots 16 and Lot 17 will not be subdivided without a public hearing. Mr. Olivier presented a detailed septic system, electrical plan and fresh water plan. The subdivision plan shows a detailed surface drainage plan and ingress / egress plan. The proposed storage building will only be accessed from the campground property. Mr. Olivier presented photographs showing the traffic flow, landscape plans and structure placement. Mr. Olivier will obtain a South Dakota state campground permit and is meeting all the Yankton County requirements.

Chairperson Welch requested public comment from proponents of the proposal. Doug Walsh, area resident, stated his approval of the project. He stated Mr. Olivier will build a quality development and it will be an asset to the community.

Chairperson Welch requested public comment from opponents of the proposal. Nick Moser, attorney representing neighbors, discussed the Article 18 requirements for proper ingress / egress. The only entrance / exit will be the current SD Hwy 52 access driveway. Mr. Moser also discussed the definitions of a campground and the Olivier proposal does not fit the definition as stated. The project is a “tiny house” or “manufactured house” park or facility. The campground Conditional Use Permit is not a proper approach for this application.

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Christopher Dickes, neighbor, stated the proposal is more complete than the previous month presentation. Mr. Dikes stated the rules / regulations are applicable to the property owners not the campground tenants. The Planning Commission recommends compliance from the property owner.

Gary Kleinschmidt, neighbor, stated the rules / regulations must be enforced to maintain the standards of the surrounding property owners. Mr. Kleinschmidt stated the rules are “almost too good to be true” and expects them to be enforced by the property owners and incorporated into the CUP findings of fact.

Keith DeJager, neighbor, stated his opposition to the project and felt they are more like modular homes than a campground. His preference would be a storage facility is a commercial operation must occur on this property. Mr. DeJager also stated Welkom Drive is not available for ingress / egress for the campground vehicles.

Mr. Olivier rebuttal was confirmation of the ingress / egress from SD Hwy 52, the storage will only be accessed from the campground property and the structures are not campers they are regulated as a campground with all the applicable rules the same as a campground.

Mr. Welch ended public comment and Mr. Becker confirmed the ingress / egress plan for the campground is SD Hwy 52 and for the multi-family housing is Welkom Drive. Mr. Koenigs requested a clarification of manufactured homes definition. The zoning administrator stated the definition and it is clear the proposal is not a manufactured home park as all manufactured homes have a federal register (HUD) requirement. The “tiny home” concept is not in the definitions. The zoning ordinance does provide a classification of 1109 – Classification of Unlisted Use. This section does provide guidance to allow activities not specifically listed but are similar in use to specifically listed uses in the zoning ordinance.

The Planning Commission determined the proposal is similar to the campground regulation currently in use, the site plan is detailed to provide strict adherence to ingress / egress requirements, landscape, lighting, septic system, fresh water, traffic flow and published campground guidelines and rules.

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; or

The commission recommends granting approval of the conditional use permit with listed conditions.

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

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (SD Hwy 52).

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December 11, 2018

- B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are currently compliant, the proposal has provided detailed site plan, completed preliminary plan and campground covenants / regulations.
- C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas are in compliance.
- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security, septic systems are DENR approved.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering is provided with townhouse alignment and landscaping.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations for proposed activity.
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest. The applicant has provided sufficient regulations to control excessive activity, noise and traffic.

Action 121118H: Moved by Becker, second by Gudahl to recommend to approve a Conditional Use Permit based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a campground in a 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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.

By roll call vote, all members voted aye.

Motion carried.

Yankton County Planning Commission

Meeting date: December 11, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Yankton County Planning Commission  
December 11, 2018

Applicant: Curtis Olivier

Parcel Number: 09.018.100.100

Legal description: 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

Physical Address: TBA SD Hwy 52, Yankton, 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 proposal is to provide personal storage for a campground development. The structure will be in harmony with the proposed campground. The structure will be temporary construction facility for the campground units until the available lots at a capacity.*
  - 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 campground storage facility. This proposal is in harmony with the proposed development.*
  - 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 granting of a variance will not be of substantial detriment to adjacent property nor the character of the district. The variance is part of the overall plan for the property.*
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed 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. The proposal is frequent to warrant an amendment to the ordinance.*
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 with a development proposal.*
  - 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 maximum structure size requirement have been granted in Yankton County.*

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- 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 (maximum structure size 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-quarter mile radius of the proposed variance on November 28, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 5, 2018.*
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. *A public meeting was held at 7:25 pm on December 11, 2018 in the Yankton County Government Center County Commission chambers. The November 13, 2018 Planning Commission meeting presented the following information. Mr. Olivier stated his request is to build a ten (10) unit multifamily townhouses along Welkom Drive. The site plan shows the proposed project and a storage building for the residents. The multifamily structures will meet the quality expectation of the neighborhood and not be a negative impact on current or future property owners. The septic systems are in cooperation with South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The variance request for the accessory structure size requirement is to provide a planned storage facility for the residences in the townhouses. No commercial storage is proposed. Mr. Olivier discussed the proposed campground and stated the concept will be "park models" which will be purchased by individuals and the space will be leased in the campground. The proposal is for Phase #1 to have 32 units and Phase #2 to have 38 units. The septic system plan is approved by South Dakota Department of Environment and Natural Resources (DENR) and meet all requirements. The project will provide upscale infrastructure and landscaping. The "park models" will be \$70,000.00 to \$90,000.00 price range. The facility will have proper security and Home Owner Association (HOA) regulations. The larger accessory structure variance is for the construction of the "park models" and then provide storage for the campground. Mr. Welch requested any proponents of the Conditional Use Permit and variance to present their statements. Ken Hoffman, neighbor resident, stated his approval of the townhouse proposal and the buffer it provides for the residential neighborhood to west of the proposal site. He suggested some photos or graphic illustrations to show end results. Sally Vinson, county resident, stated the townhouse buffer as a strong benefit of this proposal. She suggested a developer covenant on the campground to restrict rentals, activity and property uses. This will be beneficial to the campground but also the entire neighborhood and future development plans. Mr. Welch requested any opponents of the Conditional Use Permit and variance to present their statements. Chris Dickes, neighbor resident, stated his opposition to the proposal*

because it will cause detriment to adjacent properties values and attract more activity to the area. Karen Dickes, neighbor resident, stated her opposition to the proposal as it will increase traffic and maybe attract excessive people similar to Lake Okoboji in Iowa. Gerald Kleinschmidt, neighbor resident, stated his opposition to the campground proposal as it will not be appropriate for the district. Keith DeJager, neighbor resident, stated the houses in the area are expensive (\$400,000.00) and deserve protection from excessive traffic, noise and other impacts. He feels the area property values will be reduced if this proposal is approved.

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

December 11, 2018 meeting, the Conditional Use Permit request for the campground, Curtis Olivier presented a detailed Rules and Operations manual for the campground. Mr. Olivier stated the property ownership for the campground will be a single owner (lots will be rented). The subdivision preliminary plat Lots 16 and Lot 17 will not be subdivided without a public hearing. Mr. Olivier presented a detailed septic system, electrical plan and fresh water plan. The subdivision plan shows a detailed surface drainage plan and ingress / egress plan. The proposed storage building will only be accessed from the campground property. Mr. Olivier presented photographs showing the traffic flow, landscape plans and structure placement. Mr. Olivier will obtain a South Dakota state campground permit and is meeting all the Yankton County requirements.

Chairperson Welch requested public comment from proponents of the proposal. Doug Walsh, area resident, stated his approval of the project. He stated Mr. Olivier will build a quality development and it will be an asset to the community.

Chairperson Welch requested public comment from opponents of the proposal. Nick Moser, attorney representing neighbors, discussed the Article 18 requirements for proper ingress / egress. The only entrance / exit will be the current SD Hwy 52 access driveway. Mr. Moser also discussed the definitions of a campground and the Olivier proposal does not fit the definition as stated. The project is a “tiny house” or “manufactured house” park or facility. The campground Conditional Use Permit is not a proper approach for this application.

Christopher Dickes, neighbor, stated the proposal is more complete than the previous month presentation. Mr. Dikes stated the rules / regulations are applicable to the property owners not the campground tenants. The Planning Commission recommends compliance from the property owner.

Gary Kleinschmidt, neighbor, stated the rules / regulations must be enforced to maintain the standards of the surrounding property owners. Mr. Kleinschmidt stated the rules are “almost too good to be true” and expects them to be enforced by the property owners and incorporated into the CUP findings of fact.

Keith DeJager, neighbor, stated his opposition to the project and felt they are more like modular homes than a campground. His preference would be a storage facility is a commercial operation must occur on this property. Mr. DeJager also stated Welkom Drive is not available for ingress / egress for the campground vehicles.

Mr. Olivier rebuttal was confirmation of the ingress / egress from SD Hwy 52, the storage will only be accessed from the campground property and the structures are not campers they are regulated as a campground with all the applicable rules the same as a campground.

Mr. Welch ended public comment and Mr. Becker confirmed the ingress / egress plan for the campground is SD Hwy 52 and for the multi-family housing is Welkom Drive. Mr. Koenigs

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requested a clarification of manufactured homes definition. The zoning administrator stated the definition and it is clear the proposal is not a manufactured home park as all manufactured homes have a federal register (HUD) requirement. The “tiny home” concept is not in the definitions. The zoning ordinance does provide a classification of 1109 – Classification of Unlisted Use. This section does provide guidance to allow activities not specifically listed but are similar in use to specifically listed uses in the zoning ordinance.

The Planning Commission determined the proposal is similar to the campground regulation currently in use, the site plan is detailed to provide strict adherence to ingress / egress requirements, landscape, lighting, septic system, fresh water, traffic flow and published campground guidelines and rules.

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 recommends approval of 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 Maximum Structure Size Requirement is recommended for approval.

Action 121118I: Moved by Guthmiller, second by Bodenstedt to recommend approval a variance based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, variance of Maximum Building Size Requirement, to provide park model construction facility and campground storage facility from 1,200 sq. ft. to 11,500 sq. ft., in a Lakeside Commercial District (LC). 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 at as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD. By roll call vote, all members voted aye.

Motion carried.

This was the time and place for discussion regarding application from Cameron Colony. Applicant is requesting a Conditional Use Permit to build/operate a Class F 2800 head (280 AU Animal Units) pork (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 referred to as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 44542 292<sup>nd</sup> Street, Irene, SD.

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Ted Waldner, Cameron Colony, stated the application is complete and meets the zoning requirements for a Class F nursery barn. The ingress / egress is 292<sup>nd</sup> Street. The barn will be a top ventilated system with biosecurity features. The site plan and building plans are detailed and meet the zoning requirements.

Chairperson Mike Welch requested any proponents for the proposal. Craig Johnson stated he has worked for the Cameron Colony in the past and notes they have excellent management and best agriculture practices.

Opponents for the application was Steve Brockmueller, neighbor landowner, stated his concern for the township roads in the proposed site. The preferred route will be 292<sup>nd</sup> Street to 446<sup>th</sup> Avenue to 291<sup>st</sup> Street.

The Planning Commission discussed the application and determined the requirements are met. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

Yankton County Planning Commission

Meeting date: November 13, 2018

CONDITIONAL USE  
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Cameron Colony

Parcel Number: 08.001.300.010

Legal description: SW1/4, S1-T96N-R55W

Physical Address: 44542 292<sup>nd</sup> Street, Irene, 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 is requesting a Conditional Use Permit (Article 5, Section 507) to build/operate a Class F 2800 head (280 AU Animal Units) pork (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 referred to as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 44542 292<sup>nd</sup> Street, Irene, SD.
2. Notice of public hearing was 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 CUP on November 29, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on December 3, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:40 pm on December 11, 2018 in the Yankton County Government

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Center County Commission chambers. Ted Waldner, Cameron Colony, stated the application is complete and meets the zoning requirements for a Class F nursery barn. The ingress / egress is 292<sup>nd</sup> Street. The barn will be a top ventilated system with biosecurity features. The site plan and building plans are detailed and meet the zoning requirements.

Chairperson Mike Welch requested any proponents for the proposal. Craig Johnson stated he has worked for the Cameron Colony in the past and notes they have excellent management and best agriculture practices.

Opponents for the application was Steve Brockmueller, neighbor landowner, stated his concern for the township roads in the proposed site. The preferred route will be 292<sup>nd</sup> Street to 446<sup>th</sup> Avenue to 291<sup>st</sup> Street.

The Planning Commission discussed the application and determined the requirements are met.

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; or  
The commission recommends to approve granting of the conditional use permit with conditions.
  - 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 satisfactory provision and arrangement has been made concerning the following, where applicable:
  - A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (292 Street) and site plan turn around for emergency vehicles (Exhibit #3, #3A).
  - B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are designated in the detailed site plan with sufficient area for deliveries, parking and production barn facilities such as animal disposal areas is in compliance required by Article 5. (Exhibit #3,, #3A)
  - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas, including specific requirements such as equipment storage areas, animal disposal areas, nutrient handling areas and personnel requirements will be in compliance with Article 5 as shown in applicant site plan. (Exhibit #3, #3A)

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- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering will not be at required at this site location other than stated mortality area and western shelterbelt.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations. (Exhibit #3, #3A).
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest. The intent of the Agriculture District is to preserve land best suited to agriculture uses.

Action 121118J: Moved by Kettering, second by Williams to recommend approval of a Conditional Use Permit based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build/operate a Class F 2800 head (280 AU Animal Units) pork (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 referred to as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 44542 292<sup>nd</sup> Street, Irene, SD.

By roll call vote, all members voted aye.

Motion carried.

This was the time and place for discussion regarding application from Jeff Koster. Applicant is requesting a 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 at as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA Oak Street, Yankton, SD.

Jeff Koster discussed development plans for property along SD Hwy 50 between East Side Drive and Oak Street on the north side of the highway. The parcel is +/- eight (8) acres with a preliminary plat to place seven lots on the property for commercial use. Mr. Koster provided a detailed development plan with proposed lots, setbacks, landscaping, ingress / egress, drainage septic systems and utilities. The lots vary in size from .51 acre to 3.89 acres. The minimum size for septic systems in South Dakota is .50 acre. Six of the proposed lots are arranged to provide uniform yard requirements in the development. Mr. Koster stated no intention s at current time to provide fireworks in the development. Mr. Koster will be required to apply for a Conditional Use Permit if fireworks are to in this development.

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The Planning Commission discussed this application and stated the preliminary plat, site plan and sketches of the proposed structures is beneficial to permitting the variances. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

Yankton County Planning Commission

Meeting date: December 11, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Jeff Koster

Parcel Number: 15.008.200.100

Legal description: Block 4, exc Lots 31, 32 & 33, Sunrise Addition, S10-T93N-R55W

Physical Address: TBA Oak Street, Yankton, 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 parcels are created to subdivide the commercial property for multiple lots in a cohesive plan.*
  - 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 in a Commercial District (C) requiring smaller lots than the industrial lots required in the zoning ordinance.*
  - 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 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 purposed 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:

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- 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 in Commercial Districts (C).
- 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 November 28, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on December 3, 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 8:00 pm on December 11, 2018. Jeff Koster discussed development plans for property along SD Hwy 50 between East Side Drive and Oak Street on the north side of the highway. The parcel is +/- eight (8) acres with a preliminary plat to place seven lots on the property for commercial use. Mr. Koster provided a detailed development plan with proposed lots, setbacks, landscaping, ingress / egress, drainage septic systems and utilities. The lots vary in size from .51 acre to 3.89 acres. The minimum size for septic systems in South Dakota is .50 acre. Six of the proposed lots are arranged to provide uniform yard requirements in the development. Mr. Koster stated no intention s at current time to provide fireworks in the development. Mr. Koster will be required to apply for a Conditional Use Permit if fireworks are to in this development. The Planning Commission discussed this application and stated the preliminary plat, site plan and sketches of the proposed structures is beneficial to permitting the variances. 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

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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 Lots Requirement is approved.

Action 121118K: Moved by Becker, second by Guthmiller to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated December 11, 2018, 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 at as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA Oak Street, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion with Jeff Koster. Applicant is requesting a variance of Minimum Yard Requirement, on three lots, front yard from one hundred (100) feet to sixty five (65) feet and a variance of Minimum Yard Requirement, on five lots, front yard from one hundred (100) feet to twenty five (25) feet 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 at as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA Oak Street, Yankton, SD.

Jeff Koster stated he will set the structures along SD Hwy 50 the same setback the existing structures (Humane Society and James Steel) are currently at sixty-five (65) feet from the lot line. Mr. Koster also will place the proposed structures along Oak Street at twenty-five (25) feet from the lot line. The yard proposals will provided sufficient ingress / egress and green space for proper landscaping and lighting.

Mr. Welch requested public comment and a resident from the Sunrise development stated his concern about heavy commercial activity and lighting plans. All lights will be downcast type and traffic will be light consumer activity.

The Planning Commission discussed the application and questioned the yard requirement request for the lots along Oak Street. The request is twenty-five (25) feet and the lots appear to have sufficient room to increase the requirement. Mr. Koster stated this is reasonable and agreed to increase the requirement to fifty (50) feet.

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

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Meeting date: December 11, 2018

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Jeff Koster

Parcel Number: 15.008.200.100

Legal description: Block 4, exc Lots 31, 32 & 33, Sunrise Addition, S10-T93N-R55W

Physical Address: TBA Oak Street, Yankton, 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 parcels are created to subdivide the commercial property for multiple lots in a cohesive plan.
  - 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 in a Commercial District (C) requiring smaller yards than the industrial yards required in the zoning ordinance.
  - 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 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 purposed 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.

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- 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 yard 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 yard 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 November 28, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on December 3, 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 8:15 pm on December 11, 2018. Jeff Koster stated he will set the structures along SD Hwy 50 the same setback the existing structures (Humane Society and James Steel) are currently at sixty-five (65) feet from the lot line. Mr. Koster also will place the proposed structures along Oak Street at twenty-five (25) feet from the lot line. The yard proposals will provided sufficient ingress / egress and green space for proper landscaping and lighting. Mr. Welch requested public comment and a resident from the Sunrise development stated his concern about heavy commercial activity and lighting plans. All lights will be downcast type and traffic will be light consumer activity. The Planning Commission discussed the application and questioned the yard requirement request for the lots along Oak Street. The request is twenty-five (25) feet and the lots appear to have sufficient room to increase the requirement. Mr. Koster stated this is reasonable and agreed to increase the requirement to fifty (50) feet. 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.

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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 Yard Requirement is approved.

Action 121118L: Moved by Bodenstedt, second by Becker to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated December 11, 2018, of Minimum Yard Requirement, on three lots, front yard from one hundred (100) feet to sixty five (65) feet and a variance of Minimum Yard Requirement, on five lots, front yard from one hundred (100) feet to fifty (50) feet 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 at as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA Oak Street, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried

This was the time and place for discussion with Yankton Energy. Applicant is requesting a Conditional Use 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 Park, S/D & exc Lot R-31, S21-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 30668 436<sup>th</sup> Avenue, Utica, SD.

Matt Winsand, representing Yankton Energy, stated the agriculture park at NAPA Junction is currently operating with a grain distribution facility, access railroad track and beginning pellet plant construction. The Conditional Use Permit is for manufacturing with over ten (10) employees. The site plan is detailed and provides visual concept of the proposed facility. (Exhibit #3, #3A, #3B, #3C, #3D). The natural gas pipeline from Interstate 29 will be a private endeavor with a collaborative effort to provide natural gas for the ethanol plant and with additional hookups if demand is present. The water will be a three way partnership with existing utilities and possible startups. The ingress / egress will provide sufficient capacity to handle the additional traffic. The current plan is a 120 / 180 million gallon plant with fifty (50) to seventy five (75) employees. The gross valuation is estimated to be a \$200,000,000.00 project.

The environmental challenges are minimal as many are located near communities and populated areas. The rail car storage area will be restricted to ethanol, grain or dried distiller's grain products. The tax base will increase and be a contributor to the Tax Increment District I

Chairperson Welch requested public comment with proponents. Nancy Wenande, representing YAPG, stated this is a good project for the Yankton area. The NAPA Junction property is in an "opportunity zone" and offers strong incentives for investments. The natural gas proposal is very promising to link communities and residential areas to natural gas utilities.

Craig Johnson stated progress is good and growth helps lower taxes for the county.

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Chairperson Welch request for opponent's public comment. Leonard Cap stated he is not in favor of the large processing plant in his back yard. Mr. Cap states his wife is in poor health and the proposed facility will cause more problems for the family. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

Yankton County Planning Commission

Meeting date: November 13, 2018

CONDITIONAL USE  
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Yankton Energy

Parcel Number: 02.007.200.200

Legal description: Lot 1, exc Lot 2 – 5, Lot 1, Dakota Rail Park, S/D & exc Lot R-31,  
S21-T94N-R56W

Physical Address: 30668 436<sup>th</sup> Avenue, 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 is requesting a Conditional Use 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 Park, S/D & exc Lot R-31, S21-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 30668 436<sup>th</sup> Avenue, Utica, SD.
2. Notice of public hearing was 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 CUP on November 29, 2018 (supported by affidavit), a legal notice was published on December 1, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on December 3, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 8:30 pm on December 11, 2018 in the Yankton County Government Center County Commission chambers. Matt Winsand, representing Yankton Energy, stated the agriculture park at NAPA Junction is currently operating with a grain distribution facility, access railroad track and beginning pellet plant construction. The Conditional Use Permit is for manufacturing with over ten (10) employees. The site plan is detailed and provides visual concept of the proposed facility. (Exhibit #3, #3A, #3B, #3C, #3D). The natural gas pipeline from Interstate 29 will be a private endeavor with a collaborative effort to provide natural gas for the ethanol plant and with additional hookups if demand is present. The water will be

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a three way partnership with existing utilities and possible startups. The ingress / egress will provide sufficient capacity to handle the additional traffic. The current plan is a 120 / 180 million gallon plant with fifty (50) to seventy five (75) employees. The gross valuation is estimated to be a \$200,000,000.00 project.

The environmental challenges are minimal as many are located near communities and populated areas. The rail car storage area will be restricted to ethanol, grain or dried distiller's grain products. The tax base will increase and be a contributor to the Tax Increment District I.

Chairperson Welch requested public comment with proponents. Nancy Wenande, representing YAPG, stated this is a good project for the Yankton area. The NAPA Junction property is in an "opportunity zone" and offers strong incentives for investments. The natural gas proposal is very promising to link communities and residential areas to natural gas utilities.

Craig Johnson stated progress is good and growth helps lower taxes for the county.

Chairperson Welch request for opponent's public comment. Leonard Cap stated he is not in favor of the large processing plant in his back yard. Mr. Cap states his wife is in poor health and the proposed facility will cause more problems for the family.

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; or  
The commission recommends to approve granting of the conditional use permit with conditions.
  - 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 satisfactory provision and arrangement has been made concerning the following, where applicable:
  - A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (436<sup>th</sup> Avenue / Deer Boulevard) and site plan turn around for emergency vehicles (Exhibit #3, #3A, #3B, #3C, #3D).
  - B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are designated in the detailed site plan with sufficient area for deliveries, parking and production facilities such rail storage areas is in compliance required by Article 5. (Exhibit #3, #3A, #3B, #3C, #3D)
  - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas, including specific requirements such as equipment storage

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areas, rail storage areas and personnel requirements will be in compliance with Article 5 as shown in applicant site plan. (Exhibit #3, #3A, #3B, #3C, #3D)

- D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security. The natural gas pipeline, water pipeline electrical utilities are all in progress or currently available.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are not required at this site location as it is large agriculture commercial zone.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations (Exhibit #3, #3A, #3B, #3C, #3D).
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest. The intent of the Commercial District (C) is for manufacturing uses.

Action 121118M: Moved by Kettering, second by Gudahl to recommend approval of a Conditional Use Permit based on Finding of Facts dated December 11, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, 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 Park, S/D & exc Lot R-31, S21-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 30668 436<sup>th</sup> Avenue, Utica, SD.

By roll call vote, all members voted aye.

Motion carried.

The next item on the agenda is an update regarding Juliann Reiland / Phil Tau - Reiland River Rat Cabin, LLC. To date Mr. Tau or Ms. Reiland has not attempted to make arrangements to resolve the violation of the zoning ordinance. The zoning administrator, Pat Garrity, read correspondence from Mr. Tau but no resolution was extended or proposed.

The next agenda item is Accessory Structures in Yankton County. The Zoning Administrator, Pat Garrity, stated the time being 11:00 pm, the discussion will continue at the January 15, 2018 meeting.

Public comment period.

No comment.

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Action 121118N: Moved by Gudahl, seconded by Becker 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, January 15, 2019.**

Respectfully submitted:  
Patrick Garrity AICP  
Zoning Administrator