

Yankton County Planning Commission
February 13, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on February 13, 2018.

Members present at call to order: Kettering, Kretsinger, Bodenstedt, Sylliaasen, Williams, Guthmiller, and Welch.

Members absent: Klimisch, Gudahl and Becker.

This was the time and place to review and approve the minutes from January 9, 2018.

Action 21318A: Moved by Bodenstedt, second by Kretsinger to approve the January 9, 2018 as written.

By voice vote, seven members present voted aye.

Motion carried.

Plat Considerations:

Bob Law

Lot 4, Block 1, Law Overlook S/D, NE1/4, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

Action 21318B: Moved by Kretsinger, second by Kettering to recommend approval of the plat. Lot 4, Block 1, Law Overlook S/D, NE1/4, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

T. J. Land

Lots 23, 24 & 25, Lewis & Clark Business Center, S645', exc Lot H2, N1/2, NE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 52, Yankton, SD.

Patrick Garrity, Zoning Administrator, stated the property is currently a business, "Fire & Ice". Many of the activities, signs and structures have not been compliant with the zoning ordinance. Mr. Garrity requested support from the Planning Commission to enforce the regulations on this property and business. The Planning Commission stated it is a duty of the zoning administrator to enforce the ordinance.

Action 21318C: Moved by Bodenstedt, second by Kettering to recommend approval of the plat. Lots 23, 24 & 25, Lewis & Clark Business Center, S645', exc Lot H2, N1/2, NE1/4, S16-T93N-R56W, hereinafter referred to 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 present voted aye.

Motion carried.

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This was the time and place for discussion regarding application from Jeremy Anderson. Applicant is requesting a Conditional Use Permit for a Principal Structure before Accessory Structure Requirement in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 11 & 12, Block 3, Zediker's S/D, S5-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA Ridgeview Drive, Tabor, SD.

Mr. Anderson request the Conditional Use Permit to build an accessory structure before the principal structure (SF Dwelling). The accessory structure is 1,170 sq.ft. and meets the yard requirements and structure size requirements. This requires a Conditional Use Permit because the request is performance based depending on the applicant to build the principal structure in a specific time frame.

The Planning Commission discussed the application and determined a deadline for principal structure construction (SF Dwelling) to begin May, 2021. The Zoning Administrator will monitor the property for compliance.

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: Jeremy Anderson

Parcel Number: 13.005.300.810

Legal description: Lot 11 & 12, Block 3, Zediker's S/D, S5-T93N-R57W

Physical Address: TBA Ridgeview Drive, Tabor, 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 requested CUP under Article 7, Section 707 to build an accessory structure before the principal structure (residential) in a Moderate Density Rural Residential District (R-2) in Yankton County
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 variance on February 2, 2018 (supported by affidavit), a legal notice was published on February 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on February 5, 2018.

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3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:10 pm on February 13, 2018 in the Yankton County Government Center County Commission chambers. The Zoning Administrator stated the applicant requests an accessory structure before the principal structure. This is a Conditional Use Permit issue not a variance. Variances pertain to area and size while Conditional Use Permits create controlled conditions that would not be appropriate throughout the district. Mr. Anderson request the Conditional Use Permit to build an accessory structure before the principal structure (SF Dwelling). The accessory structure is 1,170 sq.ft. and meets the yard requirements and structure size requirements. This requires a Conditional Use Permit because the request is performance based depending on the applicant to build the principal structure in a specific time frame. The Planning Commission discussed the application and determined a deadline for principal structure construction (SF Dwelling) to begin May, 2021. The Zoning Administrator will monitor the property for compliance. 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 of the conditional use permit with conditions stated in the following findings
 - 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 (Ridgeview Drive).
 - 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 parking is in compliance required by Article 7.
 - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas are in compliance with Article 7.
 - D. Utilities, with reference to locations, availability, and compatibility; Utilities are currently available and will be in operational condition
 - E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering as stated in Article 7.

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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 are sufficient.

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 and the granting of a Conditional Use Permit will not adversely affect the public interest. The condition is to build the principal structure May, 2021.

Action 21318D: Moved by Williams, second by Kretsinger to recommend approval of the Conditional Use Permit, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, based on Finding of Facts dated February 13, 2018, for a Principal Structure before Accessory Structure Requirement in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 11 & 12, Block 3, Zediker's S/D, S5-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA Ridgeview Drive, Tabor, SD.

By roll call vote, six (6) members present voted aye, one (1) member present voted nay.

Motion carried.

This was the time and place for discussion regarding application from KGI Wireless / Verizon. Applicant is requesting a Conditional Use Permit for antenna modification for an existing telecommunication tower in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SW1/4, exc parcels, S31-T96N-R55W, hereinafter referred to as Mayfield South Township, County of Yankton, State of South Dakota. The E911 address is 29654 US Hwy 81, Irene, SD

Rick Adams, representing KGI Wireless / Verizon stated the applicant is requesting a Conditional Use Permit to modify antennas on an existing tower. The antennas will not change the height or load capacity of the tower.

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: KGI Wireless / Verizon

Parcel Number: 08.031.300.040

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Legal description: W1/2, SW1/4, exc parcels, S31-T96N-R55W

Physical Address: 29654 US Hwy 81, 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 requested CUP under Article 25, Section 2506 to modify an existing tower in an Agriculture District.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant is not required to notify property owners with this application as stated in Article 25.
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 February 13, 2018 in the Yankton County Government Center County Commission chambers. Rick Adams, representing KGI Wireless / Verizon stated the applicant is requesting a Conditional Use Permit to modify antennas on an existing tower. The antennas will not change the height or load capacity of the tower. 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
 - C. Recommend denial of the conditional use.

The commission recommends granting of the conditional use permit with conditions stated in the following findings

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 (US Hwy 81).
 - 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 parking is in compliance with wireless tower sites as required by Article 25.
 - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas are in compliance with Article 25.
 - D. Utilities, with reference to locations, availability, and compatibility; Utilities are currently available and will be in operational condition
 - E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are provided permanent relief as stated in Article 25.

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- 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 and Article 25, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces have been met or exceeded

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 and the granting of a Conditional Use Permit will not adversely affect the public interest. The recommendation is approval of Conditional Use Permit with the following conditions:

- Granting permanent relief for provision of additional landscaping and screening requirement.

Action 21318E: Moved by Bodenstedt, second by Sylliaasen to recommend approval of a Conditional Use Permit based on Finding of Facts dated February 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to provide modification of an existing Wireless Telecommunication Tower. Said property is legally described as W1/2, SW1/4, exc parcels, S31-T96N-R55W, hereinafter referred to as Mayfield South Township, County of Yankton, State of South Dakota. The E911 address is 29654 US Hwy 81, Irene, SD

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

This was the time and place for discussion regarding application from Matt Evans. Applicant is requesting a Conditional Use Permit to build a Campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as SE1/4, NE1/4, exc parcel A & B & exc Lot H-2 & H-3 & NE1/4, SE1/4, exc parcel A & B & exc Tract 1, Whitetail Run, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Alphonse Road, Yankton, SD.

Mr. Evans proposed a Recreation Vehicle Park (campground) on six +/- (6.78) acres in a Lakeside Commercial District (LC) in Yankton County. Mr. Evans, presented the proposal to build a forty (40) with expansion to seventy (70) unit park with proper septic system, electric and water hookups. All camping pads will have predetermined options for decks, utility sheds and sun screen / porch covers. All outdoor lighting will be downcast. The park will operate under published rules and submitted site plan.

Public comment was presented by Ryan Heine, neighbor of the proposed site. Mr. Heine stated the access is not currently in place, the area has drainage issues and multiple issues with the neighboring manufactured home park and vehicle parking issues. Mr. Ryan also commented about the manufactured home park nuisance factor regarding an open dump area.

Michelle Donner, neighbor of the proposed site, stated need for road maintenance agreement, how will road standards be monitored, proper ingress / egress standards and rename road Alphonse Road and eliminate Gary Avenue.

The Planning Commission discussed the application and determined the subdivision ordinance will govern road standards, proper Right of Way (ROW) standards and assist with drainage and road maintenance agreements. The rename process for eliminating Gary Avenue and establish

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Alphonse Road can also be accomplished in the Planning & Zoning Office. The utility shed was requested to be sixteen (16) feet from the parking area into the lot area. All sun screens roofs shall not exceed the camper height.

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 Evans

Parcel Number: 09.016.200.100

Legal description: Tract 1, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W

Physical Address: TBA Alphonse Road, 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 requested CUP under Article 11, Section 1107 (2) and Article 15, Section 1521 to establish a campground in a Lakeside Commercial District (LC).
2. Notice of public hearing was given, as in Section 1803 (3-5);
3. The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed conditional use permit on 1st of February, 2018, 10 days prior to the PC hearing as supported by the affidavit. Legal notification was published on February 3, 2018. The property was posted on February 5, 2018.
4. 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 February 13, 2018 in the Yankton County Government Center County Commission chambers. Mr. Evans proposed a Recreation Vehicle Park (campground) on six +/- (6.78) acres in a Lakeside Commercial District (LC) in Yankton County. Mr. Evans, presented the proposal to build a forty (40) with expansion to seventy (70) unit park with proper septic system, electric and water hookups. All camping pads will have predetermined options for decks, utility sheds and sun screen / porch covers. All outdoor lighting will be downcast. The park will operate under published rules and submitted site plan. Public comment was presented by Ryan Heine, neighbor of the proposed site. Mr. Heine stated the access is not currently in place, the area has drainage issues and multiple issues with the neighboring manufactured home park and vehicle parking issues. Mr. Ryan also

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commented about the manufactured home park nuisance factor regarding an open dump area.

Michelle Donner, neighbor of the proposed site, stated need for road maintenance agreement, how will road standards be monitored, proper ingress / egress standards and rename road Alphonse Road and eliminate Gary Avenue.

The Planning Commission discussed the application and determined the subdivision ordinance will govern road standards, proper Right of Way (ROW) standards and assist with drainage and road maintenance agreements. The rename process for eliminating Gary Avenue and establish Alphonse Road can also be accomplished in the Planning & Zoning Office. The utility shed was requested to be sixteen (16) feet from the parking area into the lot area. All sun screens roofs shall not exceed the camper height.

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

5. 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 approving granting of the conditional use permit with conditions for a campground in a Lakeside Commercial District (LC) in Yankton County.

- C. Recommend denial of the conditional use.
6. 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 site is a multiple ingress / egress and with the revised site plan will meet the requirements for emergency access as presented in proposal.
 - 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; RV area will impact noise and the RV operations rules must be enforced as written. The septic systems must meet DENR standards to eliminate odor issues. Parking space at each camping unit must be maintained and be available for RV users during the camping season. Proper screening is provided in the site plan and must be implemented before operation begins.
 - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas will be available and is provided in the site plan.
 - D. Utilities, with reference to locations, availability, and compatibility; Utilities are limited with potential problems with B-Y Water pressure, septic system must meet DENR requirements and electrical hookups meet state code requirements.

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- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering proposal will provide sufficient buffering.
- 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; Signs will be onsite and proper permits are required in Article 14.
- G. Required yards and other open spaces; Proposed campground density and buffer trees and shrubs do not offer large green space or open areas.
- 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 and the granting of a Conditional Use Permit will not affect the public interest as presented by the applicant. The applicant must obtain a South Dakota camping license and a Department of Environment and Natural Resources septic system permit. All Yankton County Subdivision Ordinance requirements will be compliant. All drainage plans or systems will be approved by the Planning and Zoning Office. Any changes to the site plan, RV operation rules or utility requirements must submit to the Yankton County Planning Department for approval.

Action 21318F: Moved by Kettering, second by Kretsinger, based on findings of fact dated February 13, 2018, to recommend approval of the Conditional Use Permit, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, for a seventy (70) camping unit campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Tract 2, Whitetail Run, 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 TBD Alphonse Road, Yankton, SD.

By roll call vote, six members present voted aye, one member present abstain.
Motion carried.

This was the time and place for discussion with Karl Schenk. Applicant is requesting a Conditional Use Permit to build two (2) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units each – 1920 AU Animal Units total) Class D finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, SW1/4 & SE1/4, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 308th Street, Mission Hill, SD.

Planning Commission chairperson, Mike Welch, stated this hearing will follow the written protocol:

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Meeting Protocol
9-12-17

- The application is introduced by the chairperson.
- The P&Z staff provides application details and ordinance requirements.

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- Applicant presents application, provides any expert support.
- Proponents for application allowed 30 minutes.
- Opponents for application allowed 30 minutes.
- Applicant allowed 10 minutes rebuttal.
- Planning Commission closes public comment.
- Planning Commission discusses application, creates “finding of fact” and requests motion for action.

David Domina, representing Karl Schenk, discussed the application for a Class D Concentrated Animal Feeding Operation. Mr. Domina stated the application has met all the requirements for a Conditional Use Permit under Article 18, Section 1805 and Article 5, Section 519. All the required lot, yard, right of way and property line separating ownership are compliant. The findings will list all the requirements. Don Kettering asked the current ownership of the property still remain the same and Mr. Schenk stated it will remain in Schenk ownership. Mr. Domina also stated Brad Woerner, representing Stockwell Engineering, is present if there are any engineering concerns.

Proponents for the application were requested to present their comments:

Karl Schenk Jr. stated he is a student at University of Nebraska, Lincoln, NE. He is taking agriculture classes and is learning about production practices to return to the family operation. (Exhibit #7)

Lynn Peterson, local banking official, stated the potential impact of increased pork production, Yankton County has experienced up to forty percent (40%) loss in pork production...many health issues are conflicting...property values are not decreasing in other pork producing counties (Sioux County IA.)

Charlotte Rommereim, pork producer from Alcester, Union County, SD stated their farm built the first pork facility in 2005 and have continue to have production improvements in the operation. They are a fifth generation farm and plan to continue farming.

Jim Petrik, area pork producer, stated the area lost pork production in the 1980's, current production is not affecting neighbors, regulations and compliance are required, manure (nutrients) are a part of the “circle of life” in agriculture and many pork buyers require a “certificate of quality”.

Bridgit Lozinski, South Dakota State University swine research, stated she is an animal science major. The pork industry is growing with many employment opportunities in production and regulation segments.

Lynn Lyons, area resident, stated the pork facility near her residence is not a nuisance, she had the property well tested and no contamination was evident.

Robert Freng, area resident, stated the applicant is compliant with the zoning ordinance requirements. He also stated Yankton County needs to support family farms and livestock production.

Craig Johnson, area resident, stated the applicant is providing economic opportunity, employment opportunity and we need to be livestock proponents.

Opponents for the application were requested to present their comments:

Paige Herrig, area resident, states he is pro-farmer...he understands food production requirements. Mr. Herrig states the Conditional Use Permit needs more restrictive regulations applied to these barns.

Amy Wishon, neighbor, states her concern the Zoning Administrator will not enforce any Conditional Use Permit requirements. She states the Conditional Use Permit issued for the gravel

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quarry in Mission Hill Township has not met the requirements imposed by the permit in 2017. Mrs. Wishon also states the Conditional Use Permit is about money and not concerned about real estate values or odor control such as biofilters.

Dan Dolejsi, neighbor, stated the binder from the applicant is quoted as \$405.00 for a copy...the application is incomplete...many better sites available for a pork facility...quality of life means nothing to this commission...recommends no Conditional Use Permit approval. (Exhibit #9)

Inez Laprath, neighbor, states loss of freedom of speech...request the commission to challenge the barns permit process...implores with Mr. Schenk to not build the barns in her neighborhood...wants to remain on the farmstead.

Kristi Schultz, area resident, states the University of Iowa study (750 pages) by Tom Vilsack...the permits are for industrial agriculture...all employment is entry level...lack of road maintenance agreements...air, water and health requirements...negative neighborhood property values...barns should have newest technology (biofilters, no curtains)...a Conditional Use Permit is not a given right...John Ikerd, Missouri economics professor, states industrial agriculture is a public subsidized system...requests a bonding requirement.

Phillip Tau, area resident, stated the commission needs to compromise and provide balance for the community...apply condition to require biofilters on the barns...protect aquifers from damage.

Irene Lyles, neighbor, submitted letter to request the Conditional Use Permit be denied. (Exhibit #8)

Dave Domina, representing Karl Schenk, stated appreciation of all comments regarding the application and aware of the controversy...the application meets all zoning ordinance requirements.

Patrick Garrity, Zoning Administrator, states the all Conditional Use Permits are under active enforcement and will continue monitor all conditions for compliance. Mr. Garrity discussed the time frames regarding the enforcement process. Mr. Garrity also stated the Karl Schenk binder is available for review in the Planning & Zoning office.

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

The Planning Commission discussed the application and determined all zoning requirements are met and request a motion.

Don Kettering motions to approve, Carll Kretsinger motions a second for approval.

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CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Karl Schenk

Parcel Number: 06.028.200.100

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Legal description: E1/2, SW1/4, & SE1/4, S26-T94N-R55W

Physical Address: TBA 308th Street, Mission Hill, 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 to build two (2) 2400 head pork (finisher swine over 55 pounds) Class D (1920 AU Animal Units) finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, SW1/4, & SE1/4, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 308th Street, Mission Hill, 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 February 2, 2108 (supported by affidavit), a legal notice was published on February 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on February 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 8:00 pm on February 13, 2018 in the Yankton County Government Center County Commission chambers. Planning Commission chairperson, Mike Welch, stated this hearing will follow the written protocol:

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Meeting Protocol

9-12-17

- The application is introduced by the chairperson.
- The P&Z staff provides application details and ordinance requirements.
- Applicant presents application, provides any expert support.
- Proponents for application allowed 30 minutes.
- Opponents for application allowed 30 minutes.
- Applicant allowed 10 minutes rebuttal.
- Planning Commission closes public comment.
- Planning Commission discusses application, creates “finding of fact” and requests motion for action.

David Domina, representing Karl Schenk, discussed the application for a Class D Concentrated Animal Feeding Operation. Mr. Domina stated the application has met all the requirements for a Conditional Use Permit under Article 18, Section 1805 and Article 5, Section 519. All the required lot, yard, right of way and property line separating ownership are compliant. The findings will list all the requirements. Don Kettering asked the current ownership of the property still remain the same and Mr. Schenk stated it will remain in Schenk ownership. Mr. Domina also stated Brad Woerner, representing Stockwell Engineering, is present if there are any engineering concerns.

Proponents for the application were requested to present their comments:

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Karl Schenk Jr. stated he is a student at University of Nebraska, Lincoln, NE. He is taking agriculture classes and is learning about production practices to return to the family operation (Exhibit #7).

Lynn Peterson, local banking official, stated the potential impact of increased pork production, Yankton County has experienced up to forty percent (40%) loss in pork production...many health issues are conflicting...property values are not decreasing in other pork producing counties (Sioux County IA.)

Charlotte Rommereim, pork producer from Alcester, Union County, SD stated their farm built the first pork facility in 2005 and have continue to have production improvements in the operation. They are a fifth generation farm and plan to continue farming.

Jim Petrik, area pork producer, stated the area lost pork production in the 1980's, current production is not affecting neighbors, regulations and compliance are required, manure (nutrients) are a part of the "circle of life" in agriculture and many pork buyers require a "certificate of quality".

Bridgit Lozinski, South Dakota State University swine research, stated she is an animal science major. The pork industry is growing with many employment opportunities in production and regulation segments.

Lynn Lyons, area resident, stated the pork facility near her residence is not a nuisance, she had the property well tested and no contamination was evident.

Robert Freng, area resident, stated the applicant is compliant with the zoning ordinance requirements. He also stated Yankton County needs to support family farms and livestock production.

Craig Johnson, area resident, stated the applicant is providing economic opportunity, employment opportunity and we need to be livestock proponents.

Opponents for the application were requested to present their comments:

Paige Herrig, area resident, states he is pro-farmer...he understands food production requirements. Mr. Herrig states the Conditional Use Permit needs more restrictive regulations applied to these barns.

Amy Wishon, neighbor, states her concern the Zoning Administrator will not enforce any Conditional Use Permit requirements. She states the Conditional Use Permit issued for the gravel quarry in Mission Hill Township has not met the requirements imposed by the permit in 2017. Mrs. Wishon also states the Conditional Use Permit is about money and not concerned about real estate values or odor control such as biofilters.

Dan Dolejsi, neighbor, stated the binder from the applicant is quoted as \$405.00 for a copy...the application is incomplete...many better sites available for a pork facility...quality of life means nothing to this commission...recommends no Conditional Use Permit approval.(Exhibit #9)

Inez Laprath, neighbor, states loss of freedom of speech...request the commission to challenge the barns permit process...implores with Mr. Schenk to not build the barns in her neighborhood...wants to remain on the farmstead.

Kristi Schultz, area resident, states the University of Iowa study (750 pages) by Tom Vilsack...the permits are for industrial agriculture...all employment is entry level...lack of road maintenance agreements...air, water and health requirements...negative neighborhood property values...barns should have newest technology (biofilters, no curtains)...a Conditional Use Permit is not a given right...John Ikerd, Missouri economics professor, states industrial agriculture is a public subsidized system...requests a bonding requirement.

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Phillip Tau, area resident, stated the commission needs to compromise and provide balance for the community...apply condition to require biofilters on the barns...protect aquifers from damage.

Irene Lyles, neighbor, submitted letter to request the Conditional Use Permit be denied. (Exhibit #8)

Dave Domina, representing Karl Schenk, stated appreciation of all comments regarding the application and aware of the controversy...the application meets all zoning ordinance requirements.

Patrick Garrity, Zoning Administrator, states the all Conditional Use Permits are under active enforcement and will continue monitor all conditions for compliance. Mr. Garrity discussed the time frames regarding the enforcement process. Mr. Garrity also stated the Karl Schenk binder is available for review in the Planning & Zoning office.

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

The Planning Commission discussed the application and determined all zoning requirements are met and request a motion.

Don Kettering motions to approve, Carll Kretsinger motions a second for approval.

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 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 (308th Street) and site plan turn around for emergency vehicles. (Exhibit #3)

- 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)

- 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)

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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. Exhibit #3)
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are not required at this site location due to odor footprint modeling for annoyance-free conditions (Exhibit #4).
- 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).
- 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.

Section 519 Animal Feeding Operation Performance Standards

Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:

Class A (5,000 – 10,000)	Section 519 (1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)
Class B (3,000 – 4,999)	Section 519 (1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)
Class C (2,000 – 2,999)	Section 519 (1,2,3,4,5,7(c),8(c),9,10,11,12,13)
Class D (1,000 – 1,999)	Section 519 (1,2,3,4,5,7(d),8(d),9,10,11,12,13)

This is a Class D proposed operation. The facility will be two (2) 2400 head feeder swine (1920 animal units).

Class E (300 – 999)	Section 519 (2,3,4*,5,7(e),8(e),9,10,11,12,13)
Class F (1 – 299)	NA

*If required by state law

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. An official 3rd party Nutrient Management Plan (NMP) will be completed and submitted to both the Planning & Zoning Office for approval prior to construction and the SDDENR for verification of compliance. A Notice of Completion for a Certificate of Compliance will be obtained after construction as required by the Zoning Ordinance. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

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2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.

The facility will be required to receive and maintain a Storm Water Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

3. Animal confinement and waste facilities shall comply with the following facility setback requirements:

A. Public Wells	1,000 feet
B. Private Wells	250 feet
C. Private Wells (Operator's)	150 feet
D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply	1,000 feet
E. Lakes, Rivers, Streams Classified as Fisheries	1,000 feet
F. Designated 100 Year Flood Plain	PROHIBITED

As illustrated in the attached site plan, the proposed facility will meet or exceed all setbacks as required in the Yankton County Zoning Ordinance for a Class D CAFO. The facility acknowledges and will meet each of the requirements and the applicant detailed site plans verifying compliance. (Exhibit #3).

4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:

- A. Proposed maintenance of waste facilities;

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

- B. Land application process and/or methods;

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

- C. Legal description and map, including documented proof of area to be utilized for nutrient application; and

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

- D. All CAFO's are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

5. New animal feeding operations, new CAFO's and waste facilities shall be setback six

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hundred and sixty (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right-a-way line. Additionally, the applicant shall locate the operation ¼ of a mile or 1,320 feet from neighboring residential dwellings. The Planning Commission and/or Board of Adjustment may mandate setbacks greater than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare.

The facility is compliant with the Property Line Setback and Right of Way Setback Requirement and will meet neighboring residential setback with applicant detailed site plans verifying compliance. (Exhibit #3)

6. New Class A and B Animal Feeding Operations shall be prohibited from locating within the area bounded by the City of Yankton, 431st Avenue, the Missouri River, and South Dakota Highway 50.

The proposed site is outside the described area and a Class D operation. (Exhibit #3)

7. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any Class I incorporated municipality or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50:

A. Class A	4 miles
B. Class B	2 miles
C. Class C	1 mile
D. Class D	2,640 feet
E. Class E	2,640 feet

The proposed site is outside the described area and is a Class D operation. (Exhibit #3)

8. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.

A. Class A	2 miles
B. Class B	1.25 miles
C. Class C	2,640 feet
D. Class D	1,320 feet
E. Class E	1,320 feet

The proposed site is a Class D operation outside the described buffer area. (Exhibit #3)

9. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and

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other similar structures.

Manure from the facility will be transported via either dragline hose or in leak proof tankers and incorporated in to the soil of the lands in the NMP by injection. Yankton County load limits will be followed and no manure will be transported further than five (5) miles. The plan will provide details regarding aspects of nutrient application. (Exhibit #3 and #5 and #5A and #5B #5C and #5D)

10. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors and flies. The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:

A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented:

An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented; all operational plans, such as the DENR Nutrient Management Plan, will be kept updated and implemented.

B. The methods to be utilized to dispose of dead animals shall be identified:

Mortality management shall be done in compliance with one of the methods allowed by the South Dakota Animal Industry Board. Current plans are to place a rendering service on contract to promptly dispose of mortalities. Mortalities will be screened by a 3-sided, minimum of 4' high enclosure as illustrated in the site plan. (Exhibit #3)

C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility:

As illustrated in the attached odor model (Exhibit #4), we are proposing to position the facility in such a way to avoid potential odor impacts on neighbors as much as possible. With even our closest neighbors being beyond the 98% nuisance level, we are not planning to plant a shelterbelt at this time. Below is additional information written by Dr. Erin Cortus pertaining to the South Dakota Odor Footprint Tool provided by SDSU:

The South Dakota Odor Footprint Tool (SDOFT) provides estimates of the odor footprint for livestock facilities in South Dakota. Think of a footprint in the sand. If the pressure increases, the indented area will also increase. An odor footprint works the same way. As odor emission increases, the area affected increases. As odor emission decreases, so does the area affected. The key components to the odor footprint estimate are the South Dakota County, the type of housing and/or manure storage, the surface area of the housing or manure storage, and whether there are any odor control technologies in place. The list of odor control technologies currently built into SDOFT are biofilters, oil sprinkling and manure storage covers (geotextile, impermeable or straw).

An odor footprint is shown through annoyance-free frequency curves during warm weather. For example, an annoyance-free frequency of 97% means that annoying odors should not be experienced more than 22 hours a month between April and October, at or beyond the setback distance estimate. The affected area is rarely a perfect circle around an odor source – this is

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because there are different setback distances in different directions, depending on the prevailing winds between April and October for the selected county. Annoyance-free does not mean odor free. Annoyance-free means the odor intensity is a 2, on a scale of 0-5, for which the majority of the population would not find annoying. Note: Cold weather reduces odor generation by manure sources, so the footprint would be smaller during winter months.

Odor footprint estimates are useful for livestock producers, local government land use planners, and citizens concerned about the odor impact of existing, expanding or new animal production sites. These estimates are based on measured odor emission rates and dispersion modeling. SDOFT takes average South Dakota climatic conditions into account. While SDOFT does not take into account all of the impacts topography and site-specific features (like animal diet and management) can have on the odor footprint for a particulate site, it does provide a starting point for investigating the impacts odor-mitigating technologies can have on the area surrounding a facility.

- D. A storm water management section shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining drier confinement areas to reduce odor production.

Our enclosed facility will not expose pens to uncontrolled water and the site will be graded to direct storm-water drainage away from the facility so to avoid any standing water near the facility.

- E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production.

All animal organic waste/nutrients will be contained in an 8' covered concrete vault directly underneath the facility. Construction materials will be reinforced concrete construction commonly used in the industry with the desired results of controlling the manure/nutrients and limiting potential odors. The manure/nutrients shall be contained within the reinforced concrete vault designed and constructed in accordance with accepted industry standards. (Exhibit #3)

- F. A description of the method and timeframe for removal of manure/nutrients from open pens to minimize odor production:

Aside from daily cleaning as needed, each facility will empty out and receive new pigs approximately 2.5 times per year during which times it will be fully disinfected and power washed throughout the inside of the building.

The proposed facility will have the manure/nutrients in a covered vault which will be removed annually via pump. The manure/nutrients will be directly applied to nearby fields identified in section (H) via injection below the soil surface. The transportation method will be via hose or tanker equipment (covered/contained) for direct application via injection.

The time frame is expected to take three days for application of all the manure/nutrients and will occur primarily in the fall after harvest or, on rare occasion, in the spring before planting but after snow melt.

- G. The applicability, economics, and effect of Industry Best Management Practices shall be covered:

Industry Best Management practices are to control the manure/wastewater in a covered pit. The design of Karl Schenk's facility is designed to do this. Although the sealed concrete pit has higher relative cost than an uncovered open lagoon, the benefits of odor control and manure/wastewater containment are worth the additional investment. This greatly controls the dissemination of odor to the neighboring area as reflect in the attached odor model.

Industry Best Management Practices are to apply the manure/nutrient as a fertilizer to farmed fields. To control odor, the best practice is to do this once annually and to do it via direct injection to reduce gas and particle emissions. This best practice is more costly than direct spreading on top of the soil but the benefits of odor reduction and decreased nitrogen volatilization are worth the extra investment.

Industry Best Management Practices is to promptly remove mortalities and that is the practice Karl Schenk will follow. Industry Best Management Practice is to avoid the application of the manure/nutrient on extremely windy days and to avoid land application ahead of rain that may produce run-off. Application preceding a rain that does not produce run-off may reduce particle emissions. Karl Schenk's operation shall follow these practices.

Aeriation, anaerobic lagoons and digesters and solid separation are all practices that may reduce odor and particle emissions at additional expense. Karl Schenk's operation will employ the covered pit method to control odor and particle emissions at additional expense because of its wide acceptance as an effective best industry management practice and does not intend to use these alternative methods.

Location of the facility to limit the effect of odor on neighboring residences is one of the most effective best management practices. The attached odor model demonstrates the limited impact this facility is expected to have on its neighbors based upon greater than one-half mile. (Exhibit #3)

- A. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half mile of the applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

OCCUPIED RESIDENCES WITHIN ½ MILE OF CROP GROUND ON WHICH INJECTION OF NUTRIENTS MAY OCCUR:

Resident	Address	City / State / Postal Code	Phone Number
Bill Hummel	44510 308th Street	Mission Hill, SD 57046	
Brain Pinkelman	44513 307th Street	Mission Hill, SD 57046	402-360-3102
Chris Nelsen	30725 44th Ave.	Mission Hill, SD 57046	
Dan Dolejsi	30732 444th Ave.	Mission Hill, SD 57046	

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Dave Aune	30825 444th Ave.	Mission Hill, SD 57046	
David Novak	30818 444th Ave.	Mission Hill, SD 57046	
Sean Schulte	44587 308th Street	Mission Hill, SD 57046	
Dee Williams	44584 308th Street	Mission Hill, SD 57046	
Elmer Hasker	30771 446th Ave.	Mission Hill, SD 57046	665-5101
Janelle Yaggie	30855 445th Ave.	Mission Hill, SD 57046	
Jim Gunderson	30833 444th Ave.	Mission Hill, SD 57046	
JoAnn Nielson	30767 444th Ave.	Mission Hill, SD 57046	
Joe Yaggie	30848 445th Ave.	Mission Hill, SD 57046	
Margaret Sarringar	30741 445th Ave.	Mission Hill, SD 57046	665-5475
Mike Bovero	30522 444th Ave.	Mission Hill, SD 57046	
Nate Clough	30814 444th Ave.	Mission Hill, SD 57046	
Scott Olson	44533 308th Street	Mission Hill, SD 57046	
TNB Farming	44401 308th Street	Mission Hill, SD 57046	
Tom Moore	30665 446th Ave.	Mission Hill, SD 57046	665-8795
Tom Yaggie	44452 309th Street	Mission Hill, SD 57046	665-9762
Travis Wishon	30848 444th Ave.	Mission Hill, SD 57046	
Ed Johnson	30750 444th Ave.	Mission Hill, SD 57046	
Gordon Olson	30781 Cedar Bluff Road	Mission Hill, SD 57046	
Bill Reardon	30719 Cedar Bluff Road	Mission Hill, SD 57046	
Dean Braunesreither	4432 307th Street	Mission Hill, SD 57046	
Jackie Logue	44432 307th Street	Mission Hill, SD 57047	
Hebda Family Produce	30661 444th Ave.	Mission Hill, SD 57048	665-2806
Pat Gunderson	30883 444th Ave.	Mission Hill, SD 57049	
David Christensen	46170 312th Ave.	Vermillion, SD 57069	

There are no public meeting sites within 1/2 mile of the proposed facilities.
All manure application setbacks will be followed in accordance to the Zoning Ordinance and incorporated by injection in to the soil.
Industry best management practices are to apply the manure/nutrient as a fertilizer to nearby fields. To control odor, the manure /nutrients are directly injected annually into the soil to reduce gas and particle emissions. This best practice is more costly than surface application but the benefits of odor reduction and decreased nitrogen volatilization are worth the extra investment. (Exhibit #3 and #5 and #5A and #5B and #5C and #5D).

- B. A review of weather conditions shall include reviewing the effect of climate upon manure application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.

Most advantageous weather conditions are in cool dry conditions with a mild breeze. The least advantageous time is in hot wet weather. Our intent, to capitalize on favorable conditions and avoid unfavorable conditions, is to apply the manure in the fall after harvest. In rare instances, the manure will be applied in the spring (after snow-melt). In every instance, the application shall be done in compliance with both Yankton County Zoning Ordinances and SDDENR requirements.

Additional procedures Karl Schenk will follow to control flies and odors:

**Fly, Odor & Rodent Control Guidelines
For Animal Feeding Operations**

Fly, Odor and Rodent control are important to maintain a healthy, community friendly livestock operation. These guidelines are provided as a broad management tool to control fly populations, odor emissions and dust at an acceptable level. Each animal feeding operation must implement a system to fit their specific operation.

A) Fly Control

1. Remove and properly dispose of spilled and spoiled feed.
2. Repair leaky waterers.
3. Keep vegetation mowed near the facilities.
4. Properly drain rainwater away from the facilities.
5. Apply commercial insecticides in a proper and timely manner.

B) Odor Control

1. Manage mortalities per SD Animal Industry Board requirements.
2. Adjust feed rations per industry standards to reduce potential odor generating byproducts.

C) Rodent Control

1. Two foot wide gravel barrier around the perimeter to discourage rodent entry.
2. Bait boxes at 75-100 ft. intervals that are checked 2x per month.
3. Spilled feed will immediately be cleaned up to discourage rodent activity.
4. Site routinely mowed to remove rodent harborage areas

The fly and odor control guidelines above will be conducted concurrently with one another to help prevent a nuisance problem from occurring.

11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty-four (24) hours:

A. Public Wells

1,000 feet

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There are no known Public Wells within 1,000 feet of fields.

- | | |
|---|------------|
| B. Private Wells | 250 feet |
| <u>The applicant will meet the setback requirement for Private Wells.</u> | |
| C. Private Wells (Operator's) | 150 feet |
| <u>The applicant will meet the setback requirement for Private Wells (Operator's).</u> | |
| D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply | 1,000 feet |
| <u>The applicant will meet the setback requirement for Lakes, Rivers, Streams Classified as Public Drinking Water Supplies.</u> | |
| E. Lakes, Rivers and Streams Classified as Fisheries | 200 feet |
| <u>The applicant will meet the setback requirement for Lakes, Rivers, Streams Classified as Fisheries.</u> | |
| F. All Public Road Right-of-ways | 10 feet |
| <u>The applicant will meet the setback requirement for All Public Road Right-of-ways.</u> | |
| G. Incorporated Communities | 660 feet |
| <u>The applicant will meet the setback requirement for Incorporated Communities.</u> | |
| H. A Residence other than the Operators | 100 feet |
| <u>The applicant will meet the setback requirement for a Residence other than the Operators.</u> | |

(Exhibit #6)

12. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:
- | | |
|---|------------|
| A. Public Wells | 1,000 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| B. Private Wells | 250 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| C. Private Wells(Operator's) | 150 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply | 1,000 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| E. Lakes, Rivers and Streams Classified as Fisheries | 660 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| F. All Public Road Right-of-ways (Surface Applied) | 10 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| G. All Public Road Right-of-ways (Irrigated Application) | 100 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| H. Incorporated Communities (Surface Applied) | 1,000 feet |
| <u>The facility will not irrigate or surface apply any nutrient applications.</u> | |
| I. Incorporated Communities (Irrigated Application) | 2,640 feet |

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The facility will not irrigate or surface apply any nutrient applications.

J. A Residence other than the Operators (Surface Applied) 330 feet

The facility will not irrigate or surface apply any nutrient applications.

K. A Residence other than the Operators (Irrigated Application) 750 feet

The facility will not irrigate or surface apply any nutrient applications.

13. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:

A. Drops must be used on systems that disperse the liquid no higher than 18” off the ground if no crop is actively growing on the field.

Applicant is not requesting irrigation application permit.

B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.

Applicant is not requesting irrigation application permit.

C. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.

Applicant is not requesting irrigation application permit.

D. No irrigation of liquid on frozen ground or over FSA designated wetlands.

Applicant is not requesting irrigation application permit.

E. No “big gun” type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.

Applicant is not requesting irrigation application permit.

Action 21318G: Moved by Kettering, second by Kretsinger to recommend to a Conditional Use Permit based on Finding of Facts dated February 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build two (2) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units each – 1920 AU Animal Units total) Class D finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, SW1/4 & SE1/4, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 308th Street, Mission Hill, SD. By roll call vote, six (6) members voted aye and one (1) member voted nay. Motion carried.

This was the time and place for discussion with Karl Schenk. Applicant is requesting a Conditional Use Permit to build two (2) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units each – 1920 AU Animal Units total) Class D finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as SW1/4, exc E794.52, W1542.30, S615.61 & exc Lots H-3, H-4 & H-5, S9-T93N-R54W and E794.52, W1542.30, S615.61, SW1/4, S9-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 50, Gayville, SD.

Chairperson Welch stated the protocol for this CUP hearing will be the same as the previous CUP hearing.

David Domina, representing Karl Schenk, presents the Conditional Use Permit to the Planning Commission. Mr. Domina asked Rob Klimisch if the application was in compliance with the

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zoning ordinance. Mr. Klimisch agreed the application was compliant. The application requires no variance and the land will not be developed or sold to other parties.

Proponents for the application were requested to present their comments:

Karl Schenk Jr. stated he is preparing to return to the family farm and the livestock component is an important aspect of agriculture production.

Charlotte Rommereim, Alcester, SD pork producer, stated the family home is 1/8 mile (660 feet) from the pork barn. As stated earlier, they are a fifth generation family farm.

Brad Hohn, MDS Manufacturing, stated the company has built pork facilities for twenty-eight (28) years and they are equipped with modern machinery and components. The curtain barn is not outdated technology or poorly designed.

Seth Denning, Corsica trucking firm, stated the livestock industry is an opportunity to expand business and provide area employment. His personal experience is with livestock transportation and the ability to expand with the area growth of livestock numbers. Mr. Denning stated truck weight is not governed by commodity but by gross weight (80,000 lbs. / five axles.

Lynn Peterson, CorTrust Bank, discussed land values in Sioux County, IA and Yankton County, SD and determined property values are higher in Sioux County, IA.

Robert Freng, area resident, states Yankton County needs to support animal agriculture production. The opportunities are present and the applicant meet the zoning ordinance requirements.

Craig Johnson, area resident, stated the facilities are zero discharge operations. The facilities have improved from the past and will continue to improve in the future.

Opponents for the application were requested to present their comments:

Joe Healy, area resident, stated the applicant has not completed Article 5, Section 519 (10-G). Mr. Healy stated the interpretation of the ordinance is to require compliance with Article 1, Section 105.

Patrick Garrity read Section 105 to the Planning Commission and stated the applicant is in compliance with all minimum requirements of this ordinance.

Section 105 Provisions of this Ordinance Declared to the Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a greater width or size of yards, courts or other spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required, in any other Ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such Ordinance shall govern.

Mr. Healy continued to state the Planning Commission is not interpreting the ordinance correctly. The Planning Commission should require specific conditions because they are available and the public demand. Mr. Healy requests tree / screen plantings, biofilters, road agreements and other conditions.

Dan Dolejsi, area resident, stated the building permit application value is \$705,000.00 (the zoning administrator will correct the error as this is the value of one barn)...he recently drove by a pork

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barn near Beresford and it was stinky. Mr. Dolejsi wondered what impact on Lewis & Clark Lake tourism will occur with the proposed pork facility and odors.

Kristi Schultz, county resident, states the applicant lives in Dakota Dunes area...a mortality area should be refrigerated...many farms are not voluntarily sold...soil borings...what depth...who prepared the site plan – incomplete...who is the engineer...why no biofilters as they remove 95% odor...this is not modern technology...doing it on the cheap...how many employees...economic development with reduced tax base and devalued area properties.

David Domina stated the comments regarding Article 5, Section 519 (10-G) is addressed with Best Management Practices and encouraged all concerned citizens to review the Schenk application binder available at the Planning & Zoning office. (As of 2-27-18 no one has reviewed the Schenk binder)

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

The Planning Commission discussed the application and determined all zoning requirements are met and request a motion.

Carll Kretsinger motions to approve, Dan Guthmiller motions a second for approval.

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Meeting date: February 13, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Karl Schenk

Parcel Number: 01.009.300.150

Legal description: SW1/4, exc E794.52', W1542.30', S615.61' & exc Lots H3, H4, & H5, S9-T93N-R54W and E794.52', W1542.30', S615.61', SW1/4, S9-T93N-R54W

Physical Address: TBA SD Hwy 50, Gayville, 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 to build two (2) 2400 head pork (finisher swine over 55 pounds) Class D (1920 AU Animal Units) finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as SW1/4, exc E794.52, W1542.30, S615.61 & exc Lots H-3, H-4 & H-5, S9-T93N-R54W and E794.52, W1542.30, S615.61, SW1/4, S9-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 50, Gayville, 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 February

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2, 2108 (supported by affidavit), a legal notice was published on February 3, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on February 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 8:45 pm on February 13, 2018 in the Yankton County Government Center County Commission chambers. Chairperson Welch stated the protocol for this CUP hearing will be the same as the previous CUP hearing.
David Domina, representing Karl Schenk, presents the Conditional Use Permit to the Planning Commission. Mr. Domina asked Rob Klimisch if the application was in compliance with the zoning ordinance. Mr. Klimisch agreed the application was compliant. The application requires no variance and the land will not be developed or sold to other parties.
Proponents for the application were requested to present their comments:
Karl Schenk Jr. stated he is preparing to return to the family farm and the livestock component is an important aspect of agriculture production.
Charlotte Rommereim, Alcester, SD pork producer, stated the family home is 1/8 mile (660 feet) from the pork barn. As stated earlier, they are a fifth generation family farm.
Brad Hohn, MDS Manufacturing, stated the company has built pork facilities for twenty-eight (28) years and they are equipped with modern machinery and components. The curtain barn is not outdated technology or poorly designed.
Seth Denning, Corsica trucking firm, stated the livestock industry is an opportunity to expand business and provide area employment. His personal experience is with livestock transportation and the ability to expand with the area growth of livestock numbers. Mr. Denning stated truck weight is not governed by commodity but by gross weight (80,000 lbs. / five axles.
Lynn Peterson, CorTrust Bank, discussed land values in Sioux County, IA and Yankton County, SD and determined property values are higher in Sioux County, IA.
Robert Freng, area resident, states Yankton County needs to support animal agriculture production. The opportunities are present and the applicant meet the zoning ordinance requirements.
Craig Johnson, area resident, stated the facilities are zero discharge operations. The facilities have improved from the past and will continue to improve in the future.
Opponents for the application were requested to present their comments:
Joe Healy, area resident, stated the applicant has not completed Article 5, Section 519 (10-G). Mr. Healy stated the interpretation of the ordinance is to require compliance with Article 1, Section 105.
Patrick Garrity read Section 105 to the Planning Commission and stated the applicant is in compliance with all minimum requirements of this ordinance.

Section 105 Provisions of this Ordinance Declared to the Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a greater width or size of yards, courts or other spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required, in any other Ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance require a greater

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width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such Ordinance shall govern.

Mr. Healy continued to state the Planning Commission is not interpreting the ordinance correctly. The Planning Commission should require specific conditions because they are available and the public demand. Mr. Healy requests tree / screen plantings, biofilters, road agreements and other conditions.

Dan Dolejsi, area resident, stated the building permit application value is \$705,000.00 (the zoning administrator will correct the error as this is the value of one barn)...he recently drove by a pork barn near Beresford and it was odorous...Mr. Dolejsi wondered what impact on Lewis & Clark Lake tourism will occur with the proposed pork facility and odors.

Kristi Schultz, area resident, states the applicant lives in Dakota Dunes area...a mortality area should be refrigerated...many farms are not voluntarily sold...soil borings...what depth...who prepared the site plan – incomplete...who is the engineer...why no biofilters as they remove 95% odor...this is not modern technology...how many employees...economic development with reduced tax base and devalued area properties.

David Domina stated the comments regarding Article 5, Section 519 (10-G) is addressed with Best Management Practices and encouraged all concerned citizens to review the Schenk application binder available at the Planning & Zoning office. (As of 2-27-18 no one has reviewed the Schenk binder)

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

The Planning Commission discussed the application and determined all zoning requirements are met and request a motion.

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 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 (SD Hwy 50) and site plan turn around for emergency vehicles. (Exhibit #10)
 - 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

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and production barn facilities such as animal disposal areas is in compliance required by Article 5. (Exhibit #10)

- 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 #10)
- 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. Exhibit #10)
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are not required at this site location due to odor footprint modeling for annoyance-free conditions (Exhibit #11).
- 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 #10).
- 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.

Section 519 Animal Feeding Operation Performance Standards

Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:

Class A (5,000 – 10,000)	Section 519 (1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)
Class B (3,000 – 4,999)	Section 519 (1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)
Class C (2,000 – 2,999)	Section 519 (1,2,3,4,5,7(c),8(c),9,10,11,12,13)
Class D (1,000 – 1,999)	Section 519 (1,2,3,4,5,7(d),8(d),9,10,11,12,13)

This is a Class D proposed operation. The facility will be two (2) 2400 head feeder swine (1920 animal units).

Class E (300 – 999)	Section 519 (2,3,4*,5,7(e),8(e),9,10,11,12,13)
Class F (1 – 299)	NA

*If required by state law

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the

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South Dakota Department of Environment and Natural Resources.

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. An official 3rd party Nutrient Management Plan (NMP) will be completed and submitted to both the Planning & Zoning Office for approval prior to construction and the SDDENR for verification of compliance. A Notice of Completion for a Certificate of Compliance will be obtained after construction as required by the Zoning Ordinance. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.

The facility will be required to receive and maintain a Storm Water Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer.

3. Animal confinement and waste facilities shall comply with the following facility setback requirements:

G. Public Wells	1,000 feet
H. Private Wells	250 feet
I. Private Wells (Operator's)	150 feet
J. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply	1,000 feet
K. Lakes, Rivers, Streams Classified as Fisheries	1,000 feet
L. Designated 100 Year Flood Plain	PROHIBITED

As illustrated in the attached site plan, the proposed facility will meet or exceed all setbacks as required in the Yankton County Zoning Ordinance for a Class D CAFO. The facility acknowledges and will meet each of the requirements and the applicant detailed site plans verifying compliance. (Exhibit #3).

4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:

E. Proposed maintenance of waste facilities;

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer. (Exhibit #12 and #12A and #12B and #12C and #12D and #12E)

F. Land application process and/or methods;

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer. (Exhibit #12 and #12A and #12B and #12C and #12D and #12E)

G. Legal description and map, including documented proof of area to be utilized for nutrient application; and

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer. (Exhibit #12 and #12A and #12B and #12C and #12D and #12E)

H. All CAFO's are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water

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pollution and protect public health.

The facility is required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer. (Exhibit #12 and #12A and #12B and #12C and #12D and #12E)

5. New animal feeding operations, new CAFO's and waste facilities shall be setback six hundred and sixty (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right-a-way line. Additionally, the applicant shall locate the operation ¼ of a mile or 1,320 feet from neighboring residential dwellings. The Planning Commission and/or Board of Adjustment may mandate setbacks greater than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare.

The facility is compliant with the Property Line Setback and Right of Way Setback Requirement and will meet neighboring residential setback with applicant detailed site plans verifying compliance. (Exhibit #10)

6. New Class A and B Animal Feeding Operations shall be prohibited from locating within the area bounded by the City of Yankton, 431st Avenue, the Missouri River, and South Dakota Highway 50.

The proposed site is outside the described area and a Class D operation. (Exhibit #10)

7. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any Class I incorporated municipality or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50:

F. Class A	4 miles
G. Class B	2 miles
H. Class C	1 mile
I. Class D	2,640 feet
J. Class E	2,640 feet

The proposed site is outside the described area and is a Class D operation. (Exhibit #10)

8. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.

F. Class A	2 miles
G. Class B	1.25 miles
H. Class C	2,640 feet
I. Class D	1,320 feet
J. Class E	1,320 feet

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The proposed site is a Class D operation outside the described buffer area. (Exhibit #10)

9. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.

Manure from the facility will be transported via either dragline hose or in leak proof tankers and incorporated in to the soil of the lands in the NMP by injection. Yankton County load limits will be followed and no manure will be transported further than five (5) miles. The plan will provide details regarding aspects of nutrient application. (Exhibit #10 and Exhibit #12 and #12A and #12B and #12C and #12D and #12E)

10. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors and flies. The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:

- A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented:

An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented; all operational plans, such as the DENR Nutrient Management Plan, will be kept updated and implemented.

- B. The methods to be utilized to dispose of dead animals shall be identified:

Mortality management shall be done in compliance with one of the methods allowed by the South Dakota Animal Industry Board. Current plans are to place a rendering service on contract to promptly dispose of mortalities. Mortalities will be screened by a 3-sided, minimum of 4' high enclosure as illustrated in the site plan. (Exhibit #10)

- C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility:

As illustrated in the attached odor model (Exhibit #4), we are proposing to position the facility in such a way to avoid potential odor impacts on neighbors as much as possible. With even our closest neighbors being beyond the 98% nuisance level, we are not planning to plant a shelterbelt at this time. Below is additional information written by Dr. Erin Cortus pertaining to the South Dakota Odor Footprint Tool provided by SDSU:

The South Dakota Odor Footprint Tool (SDOFT) provides estimates of the odor footprint for livestock facilities in South Dakota. Think of a footprint in the sand. If the pressure increases, the indented area will also increase. An odor footprint works the same way. As odor emission increases, the area affected increases. As odor emission decreases, so does the area affected. The key components to the odor footprint estimate are the South Dakota County, the type of housing and/or manure storage, the surface area of the housing or manure storage, and whether there are any odor control technologies in place. The list of odor control technologies currently built into

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SDOFT are biofilters, oil sprinkling and manure storage covers (geotextile, impermeable or straw).

An odor footprint is shown through annoyance-free frequency curves during warm weather. For example, an annoyance-free frequency of 97% means that annoying odors should not be experienced more than 22 hours a month between April and October, at or beyond the setback distance estimate. The affected area is rarely a perfect circle around an odor source – this is because there are different setback distances in different directions, depending on the prevailing winds between April and October for the selected county. Annoyance-free does not mean odor free. Annoyance-free means the odor intensity is a 2, on a scale of 0-5, for which the majority of the population would not find annoying. Note: Cold weather reduces odor generation by manure sources, so the footprint would be smaller during winter months.

Odor footprint estimates are useful for livestock producers, local government land use planners, and citizens concerned about the odor impact of existing, expanding or new animal production sites. These estimates are based on measured odor emission rates and dispersion modeling. SDOFT takes average South Dakota climatic conditions into account. While SDOFT does not take into account all of the impacts topography and site-specific features (like animal diet and management) can have on the odor footprint for a particulate site, it does provide a starting point for investigating the impacts odor-mitigating technologies can have on the area surrounding a facility. (Exhibit #11)

- D. A storm water management section shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining drier confinement areas to reduce odor production.

Our enclosed facility will not expose pens to uncontrolled water and the site will be graded to direct storm-water drainage away from the facility so to avoid any standing water near the facility.

- E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production.

All animal organic waste/nutrients will be contained in an 8' covered concrete vault directly underneath the facility. Construction materials will be reinforced concrete construction commonly used in the industry with the desired results of controlling the manure/nutrients and limiting potential odors. The manure/nutrients shall be contained within the reinforced concrete vault designed and constructed in accordance with accepted industry standards. (Exhibit #10)

- F. A description of the method and timeframe for removal of manure/nutrients from open pens to minimize odor production:

Aside from daily cleaning as needed, each facility will empty out and receive new pigs approximately 2.5 times per year during which times it will be fully disinfected and power washed throughout the inside of the building.

The proposed facility will have the manure/nutrients in a covered vault which will be removed annually via pump. The manure/nutrients will be directly applied to nearby fields identified in section (H) via injection below the soil surface. The transportation method will be via hose or tanker equipment (covered/contained) for direct application via injection.

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The time frame is expected to take three days for application of all the manure/nutrients and will occur primarily in the fall after harvest or, on rare occasion, in the spring before planting but after snow melt.

- G. The applicability, economics, and effect of Industry Best Management Practices shall be covered:

Industry Best Management practices are to control the manure/wastewater in a covered pit. The design of Karl Schenk's facility is designed to do this. Although the sealed concrete pit has higher relative cost than an uncovered open lagoon, the benefits of odor control and manure/wastewater containment are worth the additional investment. This greatly controls the dissemination of odor to the neighboring area as reflect in the attached odor model.

Industry Best Management Practices are to apply the manure/nutrient as a fertilizer to farmed fields. To control odor, the best practice is to do this once annually and to do it via direct injection to reduce gas and particle emissions. This best practice is more costly than direct spreading on top of the soil but the benefits of odor reduction and decreased nitrogen volatilization are worth the extra investment.

Industry Best Management Practices is to promptly remove mortalities and that is the practice Karl Schenk will follow.

Industry Best Management Practice is to avoid the application of the manure/nutrient on extremely windy days and to avoid land application ahead of rain that may produce run-off. Application preceding a rain that does not produce run-off may reduce particle emissions. Karl Schenk's operation shall follow these practices.

Aeriation, anaerobic lagoons and digesters and solid separation are all practices that may reduce odor and particle emissions at additional expense. Karl Schenk's operation will employ the covered pit method to control odor and particle emissions at additional expense because of its wide acceptance as an effective best industry management practice and does not intend to use these alternative methods.

Location of the facility to limit the effect of odor on neighboring residences is one of the most effective best management practices. The attached odor model demonstrates the limited impact this facility is expected to have on its neighbors based upon greater than one-half mile. (Exhibit #10)

- H. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half mile of the applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

**OCCUPIED RESIDENCES WITHIN ½ MILE OF CROP GROUND ON
WHICH INJECTION OF NUTRIENTS MAY OCCUR:**

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Resident	Address	City / State / Postal Code	Phone Number
Schmidt, Ted	44821 310 th Street	Gayville, SD 57031	
Joseph Christensen	31079 449 th Street	Gayville, SD 57031	
Mark Schoenberger	44894 310 th Street	Gayville, SD 57031	
Todd Bye	44916 310 th Street	Gayville, SD 57031	
Micah Likness	44921 310 th Street	Gayville, SD 57031	
John Masterson	44952 312 th Street	Gayville, SD 57031	
Millard Merkwan	44911 SD HWY 50	Gayville, SD 57031	
Jim Bye	44920 312 th Street	Gayville, SD 57031	
Rick Bye	31116 450 th Ave.	Gayville, SD 57031	
Jay Magorian	31276 450 th Ave.	Gayville, SD 57031	
Craig Jepsen	31225 451 Ave.	Gayville, SD 57031	
Hal Lansdowne	31107 450 th Ave.	Gayville, SD 57031	
Marvin Jensen	31273 451 st Ave.	Gayville, SD 57031	
Jim Ryken	31321 451 st Ave.	Gayville, SD 57031	
M. Linder	31314 451 st Ave.	Gayville, SD 57031	
K. Ray	44823 312 th Street	Gayville, SD 57031	
Julie Rieland / Phil Tau	31297 449 th Ave.	Gayville, SD 57031	
Tony Keller	31297 449 th Ave.	Gayville, SD 57031	
Phyllis White	44852 312 th St.	Gayville, SD 57031	
Todd Kaususke	44881 312 th St.	Gayville, SD 57031	
Doug Hanson	44892 312 th St.	Gayville, SD 57031	
Ross Schmidt	44816 312 th S.t	Gayville, SD 57031	
Terry Bye	31349 450 th Ave.	Gayville, SD 57031	
Tom Sonicson	44949 314 th St.	Gayville, SD 57031	
C. Vlahakis	44945 313 th St.	Gayville, SD 57031	
Schmidt, Ted	44821 310 th Street	Gayville, SD 57031	
Joseph Christensen	31079 449 th Street	Gayville, SD 57031	

Mark Schoenberger 44894 310th Street Gayville, SD 57031

There are no public meeting sites within ½ mile of the proposed facilities.
All manure application setbacks will be followed in accordance to the Zoning Ordinance and incorporated by injection in to the soil.
Industry best management practices are to apply the manure/nutrient as a fertilizer to nearby fields. To control odor, the manure /nutrients are directly injected annually into the soil to reduce gas and particle emissions. This best practice is more costly than surface application but the benefits of odor reduction and decreased nitrogen volatilization are worth the extra investment. (Exhibit #10 and Exhibit #12 and #12A and #12B and #12C and #12D and #12E).

I. A review of weather conditions shall include reviewing the effect of climate upon manure application. This section shall also include the preferred times ad conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.

Most advantageous weather conditions are in cool dry conditions with a mild breeze. The least advantageous time is in hot wet weather. Our intent, to capitalize on favorable conditions and avoid unfavorable conditions, is to apply the manure in the fall after harvest. In rare instances, the manure will be applied in the spring (after snow-melt). In every instance, the application shall be done in compliance with both Yankton County Zoning Ordinances and SDDENR requirements.

Additional procedures Karl Schenk will follow to control flies and odors:

Fly, Odor & Rodent Control Guidelines
For Animal Feeding Operations

Fly, Odor and Rodent control are important to maintain a healthy, community friendly livestock operation. These guidelines are provided as a broad management tool to control fly populations, odor emissions and dust at an acceptable level. Each animal feeding operation must implement a system to fit their specific operation.

A) Fly Control

1. Remove and properly dispose of spilled and spoiled feed.
2. Repair leaky waterers.
3. Keep vegetation mowed near the facilities.
4. Properly drain rainwater away from the facilities.
5. Apply commercial insecticides in a proper and timely manner.

B) Odor Control

1. Manage mortalities per SD Animal Industry Board requirements.
2. Adjust feed rations per industry standards to reduce potential odor generating byproducts.

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C) Rodent Control

1. Two foot wide gravel barrier around the perimeter to discourage rodent entry.
2. Bait boxes at 75-100 ft. intervals that are checked 2x per month.
3. Spilled feed will immediately be cleaned up to discourage rodent activity.
4. Site routinely mowed to remove rodent harborage areas

The fly and odor control guidelines above will be conducted concurrently with one another to help prevent a nuisance problem from occurring.

11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty-four (24) hours:

I. Public Wells 1,000 feet
There are no known Public Wells within 1,000 feet of fields.

J. Private Wells 250 feet
The applicant will meet the setback requirement for Private Wells.

K. Private Wells (Operator's) 150 feet
The applicant will meet the setback requirement for Private Wells (Operator's).

L. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet
The applicant will meet the setback requirement for Lakes, Rivers, Streams Classified as Public Drinking Water Supplies.

M. Lakes, Rivers and Streams Classified as Fisheries 200 feet
The applicant will meet the setback requirement for Lakes, Rivers, Streams Classified as Fisheries.

N. All Public Road Right-of-ways 10 feet
The applicant will meet the setback requirement for All Public Road Right-of-ways.

O. Incorporated Communities 660 feet
The applicant will meet the setback requirement for Incorporated Communities.

P. A Residence other than the Operators 100 feet
The applicant will meet the setback requirement for a Residence other than the Operators.
(Exhibit #6)

14. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:

L. Public Wells 1,000 feet
The facility will not irrigate or surface apply any nutrient applications.

M. Private Wells 250 feet
The facility will not irrigate or surface apply any nutrient applications.

N. Private Wells(Operator's) 150 feet
The facility will not irrigate or surface apply any nutrient applications.

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O. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply <u>The facility will not irrigate or surface apply any nutrient applications.</u>	1,000 feet
P. Lakes, Rivers and Streams Classified as Fisheries <u>The facility will not irrigate or surface apply any nutrient applications.</u>	660 feet
Q. All Public Road Right-of-ways (Surface Applied) <u>The facility will not irrigate or surface apply any nutrient applications.</u>	10 feet
R. All Public Road Right-of-ways (Irrigated Application) <u>The facility will not irrigate or surface apply any nutrient applications.</u>	100 feet
S. Incorporated Communities (Surface Applied) <u>The facility will not irrigate or surface apply any nutrient applications.</u>	1,000 feet
T. Incorporated Communities (Irrigated Application) <u>The facility will not irrigate or surface apply any nutrient applications.</u>	2,640 feet
U. A Residence other than the Operators (Surface Applied) <u>The facility will not irrigate or surface apply any nutrient applications.</u>	330 feet
V. A Residence other than the Operators (Irrigated Application) <u>The facility will not irrigate or surface apply any nutrient applications.</u>	750 feet

15. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:

F. Drops must be used on systems that disperse the liquid no higher than 18” off the ground if no crop is actively growing on the field.

Applicant is not requesting irrigation application permit.

G. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.

Applicant is not requesting irrigation application permit.

H. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.

Applicant is not requesting irrigation application permit.

I. No irrigation of liquid on frozen ground or over FSA designated wetlands.

Applicant is not requesting irrigation application permit.

J. No “big gun” type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.

Applicant is not requesting irrigation application permit.

Action 21318H: Moved by Kretsinger, second by Guthmiller to recommend to a Conditional Use Permit based on Finding of Facts dated February 13, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build two (2) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units each – 1920 AU Animal Units total) Class D finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as SW1/4, exc E794.52, W1542.30, S615.61 & exc Lots H-3, H-4 & H-5, S9-T93N-R54W and E794.52, W1542.30, S615.61, SW1/4, S9-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 50, Gayville, SD. By roll call vote, seven (7) members voted aye.
Motion carried.

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Action 1918I: Moved by Bodenstedt, 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 7:00 P.M.
Tuesday, March 13, 2018.**

Respectfully submitted:
Patrick Garrity AICP
Zoning Administrator