

September 22, 2026

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cheri Loest
☐ Tim O'Hara
☐ Don Kettering

☐ Sam Hummel
☐ Nick Huber
☐ Kelly Kneifl

6:00 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

6:05 P.M.

Data Center Ordinance Discussion

6:10 P.M.

Public Comment

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 9/8/2026 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling/Vetter

ROLL ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ O'HARA ☒ KNEIFL

CALL:

APPROVAL OF MINUTES: MOTION BY: Kettering SECOND BY: Huber

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

APPROVAL OF AGENDA: MOTION BY: Kneifl SECOND BY: Loest

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

Approved as amended

AGENDA ITEM: Data Center Ordinance Discussion

ADDRESS/LEGAL: _____

COMMENTS: _____

MOTION: No action taken, continued after applications

APPROVAL: MOTION BY: _____ SECOND BY: _____

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

AGENDA ITEM: Rueb – Conditional Use Permit

ADDRESS/LEGAL: Applicant is requesting a Conditional Use Permit for an addition to an accessory structure since he is over the 2400 square foot maximum in a Moderate Density Residential District per Article 7 Section 707, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as Lot 1, Schwarz 2nd Addition in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) in Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota. E911 address is 2415 Deer Blvd, Yankton.

COMMENTS: None

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

APPROVAL: MOTION BY: Kettering SECOND BY: Kneifl

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

AGENDA ITEM: McDowell - Rezone

ADDRESS/LEGAL: Applicant is requesting to rezone a Lot that is dual zoned Moderate Density Rural Residential District (R2) and Lakeside Commercial District (LC) to Lakeside Commercial District (LC) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Lot 2 Eickoff Addition, in Section Seventeen (17), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota

COMMENTS: None

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

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

AGENDA ITEM: Hacecky Plat 06.015.400.200

ADDRESS/LEGAL: A Replat of Lot A-3 and Lot A-4 in the NW1/4 of Section 15, Parcel T-3, Parcel T-2, Parcel T-1 and a Portion of the NE1/4 in Section 16, All in T94N, R55W of the 5th P.M., Yankton County, South Dakota;

Hereafter to be known as:

Tract 1, Redcloud Addition, in the NW1/4 of Section 15 and the NE1/4 of Section 16, All in T94N, R55W of the 5th P.M., Yankton County, South Dakota

COMMENTS: Nancy Wenande

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

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

AGENDA ITEM: Golden Plat 09.017.400.100

ADDRESS/LEGAL: Plat of Lots 1, 2 and 3, Golden First Addition, in the NE1/4 of the NW1/4 of Section 17, T93N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS: None

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

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

AGENDA ITEM: Jamesville Hutterian Brethren Plat 12.009.400.400
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:

MOTION: **Removed from Agenda**

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

AGENDA ITEM: Data Center Ordinance Discussion continued
ADDRESS/LEGAL: _____
COMMENTS: Nancy Wenande
George Shermerhorn

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 5-0

APPROVAL: MOTION BY: Kettering SECOND BY: Kneifl
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

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: **MOTION BY:** _____ **SECOND BY:** _____
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

AGENDA ITEM: _____
ADDRESS/LEGAL: _____

COMMENTS: _____

MOTION: _____

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

ARTICLE 30 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.

DATA CENTERS

Section 30.01 Purpose and Intent

The purpose of this chapter is to guide the siting and operation of data centers 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.

Section 30.02 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 30.03 Siting Requirements

1. Data Processing centers shall comply with the following requirements.

- a. All generators must:
 1. Tier 4 compliant
 2. Demonstrate compliance with allowable peak sound levels allowed in this Section.
 3. Application must specify type of enclosure around generators.
 4. Natural Gas generators are not permitted.
- b. Plans for perimeter or security fencing are required to be submitted with application.

2. Data centers and all the equipment and structures shall be set back at least one 1/2 mile (2,640 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.

a. Waiver from distance/Variance. When an engineered stamped design shows that the noise levels of the proposed data center will be less than 75 dBA at the data centers nearest property line that is adjacent to single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institutions or structures, and public parks property lines, the engineered stamped design may be submitted to the P&Z Board requesting a waiver from distance/Variance from setback. See Section 30.05 for Noise requirements.

Commercial Zoned - Setbacks consistent with the zoning district, ability to meet section 30.05 Noise.

3. 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 Prohibited Entity including foreign nation or natural persons who is a not United States Citizen as defined in SDCL 43-2A-1(5).

Section 30.04 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.)

Section 30.05 Noise.

1. The noise level of the data center shall not exceed 55 db(A) as measured at the 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 dBC 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. 90 days after operations commence the applicant shall provide post-construction field tests from a licensed engineer verifying compliance including all emergency power generation 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 30.06 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.

Section 30.07 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. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited for long term storage exceeding 90 days.

Section 30.08 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 30.09 Decommissioning/Restoration/Abandonment. - **TABLED TO LEGAL HELP**

1. Decommissioning and Site Restoration Plan.
 - a. Within 120 days of completion of construction, the permittees shall submit to the County decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out these restoration requirements when they go into effect. The permittees shall ensure that it carries out its obligation to provide for the resources necessary to fulfill these requirements. The County may at any time request the permittees to file a report with the County describing how the permittees are fulfilling this obligation.
 - b. Site Restoration. 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 permittees shall have the obligation to dismantle and remove from the site all generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment to a depth of four (4) feet. To the extent possible the permittees shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the County and shall show the locations of all such foundations. All such agreements between the permittees and the affected landowner shall be submitted to the County prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen months After expiration.
 - c. Cost Responsibility. The owner or operator of a Data Center is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities.

d. Financial Assurance. After the tenth (10th) fifth (5th) year of operation of a Data Center facility, the Board may require a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance that is acceptable to the Board to cover the anticipated costs of decommissioning the Data Center facility.

e. Failure to Decommission. If the Data Center facility owner or operator does not complete decommissioning, the Board may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the bond. The entry into a participating landowner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Board may take such action as may be necessary to decommission a Data Center facility.

f. The Board of Adjustment may defer to the State of South Dakota if the State imposes decommissioning requirements.

2. Abandoned Data Centers. The permittees shall advise the County of any Data Centers that are abandoned prior to termination of operation of the Data Center. The County may require the permittees to decommission any abandoned Data Centers.

Section 30.10 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 to 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 study prepared by an acoustical engineer describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, etc.

4. A plan provided by a certified engineer describing the anticipated water runoff and the mitigation efforts to prevent pooling of and/or contamination of the ground.

5. 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.

6. 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-half (1/2) mile of the exterior boundaries of the property where the data center will be located.

7. Other relevant studies, reports, certifications, and approvals may be reasonably requested by Yankton County to ensure compliance with Article 30.10.