

IV. Legal Issues

The following issues are respectfully submitted for the Court's review:

- 1) Whether the circuit court had subject matter jurisdiction to conduct the appeal.
 - The circuit court determined it had subject matter jurisdiction.
- 2) Whether the Yankton County Commission relied upon accurate information regarding historical use in denying an appeal from the issuance of the subject building permit.
 - The circuit court concluded the information relied upon was inaccurate.
- 3) Whether the issue of the feedlot and salebarn's maximum cattle capacity was properly before the circuit court on an appeal from the issuance of a building permit for repairs to animal waste facilities.
 - The circuit court determined the issue was ripe for review and ordered the matter remanded to the Yankton County Commission with directions to the commission to assign a maximum cattle capacity to the building permit.
- 4) Whether the circuit court applied the correct standard of review.
 - The circuit court expanded the standard of review beyond examining whether the County Commission's decision was arbitrary or capricious.