

Yankton County Planning Commission  
October 10, 2017

The monthly meeting of the Yankton County Planning Commission was called to order by Vice Chairperson Jeff Gudahl at 6:00 p.m. on October 10, 2017.

Members present at call to order: Klimisch, Gudahl, Kettering, Bodenstedt, Sylliaasen, Williams (6:05 pm), and Becker (6:10 pm).

Members absent: Guthmiller, Kretsinger, and Welch.

This was the time and place for a working session for discussion regarding the Comprehensive Plan. Pat Garrity, Zoning Administrator, lead the discussion on Chapter One and Chapter Two. The Planning Commission reviewed the chapters and edited some language in the each chapter. The commission also indexed some of the tables and figures in the chapters. All changes will be implemented before the next meeting and available for review. After review from the commission, each session draft will be available to the public.

This was the time and place to review and approve the minutes from September 12, 2017 and September 25, 2017.

Action 101017A: Moved by Kettering, second by Williams to approve the September 12, 2017 with corrections.

By voice vote, all members present voted aye.

Motion carried.

Action 101017B: Moved by Klimisch, second by Kettering to approve the September 25, 2017 with corrections.

By voice vote, all members present voted aye.

Motion carried.

Don Kettering announced our Planning Commission chairperson was currently on active duty in the Virgin Islands assisting FEMA with disaster relief. We all anticipate his safe return.

This was the time and place for discussion regarding Kneifl Properties, LLC. Applicant is requesting a variance of Maximum Accessory Structure Size Requirement from 2,000 sq. ft. with fourteen (14) foot sidewalls to 6,768 sq. ft. with sixteen (16) foot sidewalls in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434<sup>th</sup> Avenue, Yankton, SD.

The applicant requested to reschedule the application until a later date.

No action was taken.

This was the time and place for discussion regarding Mike Sempek. Applicant is requesting a Conditional Use Permit to operate a Repair shop, Auto body business in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract A, E1/2, SW1/4, S22-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 44342 307<sup>th</sup> Street, Mission Hill, SD.

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Mr. Sempek stated the request is to conduct business to restore farm tractors and older model automobiles. The facility is an enclosed structure which will meet fire department requirements, install a paint booth with proper ventilation, secure a solvent and paint disposal with a third party contract. Mr. Sempek stated the property will not become an auto salvage or auto parts operation.

Proponents for the application were Kathy Hansen, Patty Davies and Karl Schenk. Topics discussed were present appearance of the property, a responsible business request and support for neighbor business requests but understand it is zoned agriculture and must accept agriculture activity.

No opponents were present.

The Planning Commission discussed the application and determined all issues and citizen concerns were addressed and appropriate procedures will be implemented.

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

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Meeting Date: October 10, 2017

CONDITIONAL USE  
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Mike Sempek

Parcel Number: 06.022.200.100

Legal description: Tract A, E1/2, SW1/4, S22-T94N-R55W

Physical Address: 44342 307<sup>th</sup> 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 requested CUP under Article 5, Section 507 (36), Repair shop, Auto body.
2. Notice of public hearing was given according to state and county law; The applicant mailed notifications letters to all owners of real property one-half mile buffer on September 28, 2017, 10 days prior to the PC hearing as supported by the affidavit. Legal notification was published on September 30, 2017, 10 days before the Planning Commission meeting. The property was posted on October 2, 2017.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public hearing was held at 7:20 pm on October 10, 2017. Mr. Sempek stated the request is to

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conduct business to restore farm tractors and older model automobiles. The facility is an enclosed structure which will meet fire department requirements, install a paint booth with proper ventilation, secure a solvent and paint disposal with a third party contract. Mr. Sempek stated the property will not become an auto salvage or auto parts operation.

Proponents for the application were Kathy Hansen, Patty Davies and Karl Schenk. Topics discussed were present appearance of the property, a responsible business request and support for neighbor business requests but understand it is zoned agriculture and must accept agriculture activity.

No opponents were present.

The Planning Commission discussed the application and determined all issues and citizen concerns were addressed and appropriate procedures will be implemented.

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; The Planning Commission recommends approval of the conditional use permit with conditions as stated in the 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 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 ingress and egress is established with existing roads, 307<sup>th</sup> Street and provide sufficient room for any activity and emergency procedures if necessary.
  - B. Off right-of-way parking and loading areas where required; with particular attention to the items in A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; The applicant will provide sufficient management of the facility protocol, (the facility is an enclosed structure which will meet fire department requirements, install a paint booth with proper ventilation, secure a solvent and paint disposal with a third party contract. Mr. Sempek stated the property will not become an auto salvage or auto parts operation.)
  - C. Refuse and service areas are required; The applicant will provide sufficient refuse containers and proper disposal contracts for volatile materials.
  - D. Utilities, with reference to locations, available and compatibility; All utilities are available and compatible with the district.
  - E. Screening and buffering with reference to type, dimensions, and character; The area is an established farmstead with sufficient screening and 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; All signs

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will meet Article 14 requirements and all exterior lighting will be compatible with surrounding property.

- G. Required yards and open spaces; and; The area is large enough and sufficient buffers are present to be compatible in the neighborhood and will not become a salvage yard or used auto/tractor/equipment salvage business.
- H. The use is compatible with adjacent properties and the granting of a conditional use will not adversely affect the public interest; The use will not affect adjacent properties with proper implementation of the stated conditions and continuous monitoring of the facility.

Motion 101017C: Moved by Bodenstedt, second by Kettering to recommend approval of a Conditional Use Permit, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, based on Finding of Facts dated October 10, 2017, to operate a Repair shop, Auto body business in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract A, E1/2, SW1/4, S22-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 44342 307<sup>th</sup> Street, Mission Hill, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion with Jay Cutts. Applicant is requesting a Conditional Use Permit to build one (1) 2400 head pork (finisher swine over 55 pounds) Class E (960 AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, S4-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 303<sup>rd</sup> Street, Mission Hill, SD.

The Zoning Administrator introduced the Conditional Use Permit (CUP) and Jay Cutts. Mr. Cutts stated his family farming history in the Mission Hill area. Mr. Cutts request is to provide opportunity for his sons and family to remain competitive in the agriculture economy. Mr. Cutts has researched the swine production methods and feels it is the best way to achieve market needs and animal husbandry requirements.

Brad Woerner, Stockwell Engineering, twenty years engineering experience, has noted the industry is addressing environmental concerns. Mr. Woerner stated the operation is a Class E, 960 Animal Units in Yankton County Zoning Regulations. The Agriculture District requires a Conditional Use Permit, Section 507 (1) with Section 519 Animal Feeding Operation Performance Standards establishing regulations based on specific classes defined in the section. The following listed requirements were addressed by Mr. Woerner:

1. The DENR requirement is started and will be properly completed before a building permit is approved and a Notice of Completion / Notice of Compliance will be on file in the Planning & Zoning office upon completion of the construction phase. The applicant is not required to complete any DENR requirements, but will voluntarily comply.
2. Storm Water Permit for construction will be in compliance before and during construction of the facility.
3. The facility will meet all requirements as evident on the site plan, Exhibit #2A and #2B.

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4. The DENR nutrient management plan will be in compliance with approval and/or certification before a building permit is approved. The applicant is not required to complete any DENR requirements, but will voluntarily comply.
5. The facility will meet all requirements as evident on the site plan, Exhibit #2A and #2B.
6. The facility will meet all requirements as evident on the site plan, Exhibit #2A and #2B.
7. The facility will meet all requirements as evident on the site plan, Exhibit #2A and #2B.
8. The facility will meet all requirements as evident on the site plan, Exhibit #2A and #2B.
9. All regulations will be compliant with application fields as proposed in the application.
10. Response to Section 519(10):

Section 519(10) Animal Feeding Operation Performance Standards 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 plan:

- (A) An operational plan for manure/ nutrients collection, storage, treatment and use shall be kept updated and implemented:

Manure/nutrients are a valuable input component to my, in fact, any farm for crop production. The manure/nutrients management starts with capturing the manure/nutrients in a reinforced concrete vault directly under each of the proposed facilities. This has the benefit of both containing the manure/nutrients and also covering the vault with the facility structure so the manure/nutrients are both contained and covered. This design also aids in the control of potential odors. In addition, the manure/nutrients are controlled and beneficial by annually directly applying the manure/ nutrients via injection into nearby fields as a fertilizer (reducing the use of surface applied petroleum based fertilizers). The annual application period is expected to take three days and neighbors will be notified as indicated in the notification section (H). Reputable area vendors who specialize in the application of manure/nutrient shall be used to ensure best practices and suitable equipment is utilized. A 2,400 unit facility is expected to produce annual nutrient adequate to enhance 200 acres. Due to differing nutrient needs of expected annual crop rotations each 2,400 unit facility will need approximately 400 acres of land for nutrient application on a rotational basis. Consequently, the manure/nutrient application plan has identified approximately 400 acres in direct proximity to the proposed swine facility for treatment. This will maximize the use of nutrients in crop rotation which minimizes the risk of water contamination.

The design of facility is NOT an open lagoon system. The building is designed so that storm waters are diverted away from the manure/nutrient vault. The vault shall be constructed to be approximately eight feet deep, of which approximately 36 inches will be above grade. The vault shall be located directly underneath and attached to each of the covered facilities. In addition, the site shall be graded to direct storm-water drainage away from the facility. This construction design and grading plan shall prevent any storm-water from reaching the manure/nutrients and shall prevent the manure/nutrients from escaping its intended confinement area unintentionally.

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A Concentrated Animal Feeding Operational (CAFO) Permit for the proposed facility will be filed with South Dakota Department of Environment and Natural Resources (“SD DENR”). All waste-water from cleaning activities shall be captured in the underground enclosed vault.

- (B) The methods to be utilized to dispose of dead animals are identified.

The plan for 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.

- (C) Screening and buffering to address wind movement with the use of trees and shrubs

The South Dakota State University odor footprint tool shows the level of odor for the buffer area around the facility to be at 98% to 99% annoyance-free. (Exhibit #3 and #3A and #3B and #3C and Exhibit #4) There are no residential structures on property within a quarter mile of the proposed site, so no screening or buffering is being proposed. This will maximize the best use of the surrounding property as agricultural production.

- (D) Solid manure/ nutrients management plan to include slope, drainage, storm water containment:

The manure/ nutrients will be collected in a reinforced concrete vault to prevent any leakage. The vault shall be constructed to be approximately eight feet deep, of which approximately 36 inches will be above grade. The vault shall be located directly underneath and attached to the covered facility. In addition, the site shall be graded to direct storm-water drainage away from the facility. This construction design and grading plan shall prevent any storm-water from reaching the manure/nutrients and shall prevent the manure/nutrients from escaping its confinement area unintentionally.

- (E) Solid manure/nutrients storage plan:

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 SD DENR CAFO permit requirements and accepted industry standards.

- (F) Method and time frame for removal of manure/nutrients from open pens to minimize odor production:

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

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but after snow melt in accordance with SD DENR CAFO nutrient management plan that will be filed with SD DENR.

(G) Applicability, economics, and effect of Industry Best Management Practices:

Industry best management practices are to control the manure/nutrients and wastewater in a covered vault. The facility is designed to do this. Although the reinforced concrete vault has higher relative cost than an uncovered open lagoon, the benefits of odor control and manure/wastewater containment are worth the additional investment. This reduces the potential dissemination of odor to the neighboring area as reflected in the attached odor model. The design of the Cutts facility is NOT an open lagoon system.

Industry best management practices are to apply the manure/nutrient as a fertilizer to nearby fields. To control odor, the organic 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 #11 and #12 and #13)

Industry best management practices is to promptly remove mortalities and that is the practice Jay Cutts 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. Jay Cutts' operation shall follow these practices.

Aeration, anaerobic lagoons and digesters and solid separation are all practices that may reduce odor and particle emissions. However, Jay Cutts' operation will employ the covered vault 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 is sited to limit the effect of odor on neighboring residences in one of the most effective best management practices. (Exhibit #3 and #3A and #3B and #3C)

(H) Notification section:

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

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Dale Knode	44317 303 <sup>rd</sup> St. Mission Hill, SD 57046	605-665-7218
Karen Huber	44334 304 <sup>th</sup> St. Mission Hill, SD 57046	605-661-8470

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Katie Freng	30431 445 <sup>th</sup> Ave. Mission Hill, SD 57046	605-661-1647
Patty Davies	30392 445 <sup>th</sup> Ave. Mission Hill, SD 57046	605-267-2338
Tom Roth	30324 444 <sup>th</sup> Ave. Mission Hill, SD 57046	605-661-9340

There are no public meeting sites within ½ mile of the proposed facilities.

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 #5 and #6 and #7 and #8 and #9 and #10)

- (I) A review of weather conditions shall be done to determine the effect of weather condition manure/nutrients application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties. Jay Cutts intends to avoid application of the manure/nutrients during the warmer summer months and will avoid holiday and weekends whenever feasible.

Jay Cutts will provide notification to the effected neighbors by either a letter or through electronic notification (email/text) or through a phone call to remind them of our application time frame with a 30-day window and a goal of a one week window.

Review of weather conditions, outlining the most advantageous and the least advantageous conditions for organic manure/nutrients application of fertilizer and his plan to mitigate the effect on neighbors.

Most advantageous weather conditions are in cool dry conditions with a mild breeze. The least advantageous time is in hot wet weather. Avoid application if rain is forecast in the near future. The plan, to capitalize on favorable conditions and avoid unfavorable conditions, is to apply the manure/nutrient in the fall after harvest. In rare instances, the manure/nutrient will be applied in the spring (after snow-melt). In every instance, the application shall be done in compliance with SD DENR requirements.

Additional procedures Jay Cutts 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.

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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. Utilize the South Dakota State University odor footprint tool to implement and monitor odor impact for annoyance-free impact on neighboring properties. (Exhibit #3 and #3A and #3B and #3C)
2. Manage mortalities per SD Animal Industry Board requirements.
3. 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. (Exhibit #14 and #15)

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 application will meet the setback requirement for Private Wells.   |            |
| C. Private Wells (Operator's)  | 150 feet   |
| The application 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 application 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 application will meet the setback requirement for Lakes, Rivers, Streams Classified as Fisheries.                      |            |
| F. All Public Road Right-of-Ways   | 10 feet    |
| The application will meet the setback requirement for All Public Road Right-of-ways.                                       |            |
| G. Incorporated Communities  | 660 feet   |
| The application will meet the setback requirement for Incorporated Communities.  |            |
| H. A Residence other than the Operators  | 100 feet   |
| The application will meet the setback requirement for a Residence other than the Operators.                                |            |

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Mr. Woerner stated the odor footprint tool from South Dakota State University shows one resident between the 98% and 99% odor annoyance-free zone. The annoyance-free of 98% is a community of 5,000 or less will observe annoyance two (2) days over one hundred (100) days of exposure. The annoyance-free of 99% is a community of 5,000 or greater will observe annoyance one (1) day every one hundred (100) days of exposure. The site is properly located with no additional buffer requirements. The barn is a deep-pit, covered facility, 51 feet X 394 feet with east to west configuration and all storm water will be properly diverted away from the barn.

The following people spoke in favor of the proposed Conditional Use Permit. Jim Petrek, Gayville area producer, Todd VanMaanen and John Gunderson. Topics discussed: viability of pork production in current markets, current production in county is fraction of past years production numbers, environmental consideration is important for operators with nutrients analysis at 85% water, 13% nutrients and 2% minor elements, reduced carbon footprint, feed efficiency improvement, agriculture operators will pursue diversification, continuous improvement of production practices, voluntary compliance with DENR regulations, agriculture can improve economic opportunities, 2400 head swine feeder facility is a smaller operation, Sioux County health statistics report and diseases of swine (Exhibit #17) and producer practices to manage diseases.

The following people spoke in opposition of the Conditional Use Permit. Terry Altena, Dale Knode, Jon Riibe, Phil Tau and Brandon Gramkow. Topics of discussion were inadequate enforcement of regulations, impact on endangered species in the area including Belgian Hare and Jacob Goat (Exhibit #18), water must be protected, impact of birds in the facility, quality of life concerns, impact on recreation in Yankton County, odor footprint tool shortcomings and unreliable results (Exhibit #19), conditions to implement the disposal of animals, tree belt on east side of barn, public information on mortality rates, removal schedule, windy day restrictions for nutrient applications, pit additives, feed additives, shelter belts around facility, biofilter barns and request a precedence for strong conditions.

The applicant provided the following rebuttal:

Jay Cutts stated rendering service will remove all mortality on scheduled times. Mr. Cutts will utilize additives in the feed and pit to mitigate odors. Mr. Cutts will properly notify all required neighbors. Dan Klimisch challenged Mr. Cutts with accusation of not properly notifying the residents. Mr. Cutts' attorney assured the neighbors will be contacted as required.

Brad Woerner stated all nutrient management records are public documents, the odor model shows annoyance factors and the model provided shows low annoyance in the buffer zone. (Exhibit #3 and #3A and #3B and #3C) DENR will evaluate/enforce all endangered species regulations. Don Kettering inquired with Mr. Woerner about biofilters on the proposed curtain barn. Mr. Woerner stated, "I don't think they are as effective on natural barns. Properly managed, designed and installed etc. I don't see why they wouldn't work. The impact isn't as great as on a mechanically ventilated barn, however." Mr. Dan Klimisch questioned Mr. Woerner experience with biofilters. Mr. Woerner answered and Mr. Klimisch asked if he was an expert on biofilters. Mr. Woerner said he had some experience with biofilters when he went to Iowa State in 1996-1998.

Vice chairman Jeff Gudahl requested more information regarding biofilters and allow Brad Hohn of MDS Manufacturing, with 26 years of experience, to address biofilters. Mr. Hohn stated

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biofilters cannot work on a natural ventilated barn as proposed in this application. He also stated biofilters are not a cure-all for odor or particulate control. Maintenance is high and cost is a negative factor. Mr. Klimisch challenged Mr. Hohn experience and as an expert will he provide advice to protect the quality of life for the neighbors. Mr. Hohn responded the zoning ordinance is for that purpose. Mr. Klimisch stated he was referring to the barns, that there is no equipment available for particulate matter. Mr. Hohn stated cleanliness is good for animals and workers. Mr. Klimisch continue the line of questioning Mr. Hohn expertise and asserted the proposed barns are not appropriate for this county.

Jeff Gudahl called for an end of this line of questioning and closed public comment period.

Zoning Administrator began with a review of the zoning ordinance and create findings of fact. Mr. Klimisch began a line of questioning with the applicant about the previous applications and any future plans. Mr. Klimisch asked if the applicant was building three more barns? Why did he withdraw the previous applications? How many gallons of manure? (Applicant - 800,000 to 900,000 gallons) How to dispose of manure? Fields identified? (Applicant – provided in the application) Mr. Klimisch continued his line of questioning about disposal of manure, validity of the Class E without manure management plan, who owns the animals, soil boring completed yet, ground water monitoring. Mr. Woerner stated Yankton County has more restrictive regulations than the DENR.

Mr. Klimisch made motion to deny the application because it is incomplete. No second.

Don Kettering made motion approve the Conditional Use Permit, Butch Becker second the motion. Mr. Gudahl requested discussion. Mr. Klimisch asked about feed additives and pit additives. Mr. Kettering amended his motion to include the use of feed and pit additives. Deb Bodenstedt made notice of nutrient applications notification. Mr. Klimisch requested trees to reduce particulate matter. Why are trees not required for the quality of life?

Don Kettering restated his motion for approval, Butch Becker second.

Mr. Klimisch “point of order” several times, requests continuing questions regarding the application. Mr. Gudahl denies the request and calls for roll call vote on the motion on the floor. Mr. Klimisch stated his opposition to the application is “it is an incomplete application”.

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

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Meeting date: October 10, 2017

CONDITIONAL USE  
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Jay Cutts

Parcel Number: 06.004.100.100

Legal description: NE1/4, S4-T94N-R55W

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Physical Address: TBA 303<sup>rd</sup> 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 one (1) 2400 head pork (finisher swine over 55 pounds) Class E (960 AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, S4-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 303<sup>rd</sup> 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 September 27, 2017 (supported by affidavit), a legal notice was published on September 30, 2017 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on October 2, 2017.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:40 pm on October 10, 2017 in the Yankton County Government Center County Commission chambers. The Zoning Administrator introduced the Conditional Use Permit (CUP) and Jay Cutts. Mr. Cutts stated his family farming history in the Mission Hill area. Mr. Cutts request is to provide opportunity for his sons and family to remain competitive in the agriculture economy. Mr. Cutts has researched the swine production methods and feels it is the best way to achieve market needs and animal husbandry requirements.  
Brad Woerner, Stockwell Engineering, twenty years engineering experience, has noted the industry is addressing environmental concerns. Mr. Woerner stated the operation is a Class E, 960 Animal Units in Yankton County Zoning Regulations. The Agriculture District requires a Conditional Use Permit, Section 507 (1) with Section 519 Animal Feeding Operation Performance Standards establishing regulations based on specific classes defined in the section. The following listed requirements were addressed by Mr. Woerner:
  1. The DENR requirement is started and will be properly completed before a building permit is approved and a Notice of Completion / Notice of Compliance will be on file in the Planning & Zoning office upon completion of the construction phase. The applicant is not required to complete any DENR requirements, but will voluntarily comply.
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  7. The facility will meet all requirements as evident on the site plan, Exhibit #2A and #2B.
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  9. All regulations will be compliant with application fields as proposed in the application.
  10. Response to Section 519(10): as stated in findingsMr. Woerner stated the odor footprint tool from South Dakota State University shows one

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resident between the 98% and 99% odor annoyance-free zone. The annoyance-free of 98% is a community of 5,000 or less will observe annoyance two (2) days over one hundred (100) days of exposure. The annoyance-free of 99% is a community of 5,000 or greater will observe annoyance one (1) day every one hundred (100) days of exposure. The site is properly located with no additional buffer requirements. The barn is a deep-pit, covered facility, 51 feet X 394 feet with east to west configuration and all storm water will be properly diverted away from the barn.

The following people spoke in favor of the proposed Conditional Use Permit. Jim Petrek, Gayville area producer, Todd VanMaanen and John Gunderson. Topics discussed: viability of pork production in current markets, current production in county is fraction of past years production numbers, environmental consideration is important for operators with nutrients analysis at 85% water, 13% nutrients and 2% minor elements, reduced carbon footprint, feed efficiency improvement, agriculture operators will pursue diversification, continuous improvement of production practices, voluntary compliance with DENR regulations, agriculture can improve economic opportunities, 2400 head swine feeder facility is a smaller operation, Sioux County health statistics report and diseases of swine (Exhibit #17) and producer practices to manage diseases.

The following people spoke in opposition of the Conditional Use Permit. Terry Altena, Dale Knode, Jon Riibe, Phil Tau and Brandon Gramkow. Topics of discussion were inadequate enforcement of regulations, impact on endangered species in the area including Belgian Hare and Jacob Goat (Exhibit #18), water must be protected, impact of birds in the facility, quality of life concerns, impact on recreation in Yankton County, odor footprint tool shortcomings and unreliable results (Exhibit #19), conditions to implement the disposal of animals, tree belt on east side of barn, public information on mortality rates, removal schedule, windy day restrictions for nutrient applications, pit additives, feed additives, shelter belts around facility, biofilter barns and request a precedence for strong conditions.

The applicant provided the following rebuttal:

Jay Cutts stated rendering service will remove all mortality on scheduled times. Mr. Cutts will utilize additives in the feed and pit to mitigate odors. Mr. Cutts will properly notify all required neighbors. Dan Klimisch challenged Mr. Cutts with accusation of not properly notifying the residents. Mr. Cutts' attorney assured the neighbors will be contacted as required.

Brad Woerner stated all nutrient management records are public documents, the odor model shows annoyance factors and the model provided shows low annoyance in the buffer zone. (Exhibit #3 and #3A and #3B and 3C) DENR will evaluate/enforce all endangered species regulations. Don Kettering inquired with Mr. Woerner about biofilters on the proposed curtain barn. Mr. Woerner stated the biofilter will not work with curtain barns, they must be fully enclosed air displacement (mechanical ventilation) barns. Mr. Dan Klimisch questioned Mr. Woerner experience with biofilters. Mr. Woerner answered and Dan asked if he was an expert on biofilters.

Vice chairman Jeff Gudahl requested more information regarding biofilters and allow Brad Hohn of MDS Manufacturing, with 26 years of experience, to address biofilters. Mr. Hohn stated biofilters cannot work on a natural ventilated barn as proposed in this application. He also stated biofilters are not a cure-all for odor or particulate control. Maintenance is high and cost is a negative factor. Mr. Klimisch challenged Mr. Hohn experience and as an expert will he provide advice to protect the quality of life for the neighbors. Mr. Hohn responded the zoning ordinance is for that purpose. Mr. Klimisch stated he was referring to the barns, that

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there is no equipment available for particulate matter. Mr. Hohn stated cleanliness is good for animals and workers. Mr. Klimisch continue the line of questioning Mr. Hohn expertise and Mr. Klimisch concluded the proposed barns are not appropriate for this county. Jeff Gudahl called for an end of this line of questioning and closed public comment period. Zoning Administrator began with a review of the zoning ordinance and create findings of fact. Mr. Klimisch began a line of questioning with the applicant about the previous applications and any future plans. Mr. Klimisch asked if the applicant was building three more barns? Why did he withdraw the previous applications? How many gallons of manure? (Applicant - 8,000 to 9,000 gallons) How to dispose of manure? Fields identified? (Applicant – provided in the application) Mr. Klimisch continued his line of questioning about disposal of manure, validity of the Class E without manure management plan, who owns the animals, soil boring completed yet, ground water monitoring. Mr. Woerner stated Yankton County has more restrictive regulations than the DENR. Mr. Klimisch made motion to deny the application because it is incomplete. No second. Don Kettering made motion approve the Conditional Use Permit, Butch Becker second the motion. Mr. Gudahl requested discussion. Mr. Klimisch asked about feed additives and pit additives. Mr. Kettering amended his motion to include the use of feed and pit additives. Deb Bodenstedt made notice of nutrient applications notification. Mr. Klimisch requested trees to reduce particulate matter. Why are trees not required for the quality of life? Don Kettering restated his motion for approval, Butch Becker second. Mr. Klimisch “calls to question” several times, requests continuing questions regarding the application. Mr. Gudahl denies the request and calls for roll call vote for the motion on the floor. Mr. Klimisch stated his opposition to the application “it is an incomplete application”. 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 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 (303<sup>rd</sup> Street) site plan turn around for emergency vehicles.

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- 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 #2A and #2B)
- 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 #2A and #2B)
- 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.
- 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.
- 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.
- 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) <u>This is a Class E proposed operation. The facility will be one (1) 2400 head feeder swine (960 animal units).</u>
Class F (1 – 299)	NA

\*If required by state law

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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 will be required to receive and maintain a General Permit by South Dakota Department of Environment and Natural Resources. South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota, chapters 74:52:01 through 74:52:11, the South Dakota Department of Environment and Natural Resources directs Concentrated Animal Feeding Operations to have no discharge from their manure management systems to waters of the state. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer. The Planning Commission recommends all components of the DENR permit completed prior to issuance of a Yankton County building permit.

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 General Permit by South Dakota Department of Environment and Natural Resources. The DENR contact is Kent Woodmansey, Natural Resources Feedlot Engineer. The Planning Commission recommends all components of the DENR General Permit Process completed prior to issuance of a Yankton County building permit.

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

The facility acknowledges and will meet each of the requirements and the applicant detailed site plans verifying compliance. (Exhibit #2A and #2B).

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 applicant facility will meet all DENR requirements as stated in the General Permit Process prior to issuance of a Yankton County building permit.

- B. Land application process and/or methods;

The application and methods will be provided in the Nutrient Management Plan. The applicant will meet all DENR requirements as stated in the General Permit Process prior to issuance of a Yankton County building permit (Exhibit #5 and #6 and #7 and #8).

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

The legal description and map will be provided in the Nutrient Management Plan. The applicant will meet all DENR requirements as stated in the General Permit Process prior to issuance of a Yankton County building permit (Exhibit #5 and #6 and #7 and #8).

- 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 applicant will meet all DENR requirements as stated in the General Permit Process prior to issuance of a Yankton County building permit.

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 acknowledges and will meet each of the requirements and the applicant detailed site plans verifying compliance. (Exhibit #2A and #2B)

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

The proposed site is outside the described area and a Class E operation. (Exhibit #2A and #2B)

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, 431<sup>st</sup> 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 #2A ad #2B)

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.

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- |            |            |
|------------|------------|
| 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 #2A and #2B)

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.

The legal description and map will be provided in the Nutrient Management Plan. The applicant will meet all DENR requirements as stated in the General Permit Process prior to issuance of a Yankton County building permit. The plan will provide details regarding all aspects of nutrient application (Exhibit #5 and #6 and #7 and #8).

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:

- Manure/nutrients are a valuable input component to my, in fact, any farm for crop production. The manure/nutrients management starts with capturing the manure/nutrients in a reinforced concrete vault directly under each of the proposed facilities. This has the benefit of both containing the manure/nutrients and also covering the vault with the facility structure so the manure/nutrients are both contained and covered. This design also aids in the control of potential odors. In addition, the manure/nutrients are controlled and beneficial by annually directly applying the manure/ nutrients via injection into nearby fields as a fertilizer (reducing the use of surface applied petroleum based fertilizers). The annual application period is expected to take three days and neighbors will be notified as indicated in the notification section (H). Reputable area vendors who specialize in the application of manure/nutrient shall be used to ensure best practices and suitable equipment is utilized. A 2,400 unit facility is expected to produce annual nutrient adequate to enhance 200 acres. Due to differing nutrient needs of expected annual crop rotations each 2,400 unit facility will need approximately 400 acres of land for nutrient application on a rotational basis. Consequently, the manure/nutrient application plan has identified approximately 400 acres in direct proximity to the proposed swine facility for treatment. This will maximize the use of nutrients in crop rotation which minimizes the risk of water contamination.

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- The design of facility is NOT an open lagoon system. The building is designed so that storm waters are diverted away from the manure/nutrient vault. The vault shall be constructed to be approximately eight feet deep, of which approximately 36 inches will be above grade. The vault shall be located directly underneath and attached to each of the covered facilities. In addition, the site shall be graded to direct storm-water drainage away from the facility. This construction design and grading plan shall prevent any storm-water from reaching the manure/nutrients and shall prevent the manure/nutrients from escaping its intended confinement area unintentionally.
- A Concentrated Animal Feeding Operational (CAFO) Permit for the proposed facility will be filed with South Dakota Department of Environment and Natural Resources (“SD DENR”).
  - All waste-water from cleaning activities shall be captured in the underground enclosed vault.
- B. The methods to be utilized to dispose of dead animals shall be identified:
- The plan for 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.
- 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:
- The South Dakota State University odor footprint tool shows the level of odor annoyance free for the buffer area around the facility. (Exhibit #3 and #3A and #3B and #3C and Exhibit #4) There are no residential structures on property within a quarter mile of the proposed site, so no screening or buffering is being proposed. This will maximize the best use of the surrounding property as agricultural production.
- 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.
- The manure/ nutrients will be collected in a reinforced concrete vault to prevent any leakage. The vault shall be constructed to be approximately eight feet deep, of which approximately 36 inches will be above grade. The vault shall be located directly underneath and attached to the covered facility. In addition, the site shall be graded to direct storm-water drainage away from the facility. This construction design and grading plan shall prevent any storm-water from reaching the manure/nutrients and shall prevent the manure/nutrients from escaping its intended confinement area unintentionally.
- 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

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within the reinforced concrete vault designed and constructed in accordance with SD DENR CAFO permit requirements and accepted industry standards.

- F. A description of the method and timeframe for removal of manure/nutrients from open pens to minimize odor production:
- 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 in accordance with SD DENR CAFO nutrient management plan that will be filed with SD DENR.
- G. The applicability, economics, and effect of Industry Best Management Practices shall be covered:
- Industry best management practices are to control the manure/nutrients and wastewater in a covered vault. The facility is designed to do this. Although the reinforced concrete vault has higher relative cost than an uncovered open lagoon, the benefits of odor control and manure/wastewater containment are worth the additional investment. This reduces the potential dissemination of odor to the neighboring area as reflected in the attached odor model. The design of the Cutts facility is NOT an open lagoon system.
  - Industry best management practices are to apply the manure/nutrient as a fertilizer to nearby fields. To control odor, the organic 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 #11 and #12 and #13)
  - Industry best management practices is to promptly remove mortalities and that is the practice Jay Cutts 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. Jay Cutts' operation shall follow these practices.
  - Aeration, anaerobic lagoons and digesters and solid separation are all practices that may reduce odor and particle emissions. However, Jay Cutts' operation will employ the covered vault 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 is sited to limit the effect of odor on neighboring residences in one of the most effective best management practices. (Exhibit #3 and #3A and #3B and #3C)
- 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,

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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:**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
<u>Dale Knode</u>	<u>44317 303<sup>rd</sup> St. Mission Hill, SD 57046</u>	<u>605-665-7218</u>
<u>Karen Huber</u>	<u>44334 304<sup>th</sup> St. Mission Hill, SD 57046</u>	<u>605-661-8470</u>
<u>Katie Freng</u>	<u>30431 445<sup>th</sup> Ave. Mission Hill, SD 57046</u>	<u>605-661-1647</u>
<u>Patty Davies</u>	<u>30392 445<sup>th</sup> Ave. Mission Hill, SD 57046</u>	<u>605-267-2338</u>
<u>Tom Roth</u>	<u>30324 444<sup>th</sup> Ave. Mission Hill, SD 57046</u>	<u>605-661-9340</u>

- There are no public meeting sites within ½ mile of the proposed facilities.
- 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 #5 and #6 and #7 and #8 and #9 and #10)

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.

- Jay Cutts will provide notification to the effected neighbors by either a letter or through electronic notification (email/text) or through a phone call to remind them of our application time frame with a 30-day window and a goal of a one week window.
- Review of weather conditions, outlining the most advantageous and the least advantageous conditions for organic manure/nutrients application of fertilizer and his plan to mitigate the effect on neighbors.
- Most advantageous weather conditions are in cool dry conditions with a mild breeze. The least advantageous time is in hot wet weather. Avoid application if rain is forecast in the near future. The plan, to capitalize on favorable conditions and avoid unfavorable conditions, is to apply the manure/nutrient in the fall after harvest. In

rare instances, the manure/nutrient will be applied in the spring (after snow-melt). In every instance, the application shall be done in compliance with SD DENR requirements.

Additional procedures Jay Cutts 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. Utilize the South Dakota State University odor footprint tool to implement and monitor odor impact for annoyance-free impact on neighboring properties. (Exhibit #3 and #3A and #3B and #3C)
2. Manage mortalities per SD Animal Industry Board requirements.
3. 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. (Exhibit #14 and #15)

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 application will meet the setback requirement for Private Wells.

- C. Private Wells (Operator's) 150 feet

The application will meet the setback requirement for Private Wells (Operator's).

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D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet  
The application 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 application will meet the setback requirement for Lakes, Rivers, Streams Classified as Fisheries.

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

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

H. A Residence other than the Operators 100 feet  
The application 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 injected or incorporated within twenty-four (24) hours:

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

Lakes, Rivers and Streams Classified as Fisheries 200 feet

E. All Public Road Right-of-ways 10 feet

F. Incorporated Communities 660 feet

G. A Residence other than the Operators 100 feet

The applicant acknowledges and will meet each of the required setbacks.

13. 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 1,000feet

B. Private Wells 250feet

C. Private Wells(Operator's) 150feet

D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000feet

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

F. All Public Road Right-of-ways (Surface Applied) 10 feet

G. All Public Road Right-of-ways (Irrigated Application) 100 feet

H. Incorporated Communities (Surface Applied) 1,000 feet

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

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

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

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

14. 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 101017D: Moved by Kettering, second by Becker to recommend approval of a Conditional Use Permit based on Finding of Facts dated October 10, 2017, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build one (1) 2400 head pork (finisher swine over 55 pounds) Class E (960 AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, S4-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 303<sup>rd</sup> Street, Mission Hill, SD.

By roll call vote, seven (7) members voted aye and one (1) member voted nay.

Motion carried.

Action 101017E: Moved by Williams, seconded by Sylliaasen 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 6:00 P.M. Tuesday, November 14, 2017.**

Respectfully submitted:  
Patrick Garrity AICP  
Zoning Administrator