

Yankton County Planning Commission
April 10, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on April 10, 2018.

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

Members absent: Kettering and Koenigs

Pat Garrity called for nominations for chairperson.

Debra Bodenstedt nominates, Carll Kretsinger second, Michael Welsh for chairperson.

Dan Guthmiller moved to cease nominations and pass unanimous ballot for Michael Welsh.

By voice vote, all members present voted aye.

Michael Welsh is Chairperson.

Michael Welch requests nominations for Vice Chairperson.

Debra Bodenstedt nominates, Kretsinger second, Dan Guthmiller for Vice Chairperson.

Dan Guthmiller nominates, Butch Becker seconds, Jeff Gudahl for vice-chairperson

By ballot vote, three members present voted Gudahl, three members present voted Guthmiller.

By runoff ballot vote, two members present voted Gudahl, four members present voted Guthmiller.

Dan Guthmiller is Vice Chairperson.

This was the time and place to review and approve the minutes from March 13, 2018.

Action 41018A: Moved by Kretsinger, second by Bodenstedt to approve the March 13, 2018 as written.

By voice vote, all members present voted aye.

Motion carried.

Plat Considerations:

Crestview Estates, LLC

Lots 41, 42, 43, 44 and 67, Crestview Homes S/D, NE1/4, S21-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Action 41018B: Moved by Kretsinger, second by Becker to recommend approval of the plat. Lots 41, 42, 43 and 67, Crestview Homes S/D, NE1/4, S21-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 addresses are TBA.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion regarding application from Pat Fuks. Applicant is requesting a Variance of Minimum Yard Requirement from seventy-five (75) feet to forty (40) feet in an Agriculture District in Yankton County for a proposed garage. Said property is legally described as W1/2, SE1/4, exc Lot R-2, SE1/4, S16-T94N-R57W, hereinafter referred to as Ziskov

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North Township, County of Yankton, State of South Dakota. The E911 address is 43048 306th Street, Tabor, SD.

Ms. Fuks stated her request to build a garage near her existing house. The 28' X 28' accessory structure will be built forty (40) feet from the lot line.

The Planning Commission discussed the application and stated the request has sufficient setback from 306th Street when the highway lot is included, the weather impact with snow accumulations, the septic system location in the lot, utility line locations in the lot and vehicle access for the structure.

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

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Pat Fuks

Parcel Number: 14.016.200.150

Legal description: W1/2, SE1/4, exc Lot R-2, SE1/4, S16-T94N-R57W

Physical Address: 43048 306th Street, Tabor, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
 - A. The strict application of the ordinance would produce undue hardship; *The property has septic system and other utility areas restricting the available space to locate an accessory structure. The residence is pre-zoning with limited building space.*
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; *The hardship is not shared by other properties in the district.*
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; *The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.*
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. *No convenience, profit or caprice was shown.*
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make

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reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance is not recurring sufficiently to provide remedy with a zoning amendment.

3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
 - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and is not applicable to other lands, structures, or buildings in the same district.
 - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum yard requirement have been granted in Yankton County.
 - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
 - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (minimum yard requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be 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 variance on March 29, 2018 (supported by affidavit), a legal notice was published on March 31, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on April 3, 2018.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:10 pm on April 10, 2018. Ms. Fuks stated her request to build a garage near her existing house. The 28' X 28' accessory structure will be built forty (40) feet from the lot line.
The Planning Commission discussed the application and stated the request has sufficient setback from 306th Street when the highway lot is included, the weather impact with snow accumulations, the septic system location in the lot, utility line locations in the lot and vehicle access for the structure.
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting

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of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.

8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Yard Requirement is approved.

Action 41018C: Moved by Bodenstedt, second by Kretsinger to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated April 10, 2018, of Minimum Yard Requirement from seventy-five (75) feet to forty (40) feet in an Agriculture District in Yankton County for a proposed garage. Said property is legally described as W1/2, SE1/4, exc Lot R-2, SE1/4, S16-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota. The E911 address is 43048 306th Street, Tabor, SD.

By roll call vote, all members present voted aye.

Motion carried

This was the time and place for discussion regarding application from Stephen Falkenberg. Applicant is requesting a Variance of Minimum Lot Requirement from one (1) acre to +/- one (.822) acre in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Lot A, Lot B and Lot C, Fishin Hole No. 2, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address 31111 436th Avenue, Yankton, SD.

Plat Consideration:

Replat of Lots A, B and C, Fishin Hole No. 2, Lot 5, Tramp's 6th Addition, NE1/4, S17-T93N-R56W, hereby known as Lot D, Lot E, Fishin Hole No. 2, Lot 5, Tramp's 6th Addition, NE1/4, NE1/4, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31111 436th Avenue, Yankton, SD.

Mr. Falkenberg stated he is requesting the plat to provide acceptable property arrangements for a twin home development. The property will have two lots with separate access and documented septic system responsibility. The appropriate easements are recorded with this plat consideration. The Planning Commission discussed the application and determined the proposed plat is appropriate for the twin home development.

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

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Stephen Falkenberg

Parcel Number: 09.017.125.100

Legal description: Lot A, Lot B and Lot C, Fishin Hole No. 2, S17-T93N-R56W

Physical Address: 31111 436th Avenue, Yankton, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
 - A. The strict application of the ordinance would produce undue hardship; *The property is created to meet mortgage requirements for residential twin home plats.*
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; *The hardship cannot be shared by other properties in the same zoning district.*
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; *The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.*
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. *No convenience, profit or caprice was shown.*
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. *The requested variance is not recurring nor general nature to provide remedy with a zoning amendment.*
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
 - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; *The property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings when property is separated to provide mortgage financing.*
 - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this

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- ordinance; Previous variances of minimum lot requirement have been granted in Yankton County.
- C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
- D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (minimum lot requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed variance on March 28, 2018 (supported by affidavit), a legal notice was published on March 31, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on April 3, 2018.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:20 pm on April 10, 2018. Mr. Falkenberg stated he is requesting the plat to provide acceptable property arrangements for a twin home development. The property will have two lots with separate access and documented septic system responsibility. The appropriate easements are recorded with this plat consideration. The Planning Commission discussed the application and determined the proposed plat is appropriate for the twin home development. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Lot Requirement is approved.

Action 41018D: Moved by Becker, second by Kretsinger to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding

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of Facts dated April 10, 2018, of Minimum Lot Requirement from one (1) acre to +/- one (.822) acre in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Lot A, Lot B and Lot C, Fishin Hole No. 2, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address 31111 436th Avenue, Yankton, SD.

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

Motion carried

Action 41018E: Moved by Becker, second by Kretsinger to recommend approval of a plat. Replat of Lots A, B and C, Fishin Hole No. 2, Lot 5, Tramp's 6th Addition, NE1/4, S17-T93N-R56W, hereby known as Lot D, Lot E, Fishin Hole No. 2, Lot 5, Tramp's 6th Addition, NE1/4, NE1/4, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31111 436th Avenue, Yankton, SD.

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

Motion carried.

This was the time and place for discussion with Dallas Hansen. Applicant is requesting a Conditional Use Permit to build two (2) 1200 head pork (wean to finisher swine over 55 pounds) (480 AU Animal Units each – 960 AU Animal Units total) Class E finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, NE1/4, exc Lot H-1 & exc W730', N460', S2-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA 451st Avenue, Irene, SD.

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

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- 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.

Dallas Hansen discussed the application for a Class E Concentrated Animal Feeding Operation. The application is for two (2) 1200 head wean to finish barns. The animal units will be 480 for each barn with a total of 960 animal units. Mr. Hansen stated the barns are smaller and will meet the 660 foot property line setback and the 330 foot Right of Way (ROW) setback. Mr. Hansen stated he is multiple generation farmer and has a long history in pork production. Mr. Hansen has three young boys and is looking for diversity and opportunities to continue farming. The

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application will use precision agriculture to properly apply nutrients, control odor and efficiently produce pork. Mr. Hansen has visited with his neighbors and other farming operations regarding his barn proposal. All the fields for nutrient application are identified and arrangements are completed and documented. The site plan shows all setbacks, structures and utilities are compliant with the Article 5, Section 507 and Section 519. The Planning Commission asked questions regarding nutrient application, odor mitigation, facility screening and soil management.

Proponents for the application were requested to present their comments:

Troy Hansen, neighbor, stated his approval for the CUP. Mr. Hansen is confident the operation will be compliant and be a good neighbor.

Joan Sees, neighbor, states she is concerned about odor, manure application and water quality issues. She was informed of the conditions the applicant must meet regarding the odor and nutrient application.

Craig Johnson, area farmer, provided some photos of a new pork facility. The animal comfort is evident, the new barns have shower stalls, interior heat and complex ventilation systems. The technology is rapidly changing to provide greater efficiency. Mr. Johnson states "Let farmers farm".

Lance Thury, Kaylor Feed & Grain, stated the applicant is a serious farmer who will properly manage a pork facility. This is the opportunity young farmers need and asks the Planning Commission to grant this Conditional Use Permit.

LeAnn Cutts, area farmer, stated her support for a family farm to seek opportunities such as the pork facility. The facility will provide some diversity for the farm operation and help keep the next generation on the farm.

Opponents for the application were requested to present their comments:

No opponents were present.

Mr. Welch ended the public comment period and open discussion with the Planning Commission. The Planning Commission stated the applicant is in an Agriculture District, has talked to the neighbors and all setbacks, management documentation and application / notification documentation is complete.

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

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CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Dallas Hansen

Parcel Number: 03.002.100.210

Legal description: E1/2, NE1/4, exc Lot H-1, & exc W730', N460', S2-T95N-R54W

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Physical Address: TBA 451st Avenue, Irene, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant is requesting a Conditional Use Permit to build two (2) 1200 head pork (wean to finisher swine over 55 pounds) (480 AU Animal Units each – 960 AU Animal Units total) Class E finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, NE1/4, exc Lot H-1 & exc W730', N460', S2-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA 451st Avenue, Irene, 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 March 31, 2018 (supported by affidavit), a legal notice was published on March 31, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on April 3, 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 April 10, 2018 in the Yankton County Government Center County Commission chambers. Planning Commission chairperson, 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.

Dallas Hansen discussed the application for a Class E Concentrated Animal Feeding Operation. The application is for two (2) 1200 head wean to finish barns. The animal units will be 480 for each barn with a total of 960 animal units. Mr. Hansen stated the barns are smaller and will meet the 660 foot property line setback and the 330 foot Right of Way (ROW) setback. Mr. Hansen stated he is multiple generation farmer and has a long history in pork production. Mr. Hansen has three young boys and is looking for diversity and opportunities to continue farming. The application will use precision agriculture to properly apply nutrients, control odor and efficiently produce pork. Mr. Hansen has visited with his neighbors and other farming operations regarding his barn proposal. All the fields for nutrient application are identified and arrangements are completed and documented. The site plan shows all setbacks, structures and utilities are compliant with the Article 5, Section 507 and Section 519. The Planning Commission asked questions regarding nutrient application, odor mitigation, facility screening and soil management.

Proponents for the application were requested to present their comments:

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Troy Hansen, neighbor, stated his approval for the CUP. Mr. Hansen is confident the operation will be compliant and be a good neighbor.

Joan Sees, neighbor, states she is concerned about odor, manure application and water quality issues. She was informed of the conditions the applicant must meet regarding the odor and nutrient application.

Craig Johnson, area farmer, provided some photos of a new pork facility. The animal comfort is evident, the new barns have shower stalls, interior heat and complex ventilation systems. The technology is rapidly changing to provide greater efficiency. Mr. Johnson states "Let farmers farm". (Exhibit #8, #8A, #8B, #8C, #8D, #8E)

Lance Thury, Kaylor Feed & Grain, stated the applicant is a serious farmer who will properly manage a pork facility. This is the opportunity young farmers need and asks the Planning Commission to grant this Conditional Use Permit.

LeAnn Cutts, area farmer, stated her support for a family farm to seek opportunities such as the pork facility. The facility will provide some diversity for the farm operation and help keep the next generation on the farm.

Opponents for the application were requested to present their comments:

No opponents were present.

Mr. Welch ended the public comment period and open discussion with the Planning Commission. The Planning Commission stated the applicant is in an Agriculture District, has talked to the neighbors and all setbacks, management documentation and application / notification documentation is complete.

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 approval of the conditional use permit with listed 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 (451st Avenue) and site plan turn around for emergency vehicles.(Exhibit #3 and #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 on adjoining properties and properties generally in the district; All off right-of-way areas are designated in the detailed site plan with sufficient area for deliveries, parking

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and production barn facilities such as animal disposal areas is in compliance required by Article 5. (Exhibit #3 and #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 #3 and #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.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are not required at this site location due to odor footprint modeling for annoyance-free conditions (Exhibit #3, #4 and #5).
- 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 for Minimum ROW Setback (330') and Minimum Property Line Setback Requirement (660') (Exhibit #3 and #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 two (2) 1200 head feder 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

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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

The facility acknowledges and will meet each of the requirements and the applicant detailed site plans verifying compliance. (Exhibit #3).

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

A. Proposed maintenance of waste facilities;

The facility is 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.

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

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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 will meet the 330 foot Right of Way (ROW) Setback Requirement and the 660 foot Property Line 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:

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 #3)

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

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

The proposed site is a Class 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.

The plan will provide details regarding aspects of nutrient application (Exhibit #6, #6A, #6B).

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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: (Exhibit #4)

(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 and in fact, any farm for crop production. Manure/nutrients management starts with capturing the manure/nutrients in a reinforced concrete vault directly under the proposed facility. This has the benefit of both containing the manure/nutrients and also covering the vault with the facility structure. This design also aids in the control of potential odor. 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. Each 1200 unit facility is expected to produce annual nutrient adequate to enhance 80 acres. Due to differing nutrient needs have expected annual crop rotations each 1200 unit facility will need approximately 160 acres of land for nutrient application on a rotational basis. Consequently, the manure/nutrient application plan has identified approximately 320 acres in direct proximity to the proposed swine facilities for treatment. This will maximize the use of nutrients in crop rotation which minimizes the risk of water contamination.

The design of this 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 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. 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 below:

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/or buffering to include the planting of trees and shrubs of adequate size to control wind direction and dispersion of odors generated by the facility:

There will be a four row tree buffer placed on the north and west sides of the facility to act as a shelterbelt screen and to help control the wind movement.

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- (D) A storm water management section shall provide adequate slopes and drainage to divert storm water from the confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer 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 for 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.

- (F) A description of the method and time frame for removal of manure from open pens to minimize odor production:

The proposed facility will have no pens open to the outside of the structure.

- (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 Hansen 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.

Industry best management practices is to promptly remove mortalities and that is the practice Dallas Hansen 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. Dallas Hansens' operation shall follow these practices.

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Aeration, anaerobic lagoons and digesters and solid separation are all practices that may reduce odor and particle emissions. However, Dallas Hansens' 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, #5, #6, #6A, #6B)

(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 (1/2) mile of 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 warmer 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:

Hansen Nutrient Application Notification List		Exhibit #4
Owner	Street Address	City, State, Zip
AGGERGAARD MEMORIAL CEMETERY	45078 SD HWY 46	IRENE SD 57037
CENTRAL FARMERS COOPERATIVE	PO BOX 357	MARION SD 57043
ELI, DANIEL D	29664 451 AVE	IRENE SD 57037
GLENRIDGE GOLF CLUB INC	PO BOX 86	IRENE SD 57037
HANSEN, DALLAS D	45081 SD HWY 46	IRENE SD 57037
HANSEN, LEON E	45078 SD HWY 46	IRENE SD 57037
HINSETH, RONNIE R	45051 296 ST	IRENE SD 57037
JORGENSEN, DAMON D (LE)	PO BOX 125	IRENE SD 57037
LBK HOLDINGS LLC	401 EAST 8 ST STE 214 #838	SIOUX FALLS SD 57103
MIKKELSON, WALTER C	4608 NW 29 ST	OKLAHOMA CITY OK 73127
NIELSEN, SHAWN L	29574 451 AVE	IRENE SD 57037
PEDERSEN, DAMON	3155 170 ST	ROCK RAPIDS IA 51246
SCHENK, DARON FAMILY REV TRUST	45174 296 ST	IRENE SD 57037
SEES, JOAN R (AKA JOAN E)	45065 SD HWY 46	IRENE SD 57037

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Hansen Nutrient Application Notification Buffer		Exhibit #4
Owner	Street Address	City, State, Zip
HANSEN CATTLE CO INC	PO BOX 85	IRENE SD 57037
HANSEN SOUTHFORK TRUST	29466 454 AVE	IRENE SD 57037
HARTS, RUSSELL	45428 296 ST	IRENE SD 57037
KJELDSETH TRUST (THE)	45141 300 ST	IRENE SD 57037
LARSEN, VIRGINIA	1507 ASPEN CIR	YANKTON SD 57078
MIKKELSON, WALTER C	4608 NW 29 ST	OKLAHOMA CITY OK 73127

There are no public meeting sites within 1/2 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 #6, #6A, #6B, #7, #7A)

- (I) A review of weather conditions shall be done to determine the effect of weather conditions on manure/nutrients 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.

Dallas Hansen intends to avoid application of the manure/nutrients during the warmer summer months and will avoid holiday and weekends whenever feasible.

Dallas Hansen 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 Dallas Hansen will follow to control flies and odors:

Fly, Odor & Rodent Control Guidelines For Animal Feeding Operations

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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:
(Exhibit #6, #6A, #6B)

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.

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- 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 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.

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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 41018F: Moved by Kretsinger, second by Williams to recommend to approve a Conditional Use Permit based on Finding of Facts dated April 10, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build two (2) 1200 head pork (wean to finisher swine over 55 pounds) (480 AU Animal Units each – 960 AU Animal Units total) Class E finishing barns in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, NE1/4, exc Lot H-1 & exc W730’, N460’, S2-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA 451st Avenue, Irene, SD.

By roll call vote, all members voted aye.

Motion carried.

Action 41018G: Moved by Kretsinger, seconded by Williams 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, May 8, 2018.

Respectfully submitted:
Patrick Garrity AICP
Zoning Administrator