Yankton County Planning Commission
January 10, 2017

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Carll Kretsinger at 6:00 p.m. on January 10, 2017.

Members present at call to order: Klimisch, Guthmiller, Becker (6:55 pm), Welch (6:50 pm), Bodenstedt, Gudahl, Kettering, Pietila (6:05 pm), Kretsinger, and Schultz.
Members absent: Kotalik, Williams and Sylliaasen.

Action 11017A: Moved by Bodenstedt, second by Schultz to approve the November 28, 2016 (with corrections) and December 13, 2016 Planning Commission minutes as written.
By voice vote, all members present voted aye.
Motion carried.

Brian McGinnis facilitated a Comprehensive Plan discussion on Chapter VI - Education. The Planning Commission discussed the planning challenges and policy recommendations regarding education in Yankton County.
The change at present time was policy statement #1. ~~Establish better~~ *Continue* lines of communication with school boards and administrators.
The discussion on Chapter VII – Economy planning challenges and policy recommendation resulted in several changes to the Economy chapter. An addition was proposed to the challenges, *Facilitate tourism and recreational activities*.

The policy revisions resulted in voice votes:

Action 11017B: Motion by Chairperson Kretsinger to accept as written:
#4) Preserve individual property rights while promoting economic opportunities of existing and future crop and livestock operations.
Voice vote, six (6) members present aye, two members present nay.
Motion carried

Action 11017C: Motion by Chairperson Kretsinger to accept as written:
#7) Target available county resources to projects that have the greatest potential for job creation and/or private investments.
#8) Involve the public early in the process of evaluating economic development project impacts.
#9) Establish regulations or ordinances that promote the separation of economic activities from conflicting land uses.
Voice vote, all members present aye.
Motion carried
Brian McGinnis is recording the proposed recommendations and will present drafts at each meeting.

Plat considerations:

Darrel Schenkel
Lot 9 and Lot 10, Nedved's Addition, NW1/4, S17-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43535 305th Street, Utica, SD.

Action 11017D: Moved by Pietila, second by Bodenstedt to recommend approval of the plat. Said property is legally described as: Lot 9 and Lot 10, Nedved's Addition, NW1/4, S17-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43535 305th Street, Utica, SD.
By roll call vote, all members present voted aye.
Motion carried.

This was the time and place for discussion with Clarence & Marion Koletzky Trust. Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to sixteen +/- (16.99) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SW1/4, exc BY 1st, 2nd & 3rd Addition and E1/2, SW1/4, exc 3.5 A., S7-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBD 428th Avenue, Tabor, SD.

Plat consideration:
Tract 3, Koletzky's 2nd Addition, S7-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBD 428th Avenue, Tabor, SD.

The Koletsky Trust representative Sheila Woodward, request a new plat in an Agriculture District (AG) to separate production farming property from production pasture / range property. The property will continue to agriculture use with no current plans to create subdivision lots. The property has sufficient access from 428th Avenue.
The Planning Commission discussed the application and determined the request meets all property requirements for a variance.
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

Yankton County Planning Commission

Meeting date: January 10, 2017

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Clarence & Marion Koletzky Trust

Parcel Number: 13.007.300.500 & 13.007.300.150

Legal description: W1/2, SW1/4, exc BY 1st, 2nd & 3rd Addition and E1/2, SW1/4, exc 3.5 A., S7-T93N-R57W

Physical Address: TBD 428th Avenue, Tabor, 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 agriculture property is separated from the pasture / range property to allow transfer of property ownership.*
   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 agriculture property ownership changes.*
   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 when property is separated to provide mortgage financing.*
   B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; *Previous variances of minimum lot requirement have been granted in Yankton County.*
   C. The special conditions and circumstances do not result from the actions of the applicant; *The special conditions and circumstances are not a result of the applicant.*
   D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. *Variance requests of this type (minimum lot requirement) have been recommended previously by the Planning Commission.*
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. *No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.*

5. Notice of public hearing shall be given, as in Section 1803 (3-5). *The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on December 29, 2017 (supported by affidavit), a legal notice was published on December 31, 2016 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on January 3, 2016.*
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 7:35 pm on January 10, 2017. The Koletsky Trust representative Sheila Woodward, request a new plat in an Agriculture District (AG) to separate production farming property from production pasture / range property. The property will continue to agriculture use with no current plans to create subdivision lots. The property has sufficient access from 428th Avenue.*
   The Planning Commission discussed the application and determined the request meets all property requirements for a variance.
   No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
   The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. *The Planning Commission approves this request.*
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. *The variance request of Minimum Lot Requirement is approved.*

Action 11017E: Moved by Schultz, second by Bodenstedt to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated January 10, 2017, of Minimum Lot Requirement from twenty (20) acres to sixteen +/- (16.99) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SW1/4, exc BY 1st, 2nd & 3rd Addition and E1/2, SW1/4, exc 3.5 A., S7-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBD 428th Avenue, Tabor, SD.
By roll call vote, all members present voted aye.
Motion carried.

Action 11017F: Moved by Schultz, second by Klimisch to recommend approval of a plat. Said property is legally described as: Tract 3, Koletzky's 2nd Addition, S7-T93N-R57W, hereinafter

referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBD 428th Avenue, Tabor, SD.
By roll call vote, all members present voted aye.
Motion carried.

This was the time and place for discussion with Edward Johnson Revocable Trust. Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.76) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, NW1/4, exc S 11' and NE1/4, NW1/4 and W1/2, NW1/4, NE1/4 & W1/2, SW1/4, NE1/4, exc S 11', S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 30750 444th Avenue, Mission Hill, SD.

Plat consideration:
Lot B, Johnson's Subdivision, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 30750 444th Avenue, Mission Hill, SD.

Mrs. Irene Lyle, representing the Johnson Trust, stated the plat is to separate the production property from the farmstead property. The plat includes all the buildings and shelterbelts surrounding the farmstead. The property is an Agriculture District (AG) and the request is to allow for mortgage financing. The plat has proper ingress / egress.
The Planning Commission discussed the application and determined the plats meets all farmstead plat requirements.
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

Yankton County Planning Commission

Meeting date: January 10, 2017

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Edward Johnson Revocable Trust

Parcel Number: 06.026.100.300 & 06.026.300.200 & 06.026.400.100 & 06.026.400.200

Legal description: SE1/4, NW1/4, exc S 11' and NE1/4, NW1/4 and W1/2, NW1/4, NE1/4 & W1/2, SW1/4, NE1/4, exc S 11', S26-T94N-R55W

Physical Address: 30750 444th Avenue, Mission Hill, 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 farmstead property is created to allow mortgage financing.*
   B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; *The hardship can be shared by other properties but is limited to properties requiring mortgage financing.*
   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 when property is separated to provide mortgage financing.*
   B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; *Previous variances of minimum lot requirement have been granted in Yankton County.*
   C. The special conditions and circumstances do not result from the actions of the applicant; *The special conditions and circumstances are not a result of the applicant.*
   D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. *Variance requests of this type (minimum lot requirement) have been recommended previously by the Planning Commission.*
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. *No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.*
5. Notice of public hearing shall be given, as in Section 1803 (3-5). *The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on December 27, 2016 (supported by affidavit), a legal notice was published on*

December 31, 2016 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on January 3, 2017.

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 7:45 pm on January 10, 2017. Mrs. Irene Lyle, representing the Johnson Trust, stated the plat is to separate the production property from the farmstead property. The plat includes all the buildings and shelterbelts surrounding the farmstead. The property is an Agriculture District (AG) and the request is to allow for mortgage financing. The plat has proper ingress / egress.*
   The Planning Commission discussed the application and determined the plats meets all farmstead plat requirements.
   No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
   The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. *The Planning Commission approves this request.*
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. *The variance request of Minimum Lot Requirement is approved.*

Action 11017G: Moved by Schultz, second by Pietila to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated January 10, 2017, of Minimum Lot Requirement from twenty (20) acres to five +/- (5.76) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, NW1/4, exc S 11' and NE1/4, NW1/4 and W1/2, NW1/4, NE1/4 & W1/2, SW1/4, NE1/4, exc S 11', S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 30750 444th Avenue, Mission Hill, SD.
By roll call vote, all members present voted aye.
Motion carried.

Action 11017H: Moved by Bodenstedt, second by Klimisch to recommend approval of a plat. Said property is legally described as: Lot B, Johnson's Subdivision, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 30750 444th Avenue, Mission Hill, SD.
By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion with Marquardt Family Trust. Applicant is requesting a Conditional Use Permit to operate a quarry mine in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1, Marquardt 2nd Addition, S33-T94N-R55W and Tract 1, Marquardt 2nd Addition, S34-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 30809 Cedar Bluff Road, Mission Hill, SD.

Dave Husby, representing Marquardt Family Trust, stated the Conditional Use Permit to start gravel mining on property in an Agriculture District (AG) in Yankton County. The gravel quarry is located in Mission Hill North Township, near Cedar Bluff Road. The operation plans to begin operation in the spring of 2017. The hours of operation will be weekdays during daylight hours. The haul route will be Cedar Bluff Road to 309th Street (old Hwy 50). The Cedar Bluff Road will receive dust control as needed by the quarry operation. The project does not have the ability to determine longevity of the quarry as the quarry has an extensive history of previous mining.
Mr. Dave Domina, representing Karl Schenk, stated concern regarding 308th Street truck traffic, dust suppression details, Cedar Bluff Road safety standards, functional capacity of the road and any future maintenance expenses and 309th Street (old Hwy 50) bridge capacity and inspection schedule.
Jay Cutts, area resident, stated the quarry can get very busy and has counted 40 to 45 trucks / hour on the Cedar Bluff Road, would like to extend the haul route from Cedar Bluff Road to old Hwy 50 to Eastside Drive to SD Hwy 50. Trucks will take 309th Street to 448th Avenue to SD Hwy 50, resulting on heavy traffic on six (6) miles on county roads.
Jerry Fleege, area resident, stated Cedar Bluff Road does not have capacity to support quarry traffic, the stop sign at the Cedar Bluff Road and 309th Street is improperly place and wants clarification of road maintenance responsibility.
The Planning Commission discussed the application and determined more information and discussion is necessary.
Dan Klimisch recommended a continuance to provide answers for the following requests:

1. Years of Operation
2. Work Hours
3. Loads / unit
4. Haul routes
5. Road quality proposal
6. Conversation with Mission Hill Township and Yankton County Highway Superintendent regarding safety standards and speed limits

Action 11017H: Moved by Klimisch, second by Welch to a continuance of the Conditional Use Permit to February 14, 2017. The applicant will provide answers to the following requests:

1. Years of Operation
2. Work Hours
3. Loads / unit
4. Haul routes
5. Road quality proposal

6. Meet with Mission Hill Township and Yankton County Highway Superintendent regarding safety standards and speed limits

By roll call vote, all members present voted aye.
Motion carried.

Action 11017I: Moved by Gudahl, seconded by Welch 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 6:00 P.M., Tuesday, February 14, 2016.

Respectfully submitted:
Patrick Garrity AICP
Zoning Administrator