October 28, 2026

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cheri Loest	☐ Sam Hummel
☐ Tim O'Hara	☐ Nick Huber
☐ Don Kettering	☐ Kelly Kneifl

7:00 P.M.
Call Meeting to Order
Roll Call
Approve Minutes from previous meetings
Items to be added to Agenda
Approval of Agenda
Conflict of Interest Declarations

7:05 P.M.
Clarification of Utility Notifications

7:10 P.M.
Discussion on definitions – Service Establishment and Utility Facilities

7:15 P.M.
Public Comment

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 10/13/2026 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling
ROLL CALL: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒O'HARA ☒KNEIFL
APPROVAL OF MINUTES: MOTION BY: Huber SECOND BY: Loest
PLANNING: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL

APPROVAL OF AGENDA: MOTION BY: Loest SECOND BY: Kettering
PLANNING: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL
As amended adding definition discussion

AGENDA ITEM: **Riibe Rezone**
ADDRESS/LEGAL: Applicant is requesting to rezone a Lot that is dual zoned Low Density Rural Residential District (R1) and Rural Transitional District (RT) to High Density Rural Residential District (R3) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Lot 6 Conway's Addition, in Section Fourteen (14), Township Ninety-three (93) North, Range Fifty-five (55) West of the 5th PM, Yankton County, South Dakota
COMMENTS: **None**

MOTION: **Approve as presented**
Passed 6-0

APPROVAL: MOTION BY: O'Hara SECOND BY: Kneifl
PLANNING: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL

AGENDA ITEM: **Jamesville Hutterian Brethren Plat**
ADDRESS/LEGAL: Plat of Tract 1, Jamesville Addition, in the NW1/4 of the NW1/4 of Section 9, T96N, R56W of the 5th P.M., Yankton County, South Dakota
COMMENTS: None

MOTION: **Approve as presented**
Passed 6-0

APPROVAL: MOTION BY: Loest SECOND BY: O'Hara
PLANNING: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL

AGENDA ITEM: **Jerke Plat**

ADDRESS/LEGAL: Plat of Tract A of Jerke's Addition, in the NW1/4 and in the SW1/4 of Section 11, T93N, R57W of the 5th P.M., Yankton County, South Dakota

COMMENTS: none

MOTION: **Approve as presented**
Passed 5-0
Huber Abstained

APPROVAL: MOTION BY: O'Hara SECOND BY: Kneifl

PLANNING: ☐ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL

AGENDA ITEM: **Public Hearing on Data Center Ordinance 26-ZN-05**

ADDRESS/LEGAL:

COMMENTS: Kristy Schultz
Nancy Wenande
Rocky Schultz

MOTION: **Recommend that Article 30 is sent to the County Commission**
Passed 6-0

APPROVAL: MOTION BY: Kneifl SECOND BY: Loest

PLANNING: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL

AGENDA ITEM: **Discussion of definitions – Service Establishments and Utility Facilities**

ADDRESS/LEGAL:

COMMENTS: None

MOTION: **No action taken**

APPROVAL: MOTION BY: SECOND BY:

PLANNING: ☐ HUBER ☐ LOEST ☐KETTERING ☐ HUMMEL ☐ O'HARA ☐ KNEIFL

AGENDA ITEM: **Public Comment**

ADDRESS/LEGAL:

COMMENTS: None

MOTION: **Adjourn**
Passed 6-0

APPROVAL: MOTION BY: Kneifl SECOND BY: Loest
PLANNING: ☒ HUBER ☒ LOEST ☒KETTERING ☒ HUMMEL ☒ O'HARA ☒ KNEIFL

AGENDA ITEM:
ADDRESS/LEGAL:
COMMENTS:

MOTION:

APPROVAL: MOTION BY: SECOND BY:
PLANNING: ☐ HUBER ☐LOEST ☐KETTERING ☐ HUMMEL ☐ O'HARA ☐ KNEIFL

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ADDRESS/LEGAL:
COMMENTS:

MOTION:

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PLANNING: ☐ HUBER ☐ LOEST ☐KETTERING ☐HUMMEL ☐ O'HARA ☐ KNEIFL

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ARTICLE 30
DATA PROCESSING CENTERS (DC)

Section 3001 Purpose and Intent

The purpose of this chapter is to guide the siting and operation of data centers, no larger than 25 MW, in Yankton County in a manner that balances the benefits they bring with the need to protect public health, safety, and the overall quality of life for residents. All data centers operating in excess of 25 MW are prohibited.

3002 DEFINITIONS.

Data Processing Center. A building, or group of structures primarily used to house and maintain electronic hardware computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, management, processing or distribution of electronic data. Examples of such data include, but are not limited to, computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, battery storage facilities and other associated utility infrastructure to support operations. Common computer servers for business use are not considered data centers.

Section 3003 Permitting.

The installation or construction of a data center, or any modification to a lawfully existing data center beyond routine maintenance, requires a Conditional Use Permit in permitted districts, to only include commercial and agricultural.

Section 3004 Siting Requirements

1. Data Processing centers shall comply with the following requirements.
    a. All generators must:
        1. Diesel generators must meet Tier 4 compliance
        2. Demonstrate compliance with allowable peak sound levels allowed in this Section.
        3. Specify fuel and type of enclosure around generators.
    b. Plans for perimeter or security fencing are required to be submitted with application.
    c. A lighting plan shall be submitted providing details of the light spread and intensity diagrams, fixture specifications and mounting height details. Any lighting used for outdoor illumination on the property shall be full cut off fixtures so that light does not shine upward nor adversely impact adjoining property.
    d. Sidewall height to not exceed 40 feet
    e. In Agricultural districts a screening and buffering plan is required.

2. Agricultural District - Data centers and all the equipment and structures shall be set back at least 1/3 mile (1,760 feet) from all single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institutions or structures, and public parks as measured from the nearest property line except in the instance where a waiver is secured from the affected property owner within the setback.

3. Commercial District - Setbacks consistent with the zoning district and the ability to meet section 3006 Noise.

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4. No part of or share of a Data Center purchase of land, construction, or rental of data processing services be owned, operated, managed or leased to any Foreign Entity, Foreign Government, Foreign Person, or Prohibited Entity as defined in SDCL 43-2A-1(5).

Section 3005 Utility Notifications.

1. No grid-connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement. Written verification from the Electric Utility provider shall state the following:

a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the data center.

b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

c. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

d. How it plans to deliver the power (routing, overhead, substations, etc.)

2. The applicant shall submit a comprehensive water study indicating the source of any water used and demonstrating that water needs will not drain local groundwater or disrupt existing users. If connecting to any existing water systems, the applicant shall provide documentation from the water providers that there is sufficient water capacity for the proposed data center.

Section 3006 Noise.

1. The noise level of the data center shall not exceed 55 dB(A) during daytime (6:00 am to 10:00 pm) and 45 dB(A) nighttime (10:00 pm - 6:00 am) as measured at the nearest property line.

a. All proposed data centers shall submit a pre-construction sound modeling plan from a licensed engineer and noise mitigation plan at the time of the conditional use permit application containing at a minimum the following :

1. A list of all sound sources that contribute to the overall sound emission from the site.
2. Data showing the anticipated noise level at all property boundaries, including maintaining dB (C) to background noise level.
3. On commercially zoned parcels an exception to the noise limit shall be made if test confirms it doesn't exceed adjacent operations.

b. Ninety (90) days after operations commence the applicant shall provide post-construction field tests from a licensed engineer verifying compliance including all emergency power generation while operating at full capacity.

c. The County reserves the right to require independent verification of noise measurements and/or to request additional measurements at different points on the property, at the owner's expense.

Section 3007 Signage.

1. No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed thirty-two (32) square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.

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Section 3008 Structural Requirements

1. The facility shall meet all requirements of the most current edition of the International Building Code (IBC). Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.
2. All structures must be permanently affixed to a foundation or the ground.
3. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers is strictly prohibited for long-term storage exceeding 90 days.

Section 3009 Access.

1. Written approval from the County Emergency Management Director must be provided with application stating that roads are sufficient width to accommodate emergency vehicles.
2. Prior to commencement of construction, the permittees shall identify all state, county, or township "haul roads" that will be used for the data center project and shall notify the governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use. Where practical, existing roadways shall be used for all activities associated with the data center construction. Where practical all-weather roads shall be used to deliver concrete and all other heavy components to and from the data center site.
3. The permittees shall, prior to use of approved haul roads, make satisfactory arrangements with the appropriate governmental body having jurisdiction over approved haul roads for construction of the data center for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and components. The permittees shall notify the County Planning Department of such arrangements.

Section 3010 - Emergency Response Plan

1. The applicant shall submit an emergency response plan prior to any ground disturbance at the project site detailing the planned response actions that will be taken by facility representatives in the event of an emergency. These actions are intended to minimize health risks to personnel and people in the surrounding community, as well as minimize adverse impacts to the environment.
    a. The plan shall include, but is not limited to, a detailed narrative of response procedures and the facility representatives responsible for management of the following plausible contingencies that could occur at the facility: natural disaster/severe weather, fire, security incident, capacity/transmission, environmental, chemical, pipeline (if applicable), and medical. It shall include procedures for a site evacuation, designated egress routes staging areas.
    b. The plan shall include a stand-alone section detailing emergency response protocols specific to battery energy storage areas (if applicable).
    c. The plan shall be developed in coordination with local first responders and Yankton County Emergency Management.
    d. Notwithstanding anything in this section to the contrary, the applicant may redact confidential or proprietary information from any submission hereunder.

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Section 3011 - Waste Stream Management Requirements

All data centers shall submit a Waste Stream Management Plan. The plan shall identify all categories of liquid waste, solid waste including electronic waste and hazardous materials, and other refuse generated by the facility, including packaging, cooling system by-products, and equipment replacement materials. The plan shall include at a minimum:

1. Liquid

   a. A description of the processes that will be used for management of all water, process liquids and wastewater including equipment cooling, humidity maintenance, both process and sanitary wastewater, and stormwater run-on and run-off, in accordance with all local, state, and federal requirements.

   b. A wastewater feasibility study shall be required and approved by the appropriate State agencies if the data center relies upon a private wastewater disposal system. Any untreated wastewater generated is prohibited from being discharged to stormwater systems or surface waters.

2. Solid

   a. Procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned.

   b. Demonstration that for any proposed battery storage or storage of any other device or group of devices capable of storing energy for supply at a later time, whether the energy is stored for use on-site or off-site, compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and include fire suppression systems designed specifically for battery storage.

Section 3012 Decommissioning/Restoration/Abandonment.

It is important to ensure that when the facility closes the community is financially able to decommission the facility and prevent blight. The most important aspect of this plan is a financial security that guarantees funds to cover all costs.

1. Financial Assurance. Applicant is responsible financially for the cost of decommissioning. To ensure the funding is available Applicants shall post a bond with Yankton County, establish an escrow account, provide letter of credit, or provide such other financial security deemed acceptable by the County. One (1) year after commencement of construction, 20% of the estimated decommissioning cost shall be guaranteed by the security instrument approved by the county. Thereafter, Annual 20% increments will be added to the financial instrument until fully funded.

2. Abandonment, decommissioning, and reclamation plan. Decommissioning/reclamation plan shall be required to ensure that all structures and equipment are properly removed after their useful life. Decommissioning of Data Center or its components must occur in the event that they do not properly operate and have no demonstrated plan to restore to operating condition. The decommissioning of the Data Center shall begin within eight (8) months of the expiration of this permit, or earlier termination of operation of the Data Center and be completed within eighteen (18) months of the expiration of this permit or earlier termination of operation of the Data Center. The decommissioning plan shall be written by a third party certified professional engineer and shall include, at a minimum:

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a. Timeline: A detailed timeline for the decommissioning process, including key milestones and estimated completion dates for each phase of the decommissioning activities.

b. Equipment and Material Removal Procedures: Specific procedures for the safe dismantling and removal of all equipment, materials, and structures not deemed useful for future use. This should include methods for handling and transporting equipment to prevent damage, ensure safety, and utilize Road Haul Agreement.

c. Hazardous Materials Management: Detailed methods for identifying, handling, and disposing of hazardous materials in compliance with federal, state, and local regulations. This should include a list of all hazardous materials present on-site and the procedures for their safe removal and disposal.

d. Site Remediation Plan: A comprehensive plan for site remediation, including soil and groundwater testing, identification of any contamination, and proposed cleanup measures. This should also include a timeline for remediation activities and methods for monitoring and verifying the effectiveness of the remediation efforts.

e. Site Restoration Plan: A detailed plan for restoring the site to a condition suitable for future use. This should include the removal of any remaining non-repurposed structures, re-vegetation, landscaping, and any other necessary measures to ensure the site is safe and aesthetically pleasing.

g. Compliance and Reporting: A plan for ensuring compliance with all applicable regulations and the approved decommissioning plan. This should include procedures for regular reporting to the Yankton County Planning and Zoning Department, including progress reports and a final decommissioning report.

h. The applicant or its successor shall update the decommissioning cost every five (5) years following approval of the conditional use permit and updating financial assurance. This update is to be completed by a third-party certified engineer, at the owner's expense.

Section 3013 Submittal Requirements.

The application for the installation or construction of a data center, or for modifications to a lawfully existing data center beyond routine maintenance, shall follow the application procedures for Conditional Use Petitions and any other procedures as may be required by this Ordinance for data centers, such as zoning map amendments, plating, or variances. In addition, applications shall include the following:

1. Applicant name(s) and contact information. The applicant must also identify on the application, if different than the applicant, the recorded owner of the property, the occupant or lessee of the property, and the operator of the data center. Under no circumstances may any of these include a Prohibited Entity as defined in SDCL 43-2A-1(5).
2. A narrative describing the proposed project, including a description of how the project meets market demand, the facility’s processing capacity, and the facility’s anticipated water and electricity needs.
3. A site plan, drawn to scale, showing the location and dimensions of all existing and proposed structures, screening, fencing, lighting, electrical connections, property lines, and roadway access.
4. A map of the project area showing all single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institutions or structures, and public parks located within one mile of the exterior boundaries of the property where the data center will be located.
5. Utility verification and studies from 3005.
6. The pre-construction sound model plan from 3006.
7. Signage plan from 3007.

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8. Written approval for road use approval from 3009.
9. Emergency response plan from 3010.
10. Waste stream management plan as outlined in 3011.
11. Decommissioning plan and financial instrument as outline in 3012.
12. Other relevant studies, reports, certifications, and approvals may be reasonably requested by Yankton County to ensure compliance with Article 30.

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(Retail or Service Establishment) – Describes a *retail or service establishment* as one that sells goods or services to the general public, serving everyday community needs without manufacturing. Examples include grocery stores, restaurants, hotels, barber shops, and repair services, excluding any service listed as a Conditional Use Permit.