

Yankton County Planning Commission
July 31, 2018

A special meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on July 31, 2018.

Members present at call to order: Kettering, Koenigs, Kretsinger, Bodenstedt, Gudahl, Becker, Williams and Welch.

Members absent: Guthmiller

Planning Commission chairman, Mike Welch, explained the public comment period implemented on July 1, 2018. The session will be provided at the meeting. Please sign the speaker sheet in the back of the room prior to speaking.

This was the time and place for discussion regarding application from Karl Schenk. Applicant is requesting the modification of Conditional Use Permit #3138 "Mission Hill Site" to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn 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.

Michael Stevens, representing Karl Schenk, stated the application is to provide a modification of an existing Conditional Use Permit to build one (1) barn, a Class E facility. The reduction of one barn changes the Conditional Use Permit from a Class D facility to a Class E facility. The application also provides a site plan with one (1) barn with conforming setbacks and proper ingress and egress. The site plan also provides a tree planting plan from Natural Resources Conservation Service. The plan shows four rows of trees on northwest side of the facility. The application also provides an odor footprint model, illustrating a reduced odor footprint from two (2) barns to one (1) barn.

Mr. Welch requested any proponents of the Conditional Use Permit to present their statements. No proponent statements.

Mr. Welch requested any opponents of the Conditional Use Permit to present their statements.

Margaret Healy, stated she is moving to 30848 444th Avenue, Mission Hill, SD. This is in the one-half mile buffer notification zone but greater than the required 1,320 feet setback requirement for a Class E animal production facility. Mrs. Healy's daughter and family, currently residing at this residence will relocate to the city of Yankton. Mrs. Healy stated the intent of the ordinance is to protect the quality of life of the county residences. She stated the Best Management Practices are not being considered for these Conditional Use Permits. She would like bio-filters, trees / shrubs and pit additives be applied as conditions for this application.

David Healy, stated he is moving to 30848 444th Avenue, Mission Hill, SD. Mr. Healy discussed odor footprint models. Mr. Healy stated the model has Level 1, Level 2 and Level 3 annoyance – free frequencies. The levels measure odor impact from slight notice of odor to overwhelming odor (unable to be outdoors). Mr. Healy stated the odor footprint models do not accurately predict odor annoyance-free frequency because the parameters are not consistent between the odor levels.

Mr. Healy also discussed environmental issues which are inherent is the facility design for the proposed facility. Odor, particulates, water quality, dust from roads, manure (nutrient) applications and mortality containment are all potential negative environmental impacts.

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Mr. Healy stated the rural residential acreage in Yankton County is not compatible with production pork facilities. The environmental issues create too much impact on the quality of life of the rural residences.

Paige Herrig, area neighbor, stated the environmental issues are plentiful in our history. The country experienced rapid growth in the early and mid-1900's and pollution became a major public concern. Many incidents lead to the formation of Environmental Protection Agency (EPA) in the 1970's by Richard Nixon. Mr. Herrig stated the time is here for "common sense environment" and protect our resources and quality of life with a proactive process.

Mr. Welch stated the applicant has ten (10) minutes for rebuttal. The applicant has no rebuttal.

Mr. Welch ended public comment and requested commission discussion.

The Planning Commission discussed the application, with Mr. Welch discussing the process for a special meeting request. The Planning Commission discussed the application and stated the request changes the performance standards when the request is from a Class D facility to a Class E facility. The main performance standard change is the Department of Environment and Natural Resources (DENR) does not regulate facilities less than 1,000 Animal Units. All the remaining performance standards will require compliance.

The Planning Commission discussed the site plan and noted the tree / shrub placement and compliant setbacks.

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

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Meeting date: July 31, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Karl Schenk

Parcel Number: 06.028.200.100

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 the modification of Conditional Use Permit #3138 "Mission Hill Site" to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, SW1/4 & SE1/4, S26-T94N-R55W, hereinafter

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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 July 19, 2108 (supported by affidavit), a legal notice was published on July 21, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on July 23, 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 7:05 pm on July 31, 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.

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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

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 #4)
 - 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

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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 #4)

- 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 #4)
- 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 #4)
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering at this site location will provide four rows of trees / shrubs (Exhibit #4, #6, #8).
- 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 #4).
- 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)
Class E (300 – 999)	Section 519 (2,3,4*,5,7(e),8(e),9,10,11,12,13)

This is a Class E proposed operation. The facility will be one (1) 2400 head feeder swine (960 animal units).

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

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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 not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

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 E CAFO. The facility acknowledges and will meet each of the requirements and the applicant detailed site plans verifying compliance. (Exhibit #4).

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 not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

- B. Land application process and/or methods;

The facility is not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

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

The facility is not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

- 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 not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

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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 #4)

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 E operation. (Exhibit #4)

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 E operation. (Exhibit #4)

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 E operation outside the described buffer area. (Exhibit #4)

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

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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 #4, #5, and #6; additional field information in original application))

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, 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 #4)

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

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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.

- 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 #4)

- 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 that 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 #6)

- 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
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	
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	

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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 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 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 #4 and #6; additional field information in original application)

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.

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

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

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

D. 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

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Drinking Water Supplies.

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

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

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

H. A Residence other than the Operators 100 feet
The applicant will meet the setback requirement for a Residence other than the Operators.

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

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

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

D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000 feet
The facility will not irrigate or surface apply any nutrient applications.

E. Lakes, Rivers and Streams Classified as Fisheries 660 feet
The facility will not irrigate or surface apply any nutrient applications.

F. All Public Road Right-of-ways (Surface Applied) 10 feet
The facility will not irrigate or surface apply any nutrient applications.

G. All Public Road Right-of-ways (Irrigated Application) 100 feet
The facility will not irrigate or surface apply any nutrient applications.

H. Incorporated Communities (Surface Applied) 1,000 feet
The facility will not irrigate or surface apply any nutrient applications.

I. Incorporated Communities (Irrigated Application) 2,640 feet
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

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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 73118A: Moved by Kettering, second by Kretsinger to recommend to a Conditional Use Permit based on Finding of Facts dated July 31, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, Applicant is requesting the modification of Conditional Use Permit #3138 “Mission Hill Site” to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn 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, all members present voted aye.

Motion carried.

This was the time and place for discussion regarding application from Karl Schenk. Applicant is requesting the modification of Conditional Use Permit #3139, “Gayville Site” to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn 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 44820 SD Hwy 50, Gayville, SD.

Michael Stevens, representing Karl Schenk, stated the application is to provide a modification of an existing Conditional Use Permit to build one (1) barn, a Class E facility. The reduction of one barn changes the Conditional Use Permit from a Class D facility to a Class E facility. The application also provides a site plan with one (1) barn with conforming setbacks and proper ingress and egress. The site plan also provides a tree planting plan from Natural Resources Conservation Service. The plan shows four rows of trees on northwest side of the facility. The application also provides an odor footprint model, illustrating a reduced odor footprint from two (2) barns to one (1) barn.

Mr. Welch requested any proponents of the Conditional Use Permit to present their statements. No proponent statements.

Mr. Welch requested any opponents of the Conditional Use Permit to present their statements.

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Phil Tau, a neighbor, discussed the potential issues with this application. Mr. Tau stated the soil types must be carefully monitored because the aquifer locations, manure applications can cause pollution in flood situations as experienced this spring / summer (2018). Mr. Tau stated the pork facility will produce odor and it will be evident throughout the area.

Paige Herrig, Mission Hill area resident, stated the pork facility (CAFO) sited along SD Hwy 50 will provide our tourist a poor first impression. Mr. Herrig stated the area will be noted for its odors and pollution than river and lake recreation.

Mr. Welch stated the applicant has ten (10) minutes for rebuttal. The applicant has no rebuttal.

Mr. Welch ended public comment and requested commission discussion.

The Planning Commission discussed the application and stated the request changes the performance standards when the request is from a Class D facility to a Class E facility. The main performance standard change is the Department of Environment and Natural Resources (DENR) does not regulate facilities less than 1,000 Animal Units. All the remaining performance standards will require compliance.

The Planning Commission discussed the site plan and noted the tree / shrub placement and compliant setbacks.

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

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Meeting date: July 31, 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 the modification of Conditional Use Permit #3139, "Gayville Site" to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn 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,

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hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is 44820 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 July 19, 2108 (supported by affidavit), a legal notice was published on July 21, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on July 23, 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 7:35 pm on July 31, 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.

Michael Stevens, representing Karl Schenk, stated the application is to provide a modification of an existing Conditional Use Permit to build one (1) barn, a Class E facility. The reduction of one barn changes the Conditional Use Permit from a Class D facility to a Class E facility. The application also provides a site plan with one (1) barn with conforming setbacks and proper ingress and egress. The site plan also provides a tree planting plan from Natural Resources Conservation Service. The plan shows four rows of trees on northwest side of the facility. The application also provides an odor footprint model, illustrating a reduced odor footprint from two (2) barns to one (1) barn.

Mr. Welch requested any proponents of the Conditional Use Permit to present their statements. No proponent statements.

Mr. Welch requested any opponents of the Conditional Use Permit to present their statements. Phil Tau, a neighbor, discussed the potential issues with this application. Mr. Tau stated the soil types must be carefully monitored because the aquifer locations, manure applications can cause pollution in flood situations as experienced this spring / summer (2018). Mr. Tau stated the pork facility will produce odor and it will be evident throughout the area.

Paige Herrig, Mission Hill area resident, stated the pork facility (CAFO) sited along SD Hwy 50 will provide our tourist a poor first impression. Mr. Herrig stated the area will be noted for its odors and pollution than river and lake recreation.

Mr. Welch stated the applicant has ten (10) minutes for rebuttal. The applicant has no rebuttal.

Mr. Welch ended public comment and requested commission discussion.

The Planning Commission discussed the application and stated the request changes the performance standards when the request is from a Class D facility to a Class E facility. The main performance standard change is the Department of Environment and Natural Resources (DENR) does not regulate facilities less than 1,000 Animal Units. All the remaining performance standards will require compliance.

The Planning Commission discussed the site plan and noted the tree / shrub placement and compliant setbacks.

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

The commission recommends granting of the conditional use permit with conditions.

- C. Recommend denial of the conditional use.

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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 #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)
 - 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)
 - I. Screening and buffering with reference to type, dimensions, and character; Screening and buffering at this site location will provide four rows of trees / shrubs (Exhibit #3, #6).
 - E. 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
 - F. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations (Exhibit #3).
 - G. 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:

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

This is a Class E proposed operation. The facility will be one (1) 2400 head feeder swine (960 animal units).

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 not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

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 E 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 not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

F. Land application process and/or methods;

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The facility is not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

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

The facility is not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

- 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 pollution and protect public health.

The facility is not required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources.

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 #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 E 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:

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 E 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

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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

The proposed site is a Class E 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 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 additional information in original application)

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, 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:

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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 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 #4)

- 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.

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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, #4)

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.

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

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	

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 #3 and additional information in original application).

- I. 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 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.

D) 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.

E) Odor Control

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

F) 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.

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

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

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

D. 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.

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

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

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

H. A Residence other than the Operators 100 feet
The applicant will meet the setback requirement for a Residence other than the Operators. (Additional information in original application)

14. 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
The facility will not irrigate or surface apply any nutrient applications.

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

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

D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000 feet
The facility will not irrigate or surface apply any nutrient applications.

E. Lakes, Rivers and Streams Classified as Fisheries 660 feet

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<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
<u>The facility will not irrigate or surface apply any nutrient applications.</u>	
J. A Residence other than the Operators (Surface Applied)	330 feet
<u>The facility will not irrigate or surface apply any nutrient applications.</u>	
K. A Residence other than the Operators (Irrigated Application)	750 feet
<u>The facility will not irrigate or surface apply any nutrient applications.</u>	

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:

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 73118B: Moved by Gudahl, second by Becker to recommend to a Conditional Use Permit based on Finding of Facts dated July 31, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, Applicant is requesting the modification of Conditional Use Permit #3139, “Gayville Site” to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn 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 44820 SD Hwy 50, Gayville, SD. By roll call vote, all members present voted aye.
Motion carried.

Public comment period.

- Craig Johnson – Discussed potential zoning regulations.

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- Amy Wishon – Discussed potential water issues at the Cutts #2 barn construction site.

Action 73118C: Moved by Kettering, seconded by Gudahl 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, August 14, 2018.

Respectfully submitted:
Patrick Garrity AICP
Zoning Administrator