Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Jay Cutts
Address: 44081 309 Mission Hill, SD
Hearing date: 12-12-17
Description: CUP Finisher Barn.

Action 121217G: Moved by Becker, second by Kretsinger to recommend approval of a Conditional Use Permit based on Finding of Facts dated December 12, 2017, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304th Street, Mission Hill, SD.
By roll call vote, eight (8) members voted aye and one (1) member voted nay.
Motion carried.

Michael Welch	Y	N	AB	Jeff Gudahl	Y	N	AB
Don Kettering	Y	N	AB	Carll Kretsinger	Y	N	AB
Debra Bodenstedt	Y	N	AB	Dan Klimisch	Y	N	AB
Butch Becker	Y	N	AB	Gary Sylliaasen	Y	N	AB
Zane Williams	Y	N	AB	Dan Guthmiller	Y	N	AB

Motion: Becker
Second: Kretsinger

Yankton County Planning Commission

Meeting date: December 12, 2017

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Jay Cutts

Parcel Number: 06.002.200.100

Legal description: W1/2, SE1/4, S2-T94N-R55W

Physical Address: TBA 304rd 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 W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304rd 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 November 30, 2017 (supported by affidavit), a legal notice was published on December 2, 2017 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 28, 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 7:20 pm on December 12, 2017 in the Yankton County Government Center County Commission chambers. Jay Cutts discussed the Yankton County Zoning Ordinance approved by the citizens of the county in 2003 and amended in 2008. As Mr. Cutts reviewed the requirements under Article 5, Section 507 (1) and Section 519 (10). Mr. Cutts also discussed Section 1805 and Section 1807. Many of the requirements are not directly related to activity and conditions in an Agriculture District. The ordinance has different requirements for the various zoning districts in Yankton County. A condition in a zoning district for the general compatibility of the district and a variance for an undue hardship not caused by the applicant.*
   Mr. Cutts also discussed the variable conditions in manure management as discussed in exhibit #3 regarding Article 5, Section 519, (10). An estimate of acres a barn will need for manure application is 400 acres (4,000 gallons per acre) on rotation. This can vary each year with an irrigated field requiring more nutrients or a neighboring landowner receiving an application. Each of the fields will be properly identified and all setbacks, application methods and notification will be in compliance.

Mr. Cutts discussed exhibit #7, Odor Footprint Analysis. The exposure does not very much greater than 91% annoyance-free conditions. The odor footprint tool is a good indicator of potential annoyance but it a tool with variability.

Mr. Cutts also discussed the Article 1, Section 105: ***In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare.*** *The Conditional Use Permit and Variance application is in compliance as presented to the Planning Commission.*

Chairperson Welch requested public comment to start with proponents for the application. No proponents spoke at this time.

Mr. Welch requested public comment for opponents of the application.

Patty Davies, a neighbor, stated she is 45 year resident, fifth request for a CAFO, no bonds, no cleanup conditions, request completion of CAFO Environmental Training, impose an eighteen month moratorium on CAFO permits, has confidence in the Cutts but what if the future operator is not the Cutts?

Michael Lathrop, a neighbor, recently drilled a water well in area and expressed concern it was very permeable materials such as gravel and other coarse materials. He requested water monitor wells be installed around the facility.

Dale Knode, an area resident, stated the animal refuge issue, floodplain / leaching potential, unmarked well not capped in the manure application area which requires a 250 foot setback, requests full notification procedure, not just signs and topography which may result in adverse drainage.

Phillip Tau, an area resident, stated the commission lacks consideration of the impacts a CAFO will have on the environment, there are two sides to all issues and the main concern is health and safety, the commission is smart and need to the homework, the community expects more from each commissioner.

Kristi Schultz, an area resident, stated she has twelve (12) years' experience on the Planning Commission. The current Planning Commission is not prepared for the meeting as was expected during her tenure on the commission. Mrs. Schultz stated the water permit is not issued, how much water will the facility use, is water reserve for other citizens in the area, water rights permit, any well not marked or open protected during manure application, aquafer depth and /or distance, wetlands impact, drainage study of impact on adjacent properties, detention ponds for runoff, time of operation in years, will operation expand, meet environmental protection standards, closure plans, performance bonds similar to telecommunication towers and wind towers, contact person for application and operations, choosing this site needs soil survey, soil borings, design screen and landscaping, proposed load limits on gravel roads, number of employees, cooperate / financially responsible for public roads, does facility comply with Section 519 – spoke with neighbors, number of animals per year, types of trucks for animal loading / unloading and feed deliveries, are other facilities in compliance at present time, who manages the waste system, engineer for animal inspection, plan for complete collapse of the containment system with maps and response plan, who pumps manure, any land in no-till or tile in fields for manure?

Jay Cutts discussed the opponents' statements. Article 5, Section 10, exhibit #3 covers the animal mortality plan, all well setbacks will be in compliance, and notification will be mail, phone, electronic and signs, the application is meeting the requirements of Article 5, Section 507 and Section 519 in the zoning ordinance and an invitation to all citizens to personally contact Mr. Cutts with questions and concerns.

Chairperson Welch ended the public comment period and open the floor for discussion. Dan Klimisch asked Mr. Cutts if Department of Environmental & Natural Resources (DENR) was regulating this facility. Mr. Cutts reply was DENR is not required by the ordinance and he will retain an agronomist to assist with facility management. Mr. Klimisch asked who will regulate the facility. Mr. Cutts reply was he will inspect the building. (Yankton County Zoning Administrator will require compliance with all regulations in the zoning ordinance) Mr. Welch noted the site plan meet the setback requirement from a residential house. Deb Bodenstedt stated the variance request is for floodplain setback and the facility will have sidewalls with sloping landscape for rain water to drain away from the manure storage.

Mr. Cutts stated this is a zero (0) discharge facility. The disposal of manure will met all regulations including hauling requirements and well setbacks. Mr. Cutts will utilize Global Positioning System (GPS) to program accurate mapping of all setback requirements. An intent in locating facilities on parcels throughout the county is impact on township roads is reduced. The Zoning Administrator, Pat Garrity reviewed Article 5, Section 507, Section 519, Article 18, Section 1805 and Section 1807. The findings are created from this review.

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 (304rd Street) and site plan turn around for emergency vehicles.*
   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 #4 and #4A)*
   C. Refuse and service areas, with particular reference to the items in (A) and (B) above; *Refuse and service areas, including specific requirements such as equipment storage areas, animal disposal areas, nutrient handling areas and personnel requirements will be in compliance with Article 5 as shown in applicant site plan. (Exhibit #4 and #4A)*

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 #7).*

F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; *All signage will conform to Article 14, Yankton County Zoning Ordinance*

G. Required yards and other open spaces; *Yards and open spaces requirements are compliant with current regulations (Exhibit #4 and #4A).*

H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. *The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest. The intent of the Agriculture District is to preserve land best suited to agriculture uses.*

Section 519 Animal Feeding Operation Performance Standards

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

Class A (5,000 – 10,000)	Section 519 (1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)
Class B (3,000 – 4,999)	Section 519 (1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)
Class C (2,000 – 2,999)	Section 519 (1,2,3,4,5,7(c),8(c),9,10,11,12,13)
Class D (1,000 – 1,999)	Section 519 (1,2,3,4,5,7(d),8(d),9,10,11,12,13)
Class E (300 – 999)	Section 519 (2,3,4*,5,7(e),8(e),9,10,11,12,13)

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

Class F (1 – 299)	NA

*If required by state law

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

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

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

implemented upon the start of construction.

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

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

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

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

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 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 requests a variance of property line setback and right of way setback and will meet neighboring residential setback with applicant detailed site plans verifying compliance. (Exhibit #4 and #4A)

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

The proposed site is outside the described area and a Class E operation. (Exhibit #4 and #4A)

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

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

The proposed site is outside the described area and is a Class E operation. (Exhibit #4 ad #4A)

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

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

The proposed site is a Class E operation outside the described buffer area. (Exhibit #4 and #4A)

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 #5A, #5B, #5C and #6A, #6B, $6C).

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 orders. 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 facilities 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.

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 #7) There are no residential structures on property within a quarter mile of the proposed site, so no screening or buffering is being proposed. (Exhibit #4, #4A) 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 within the reinforced concrete vault designed and constructed in accordance with 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.

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 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 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.
Please see exhibit #4, #4A – proposed site plans

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

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

Exhibit #6A

Location S36-T94N-R55W

OwnerAddress1	OwnerAddress2	OwnerAddress3
ANDERSON, MARVIN G	44453 CHRIS RD	MISSION HILL SD 57046
AULD, KEVIN	601 BROADWAY #700	SEATTLE WA 98122
BAK, ALVIN C	44473 CHRIS RD	MISSION HILL SD 57046
BEESON, DUSTIN D	44571 CHRIS RD	YANKTON SD 57078
CARLSON, JAMES R	44493 CHRIS RD	MISSION HILL SD 57046
CASPER, THOMAS A	44531 CHRIS RD	MISSION HILL SD 57046
CHRIS AND KRISTIE BURKE LLC	PO BOX 220	YANKTON SD 57078
CHRISTENSEN, MICHELLE	44485 CHRIS RD	MISSION HILL SD 57046
CLARK, JUNE A (ELE)	434 CAMEO DR	LAKELAND FL 33803

CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
DELPH, CRYSTAL L	44539 CHRIS RD	MISSION HILL SD 57046
DORZOK, RONALD E	44563 CHRIS RD	MISSION HILL SD 57046
FAULK, TIMOTHY	30925 DAKOTA LN	MISSION HILL SD 57046
GARNER, BRANDT	PO BOX 88	MISSION HILL SD 57046
GEHM, LLOYD V	PO BOX 322	DESMET SD 57231
GOEDEN, LEROY W	209 E ST	SERGEANT BLUFF IA 51054
HAAS, DARRELL J	PO BOX 125	VOLIN SD 57072
HARPER, JOHN R	4307 E SD HWY 50	YANKTON SD 57078
HEINE FARMS	PO BOX 477	YANKTON SD 57078
HEINE, ARLENE REVOCABLE TRUST	2201 VALLEY RD	YANKTON SD 57078
HILLBERG, RONALD C	30908 DAKOTA LN	MISSION HILL SD 57046
HUBER, BERNAL H REV TRUST	44728 309 ST	MISSION HILL SD 57046
J & J FARMING COMPANY LLC	214 CAPITAL ST STE 4	YANKTON SD 57078
JANSSEN, LAMOINE	PO BOX 75	MISSION HILL SD 57046
JENSEN, RANDY	44553 CHRIS RD	MISSION HILL SD 57046
JOHNSON, HENRY C (LE)	917 LAWN RIDGE AVE SE	HURON SD 57350
KOEPSELL, SCOTT	44573 CHRIS RD	MISSION HILL SD 57046
LEBENS, THOMAS	PO BOX 12037	PRESCOTT AZ 86304
MARQUARDT, DOUG	1314 GOLF VIEW LN	YANKTON SD 57078
MARQUARDT, RALPH	PO BOX 1040	YANKTON SD 57078
MISSION HILL PROPERTY LLC	30995 446 AVE	MISSION HILL SD 57046

NELSON, NANCY L	30997 446 AVE	MISSION HILL SD 57046
NICOLAI, REUBEN	4800 33 ST SOUTH	LA CROSSE WI 54601
OLSON, DENNIS G	200 VAN OSDEL TER	MISSION HILL SD 57046
OLSON, SCOTT	44533 308 ST	MISSION HILL SD 57046
OSBORN, FRANK R	44477 CHRIS RD	MISSION HILL SD 57046
PALSMA, MARLYN	41349 BUZZY'S RD	SPRINGFIELD SD 57062
PAPIK, LELAND	30852 446 AVE	MISSION HILL SD 57046
PIBAL, GLORIA REVOCABLE TRUST	901 EAST 19 ST	YANKTON SD 57078
PLACEK, WARREN	400 EAST 16 AVE	TYNDALL SD 57066
REIMERS, JOHN H	44483 CHRIS RD	MISSION HILL SD 57046
SCHULTE, DEAN D	44587 308 ST	MISSION HILL SD 57046
SCHWADER, TOM	PO BOX 42	MISSION HILL SD 57046
SIMPSON, GUY	44495 CHRIS RD	MISSION HILL SD 57046
STAR, TINA A	44549 CHRIS RD	MISSION HILL SD 57046
VESPER, EVA D	44497 CHRIS RD	MISSION HILL SD 57046
WALSH, RANDY J	31352 465TH AVE	VERMILLION SD 57069
WILSON, SCOTT	44465 CHRIS RD	MISSION HILL SD 57046
YAGGIE, TOM LIVING TRUST	44452 309 ST	MISSION HILL SD 57046
ZOSS, IVAN	708 BILL BAGGS RD	YANKTON SD 57078

Exhibit #6B
Location S34-T94N-R55W

OwnerAddress1	OwnerAddress2	OwnerAddress3

ACKERMAN, WALTER	30901 CEDAR BLUFF RD	MISSION HILL SD 57046
ANDERSON, RICHARD C	3600 WHITING DR	YANKTON SD 57078
AUNE, DAVID L	30825 444 AVE	MISSION HILL SD 57046
BOVERO, MIKE L	30822 444 AVE	MISSION HILL SD 57046
CHANEY, GUY A	3013 BROADWAY STE #8	YANKTON SD 57078
CHRISTENSEN, DAVID	46170 312 AVE	VERMILLION SD 57069
CITY OF YANKTON	PO BOX 176	YANKTON SD 57078
CLOUGH, FAYE ANN	3548 EAST HWY 44	RAPID CITY SD 57703
COULSON, THOMAS R	1205 WEST 11 ST	YANKTON SD 57078
CRISMAN, DEAN	11091 RW RANCH RD	BELLE FOURCHE SD 57717
CUTTS, JAY	44681 309 ST	MISSION HILL SD 57046
ELGERSMA, DUSTY	1503 US 18 ST	INWOOD IA 51240
FERDEN, BOB	4003 TIMBERLAND DR	YANKTON SD 57078
FIECHUK, SHAWNA M	1401 WHITING ST	YANKTON SD 57078
FLEEGE, JEROME E	44368 309 ST	MISSION HILL SD 57046
FLOEN, TIM	2919 430 ST	MAURICE IA 51036
FRICK, A MICHAEL	4212 SW JIM RIVER RD	YANKTON SD 57078
GUNDERSON, JAMES D	30833 444 AVE	MISSION HILL SD 57046
HACECKY, DANIEL REV TRUST	30463 NE JIM RIVER RD	MISSION HILL SD 57046
HANCOCK, VERONICA S(CHANEY)	3013 BROADWAY STE #8	YANKTON SD 57078
HANISCH, HILARY	3601 WHITING DR	YANKTON SD 57078
HANSON, JASON	109 WILDWOOD DR	MISSION HILL SD 57046
HARPER, JOHN R	4307 E SD HWY 50	YANKTON SD 57078
HENDRICKSON, PAUL	5503 MAIN ST	RUNNING WATER SD 57062
HILLTOP PROPERTIES LLC	2904 STONEHEDGE LN	SIOUX FALLS SD 57103
HLAVAC, RANDY L	1506 WEST 31 ST	YANKTON SD 57078

JENSEN, ROBERT V	300 WEST 17 ST	YANKTON SD 57078
JRD ENTERPRISES LLC	PO BOX 76	YANKTON SD 57078
KABELLA, TROY L	404 WEST 5 ST	YANKTON SD 57078
KULHAVY, KENNETH D	144 WILDWOOD DR	MISSION HILL SD 57046
LARSEN, KEVIN	507 EAST 20 ST	YANKTON SD 57078
LOECKER, REYNOLD	3700 S JIM RIVER RD	YANKTON SD 57078
MAHONEY, MICHAEL	110 E CENTER ST #579	MADISON SD 57042
MARQUARDT, RALPH J	PO BOX 1040	YANKTON SD 57078
MCHENRY, CRYSTAL	600 DEER BLVD	YANKTON SD 57078
MCMAHAN, JUSTIN B	87030 591 AVE	WATERBURY NE 68785
MILLER, TIMOTHY F	217 WILDWOOD DR	MISSION HILL SD 57046
NEW HOPE FARM REVOCABLE TRUST	30725 444 AVE	MISSION HILL SD 57046
NEWSAM, BROOKE	30935 433 AVE	YANKTON SD 57078
NOVAK, DAVID	30818 444 AVE	MISSION HILL SD 57046
PETERSON, LANCE M	407 DAVIS ST	GAYVILLE SD 57031
PRIOR, BRYAN M	1204 WEST 12 ST	YANKTON SD 57078
SAGA COMMUNICATIONS INC	73 KERCHEVAL AVE	GROSSE POINTE MI 48236
SCHENK, KARL M	44352 308 ST	MISSION HILL SD 57046
SHOEMAKER, WILLIAM H	4004 S JIM RIVER RD	YANKTON SD 57078
SIMONSEN, SHANE S	311 WILDWOOD DR	MISSION HILL SD 57046
SMITH, LOUIE A TRUST	2209 BURLEIGH ST APT #309	YANKTON SD 57078
STRIKE, GREGORY A	3502 S JIM RIVER RD	YANKTON SD 57078
TEACHOUT, GERALD BRUCE	3902 WHITING DR	YANKTON SD 57078
THORSON, KAREN J	145 WILDWOOD DR	MISSION HILL SD 57046
THORSON, TOM G	145 WILDWOOD DR	MISSION HILL SD 57046

TNB FARMING SOLUTIONS	2909 PETTERSON RD	VERMILLION SD 57069
WINCKLER, MARK A	3704 WHITING DR	YANKTON SD 57078
WISHON, TRAVIS J	30848 444 AVE	MISSION HILL SD 57046
YAGGIE, TOM LIVING TRUST	44452 309 ST	MISSION HILL SD 57046
ZOSS, TOM	236 WILDWOOD DR	MISSION HILL SD 57046
ZWEBER, GERARD A	175 WILDWOOD DR	MISSION HILL SD 57046

Exhibit #6C
Location S11-T94N-R55W

OwnerAddress1	OwnerAddress2	OwnerAddress3
BOYD, MARY ANNE	1004 MULBERRY ST	YANKTON SD 57078
CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
FRENG, DOUGLAS A % Kitti Myers	43474 KAISER RD	YANKTON SD 57078
FRENG, KATIE (AKA KATIE MARIE)	30431 4445 AVE	MISSION HILL SD 57046
FRENG, RANDY S	30405 444 AVE	MISSION HILL SD 57046
FRENG, THOMAS C	1207 EAST 15 ST	YANKTON SD 57078
FRENG, THOMAS C	1207 EAST 15 ST	YANKTON SD 57078
GUSTAD, ORDELL B TRUST	30701 CEDAR BLUFF RD	MISSION HILL SD 57046
HOLMAN, DEAN	47470 281 ST	CANTON SD 57013
HUBER, KAREN A	44334 304 ST	MISSION HILL SD 57046
NELSON AG HOLDINGS LLC	44023 306 ST	YANKTON SD 57078
VAN OSDEL, BARRY G	44732 SD HWY 50	MISSION HILL SD 57046

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 #5A, #5B, #5C and #6A, #6B, #6C)

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

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 a letter (electronic notification and telephone will be utilized when feasible) to remind them of our application time frame with a 30-day window and a goal of a one week window. Due to the number of residents a sign at the field may also be placed.

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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:
    A. Drops must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.

Applicant is not requesting irrigation application permit.

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

Dan Klimisch asked about the DENR permit and is this a single operation. A discussion regarding the interpretation of the Animal Feeding Operation, specifically the definition of *"Two or more facilities under common ownership are a single operation if they adjoin each other (within one mile), or if they use a common system for the disposal of manure."* The physical distance requirement is verifiable. The common system for disposal of manure is interpreted to mean a single lagoon for multiple barns or a dragline system connected to multiple barns. The use of a single third party service or producers own equipment to apply nutrients on the proposed fields is not considered a common system or area disposal system. This application is considered a single operation.

Action 121217G: Moved by Becker, second by Kretsinger to recommend approval of a Conditional Use Permit based on Finding of Facts dated December 12, 2017, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304th Street, Mission Hill, SD.

By roll call vote, eight (8) members voted aye and one (1) member voted nay.
Motion carried.

Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Jay Cutts
Address: 24681 309th Mission Hill, SD
Hearing date: 12-12-17
Description: Variance

Action 121217H: Moved by Bodenstedt, second by Kretsinger to recommend approval of a Variance based on Finding of Facts dated December 12, 2017, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, a variance of Minimum ROW Setback requirement from 330 feet to 150 feet and Minimum Property Line Setback requirement from 660 feet to 75 feet in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304th Street, Mission Hill, SD.
By roll call vote, eight (8) members voted aye and one (1) member voted nay.
Motion carried.

Michael Welch	Y	N	AB	Jeff Gudahl	Y	N	AB
Don Kettering	Y	N	AB	Carll Kretsinger	Y	N	AB
Debra Bodenstedt	Y	N	AB	Dan Klimisch	Y	N	AB
Butch Becker	Y	N	AB	Gary Sylliaasen	Y	N	AB
Zane Williams	Y	N	AB	Dan Guthmiller	Y	N	AB

Motion Bodenstedt
Second: Kretsinger

Yankton County Planning Commission

Meeting date: June 13, 2017

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Jay Cutts

Parcel Number: 06.002.200.100

Legal description: W1/2, SE1/4, S2-T94N-R55W

Physical Address: TBA 304th Street, Mission Hill, 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 agriculture property proposed setback increases distance from the flood plain and increases distance from the area residence..*
   B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; *The hardship can be shared by other properties but is limited to properties requiring agriculture Concentrated Animal Feeding Operations setback regulations.*
   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. Occupied farmstead are all greater than 1,320 feet from the site. The intent of the Agriculture District is to preserve land best suited to agriculture uses.*
   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 can be recurring with special circumstances discussed in the findings.*
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:
4. 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 regarding proposed proper siting to minimize impact.*

A. 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 Right of Way (ROW) setback requirement and Minimum Property Line setback requirement have been granted in Yankton County.*
B. 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.*
C. 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 Right of Way ROW and Minimum Property Line setback requirement) have been recommended previously by the Planning Commission.*

5. 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.*
6. 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 November 30, 2017 (supported by affidavit), a legal notice was published on December 2, 2017 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on November 28, 2017, 2017.*
7. The public hearing shall be held. Any party may appear in person or by agent or by attorney. *A public meeting was held at 7:20 pm on December 12, 2017 in the Yankton County Government Center County Commission chambers. Jay Cutts discussed the Yankton County Zoning Ordinance approved by the citizens of the county in 2003 and amended in 2008. As Mr. Cutts reviewed the requirements under Article 5, Section 507 (1) and Section 519 (10). Mr. Cutts also discussed Section 1805 and Section 1807. Many of the requirements are not directly related to activity and conditions in an Agriculture District. The ordinance has different requirements for the various zoning districts in Yankton County. A condition in a zoning district for the general compatibility of the district and a variance for an undue hardship not caused by the applicant.*

Mr. Cutts also discussed the variable conditions in manure management as discussed in exhibit #3 regarding Article 5, Section 519, (10). An estimate of acres a barn will need for manure application is 400 acres (4,000 gallons per acre) on rotation. This can vary each year with an irrigated field requiring more nutrients or a neighboring landowner receiving an application. Each of the fields will be properly identified and all setbacks, application methods and notification will be in compliance.

Mr. Cutts discussed exhibit #7, Odor Footprint Analysis. The exposure does not very much greater than 91% annoyance-free conditions. The odor footprint tool is a good indicator of potential annoyance but it a tool with variability.

Mr. Cutts also discussed the Article 1, Section 105: ***In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for***

the promotion of the public health, safety, morals, or general welfare. *The Conditional Use Permit and Variance application is in compliance as presented to the Planning Commission.*

Chairperson Welch requested public comment to start with proponents for the application. No proponents spoke at this time.

Mr. Welch requested public comment for opponents of the application.

Patty Davies, a neighbor, stated she is 45 year resident, fifth request for a CAFO, no bonds, no cleanup conditions, request completion of CAFO Environmental Training, impose an eighteen month moratorium on CAFO permits, has confidence in the Cutts but what if the future operator is not the Cutts?

Michael Lathrop, a neighbor, recently drilled a water well in area and expressed concern it was very permeable materials such as gravel and other coarse materials. He requested water monitor wells be installed around the facility.

Dale Knode, an area resident, stated the animal refuge issue, floodplain / leaching potential, unmarked well not capped in the manure application area which requires a 250 foot setback, requests full notification procedure, not just signs and topography which may result in adverse drainage.

Phillip Tau, an area resident, stated the commission lacks consideration of the impacts a CAFO will have on the environment, there are two sides to all issues and the main concern is health and safety, the commission is smart and need to the homework, the community expects more from each commissioner.

Kristi Schultz, an area resident, stated she has twelve (12) years' experience on the Planning Commission. The current Planning Commission is not prepared for the meeting as was expected during her tenure on the commission. Mrs. Schultz stated the water permit is not issued, how much water will the facility use, is water reserve for other citizens in the area, water rights permit, any well not marked or open protected during manure application, aquafer depth and /or distance, wetlands impact, drainage study of impact on adjacent properties, detention ponds for runoff, time of operation in years, will operation expand, meet environmental protection standards, closure plans, performance bonds similar to telecommunication towers and wind towers, contact person for application and operations, choosing this site needs soil survey, soil borings, design screen and landscaping, proposed load limits on gravel roads, number of employees, cooperate / financially responsible for public roads, does facility comply with Section 519 – spoke with neighbors, number of animals per year, types of trucks for animal loading / unloading and feed deliveries, are other facilities in compliance at present time, who manages the waste system, engineer for animal inspection, plan for complete collapse of the containment system with maps and response plan, who pumps manure, any land in no-till or tile in fields for manure?

Jay Cutts discussed the opponents' statements. Article 5, Section 10, exhibit #3 covers the animal mortality plan, all well setbacks will be in compliance, and notification will be mail, phone, electronic and signs, the application is meeting the requirements of Article 5, Section 507 and Section 519 in the zoning ordinance and an invitation to all citizens to personally contact Mr. Cutts with questions and concerns.

Chairperson Welch ended the public comment period and open the floor for discussion. Dan Klimisch asked Mr. Cutts if Department of Environmental & Natural Resources (DENR) was regulating this facility. Mr. Cutts reply was DENR is not required by the

ordinance and he will retain an agronomist to assist with facility management. Mr. Klimisch asked who will regulate the facility. Mr. Cutts reply was he will inspect the building. (Yankton County Zoning Administrator will require compliance with all regulations in the zoning ordinance) Mr. Welch noted the site plan meet the setback requirement from a residential house. Deb Bodenstedt stated the variance request is for floodplain setback and the facility will have sidewalls with sloping landscape for rain water to drain away from the manure storage.

Mr. Cutts stated this is a zero (0) discharge facility. The disposal of manure will met all regulations including hauling requirements and well setbacks. Mr. Cutts will utilize Global Positioning System (GPS) to program accurate mapping of all setback requirements. An intent in locating facilities on parcels throughout the county is impact on township roads is reduced.

The Zoning Administrator, Pat Garrity reviewed Article 5, Section 507, Section 519, Article 18, Section 1805 and Section 1807. The findings are created from this review.

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

8. 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 does satisfy all requirements for this variance request.
9. 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.*
10. 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 Right of Way (ROW) Setback Requirement is approved.

    The variance request of Minimum Property Line Setback Requirement is approved.

    The intent of the Agriculture District is to preserve land best suited to agriculture uses.

Deb Bodenstedt stated the west neighboring owners did not comment during the hearing process. The property is impacted by topography and floodplain.

Action 121217H: Moved by Bodenstedt, second by Kretsinger to recommend approval of a Variance based on Finding of Facts dated December 12, 2017, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, a variance of Minimum ROW Setback requirement from 330 feet to 150 feet and Minimum Property Line Setback requirement from 660 feet to 75 feet in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304th Street, Mission Hill, SD.

By roll call vote, eight (8) members voted aye and one (1) member voted nay.
Motion carried.

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 11-22-2017

Applicant: **Jay Cutts**

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.
☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Conditional Use Permit(s) needed:
☐ Section 513 ☒ Section 519 ☐ Section 605 ☐ Section 705 ☐ Section 805
☐ Other

North Side/ Yard lot line: _____feet or no closer than_____feet to the_____lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____lot line.

South Side / Yard lot line: _____feet or no closer than_____feet to the_____lot line.

West Side / Yard lot line ___feet or no closer than ____ feet to the _____lot line.

Accessory Building Size allowed: _____ sq. ft. Side wall: _____
Proposed building size: _____ or _____ sq. ft.
Proposed sidewall height: _____ ft.
Affects Section: _____

NOTE:

Conditional Use Permit for animal feeding operation-Swine finishing unit. (Class E - 2,400 head)
Variance of Minimum ROW Setback from 330 feet to 150 feet and Minimum Property Line Setback from 660 feet to 75 feet

PC: Article 18, Section 1805 (1-5)

BOA: Section 1905 (1-6)

Planning Commission date: 12-12-2017 Time: 7:20 PM

Board of Adjustment date: 1-2-2018 Time: 4:30 PM

YANKTON COUNTY
APPLICATION #3126

(Type or Print)
OWNER: Jay Cutts

OWNERS ADDRESS: 44681 309th St Mission Hill SD

OWNERS DAYTIME PHONE#: 605-665-9693

X	Variance Application
X	Conditional Use Permit
—	Rezoning Permit

DATE OF BUILDING PERMIT REQUEST: 11-22-17

DESCRIPTION OF BUILDING PERMIT: 2400 Head Pork Finishing Barn

REASON FOR BUILDING PERMIT DENIAL: CUP required

DATE OF DENIAL: 11-22-17

JOB ADDRESS: TBA 304th Street, Mission Hill SD

LEGAL: W½ SE¼, S2 - T94N - R55W

TOWNSHIP: Mission Hill North SECTION: 2

EXISTING USE OF PROPERTY: Agriculture

PRESENT ZONING CLASSIFICATION: AG

PROPOSED ZONING CLASSIFICATION: AG

AFFECTED SECTION OF ZONING ORDINANCE: Article 5, Section 507 #519

REASON FOR REQUEST: Construct (1) 2400 head pork finisher facility, 960 AU

LIST SPECIFIC HARDSHIPS: Conditional Use Permit, Class E Floodplain requirement restricts site locations

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

A) Detailed Site Plan (Refer to handout)
B) Location and Use of Adjacent Structures
C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): 12-12-17
SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): 1-2-18
*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 100.00 CHECK #: 5583 RECEIPT #: #1619

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Jay Cutts	11-22-17	[signature]	11-22-17
Name of Applicant	Date	Signature of Applicant/Owner	Date

YANKTON COUNTY
BUILDING PERMIT APPLICATION

Each building site must have a separate site plan

Applicant to complete numbered spaces only.

1. Job Address TBA 304th Street, Mission Hill, SD

2. Legal Description of Construction Site

W1/2 SW1/4 SEC2 T94 R55

3. Owner	Mail Address	Zip	Phone
JAY CUTTS	44681 309TH ST MISSION HILL SD	57046	665-9693

4. Contractor	Mail Address	Zip	Phone
ETHAN COOP LUMBER	ETHAN SD		605-227-4224

5. Architect or Designer	Mail Address	Zip	Phone

6. Type and Use of Building

2400 HEAD NATURAL VENT SWINE FINISHING BARN

7. Class of Work (Check One) ☑ New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Remove

8. Describe Work: CONSTRUCTION OF A NEW 396'X51' SWINE FINISHING BARN

9. Valuation of Work: $ 800,000 | **Mobile/Manufactured Home Tax Affidavit** Y N

Owner

Job Address

For Official Use Only-

SPECIAL CONDITIONS: _____

Application Accepted By:	Site Plans Checked By:	Approved for Issuance By:

NOTICE

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE.
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY ZONING ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING CONSTRUCTION ACTIVITIES OR THE USE OF ANY PROPERTY.

Signature of Contractor or Authorized Agent — Date 11-22-17

Signature of Owner (if owner builder) — Date

BY THIS SIGNATURE, THE ZONING ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

PERMIT FEE **Check #**

Type of Construction	Sewer/Water Certification of Service
Total Square Feet	Number of Stories
Zoning District	Number of Accessory Buildings
Number of Dwelling Units	Property/Parcel/Lot Size

For County Officials Use Only

When properly validated (in this space), this is your permit.

The above application is hereby approved.

Building Permit Number: _____

Post Construction? Y N

Zoning Administrator or Authorized Representative — Date

Yankton County South Dakota
Parcel Record Information

Parcel Number: 06.002.200.100 Type: RE Year: 2018

Address Info

Deed:
CUTTS, JAY F
CUTTS, LEANNE

Contract:

Mailing:
CUTTS, JAY F
44681 309 ST
MISSION HILL SD 57046

Legal Info

Location:

Section/Town/Range: 2/ 94/ 55

Township: MISSION HILL TOWNSHI

Addition/Block/Lot: 2 94 55

Acres: 79.00

Legal Description: W2 SE4

Values Info

Class	Description	Assessed	Equalized	Exempt
AGA	AGRICULTURAL LAND	218,675	218,675	0
TOTAL		218,675		

Yankton County South Dakota
Parcel Record Information

Parcel Number: 06.002.200.100 Type: RE Year: 2018

Address Info

Deed:
CUTTS, JAY F
CUTTS, LEANNE

Contract:

Mailing:
CUTTS, JAY F
44681 309 ST
MISSION HILL SD 57046

Legal Info

Location:

Section/Town/Range: 2/ 94/ 55

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Yankton County South Dakota
Parcel Record Information

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CUTTS, LEANNE

Contract:

Mailing:
CUTTS, JAY F
44681 309 ST
MISSION HILL SD 57046

Legal Info

Location:

Section/Town/Range: 2/ 94/ 55

Township: MISSION HILL TOWNSHI

Addition/Block/Lot: 2 94 55

Acres: 79.00

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Values Info

Class	Description	Assessed	Equalized	Exempt
AGA	AGRICULTURAL LAND	218,675	218,675	0
TOTAL		218,675		

NOTIFICATION

November 29, 2017

Exhibit #1

Jay Cutts
44681 309th
Mission Hill, SD 57046

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date.
You are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County South Dakota, at 7:20 P.M. on the 12th day of December, 2017, at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District (AG) in Yankton County. The applicant is requesting a variance of Minimum ROW Setback requirement from 330 feet to 150 feet and Minimum Property Line Setback requirement from 660 feet to 75 feet in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304th Street, Mission Hill, SD.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D.

Sincerely,

Jay Cutts,
Petitioner

OwnerAddress1	OwnerAddress2	OwnerAddress3
BOYD, MARY ANNE	1004 MULBERRY ST	YANKTON SD 57078
CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
DAVIES, PATRICIA J	30392 445 AVE	VOLIN SD 57072
FRENG, DOUGLAS A	% KITTI MYERS	43474 KAISER RD
FRENG, DOUGLAS A %Kitti Myers	43474 KAISER RD	YANKTON SD 57078
FRENG, KATIE (AKA KATIE MARIE)	30431 4445 AVE	MISSION HILL SD 57046
LATHROP, MICHAEL J	34352 CHRIS RD	MISSION HILL SD 57046
LATHROP, MICHAEL J	30376 445 AVE	VOLIN SD 57072
NIELSON LIVING TRUST %Holly Niels	1205 LIMERICK RD	VERMILLION SD 57069
ROTH, TOM JAY	30324 444 AVE	MISSION HILL SD 57046
STRATMAN, LYLE K	44686 303 ST	VOLIN SD 57072
SVENDSEN, TAD H	2683 S LIMA ST	AURORA CO 80014
VAN OSDEL, BARRY G	44732 SD HWY 50	MISSION HILL SD 57046

Exhibit #1A

AFFIDAVIT OF MAILING

I, Jay Cutts, hereby certify that on the 30th day of November, 2017, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a _____ mile radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 30 day of November, 2017.

Jay Cutts
(Name)
Affiant

Subscribed and sworn to before me this 30 day of November, 2017.

DENISE L WUBBEN
NOTARY PUBLIC
SOUTH DAKOTA
(SEAL)

Denise L Wubben
Notary Public - South Dakota
My commission expires: July 1, 2023

NOTIFICATION

Exhibit #2

December 20, 2017

Jay Cutts
44681 309th
Mission Hill, SD 57046

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date.
You are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County South Dakota, at 4:30 P.M. on the 2nd day of January, 2018, at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District (AG) in Yankton County. The applicant is requesting a variance of Minimum ROW Setback requirement from 330 feet to 150 feet and Minimum Property Line Setback requirement from 660 feet to 75 feet in an Agriculture District (AG) in Yankton County. Said property is legally described as W1/2, SE1/4, S2-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA 304th Street, Mission Hill, SD.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D.

Sincerely,

Jay Cutts,
Petitioner

OwnerAddress1	OwnerAddress2	OwnerAddress3
BOYD, MARY ANNE	1004 MULBERRY ST	YANKTON SD 57078
CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
DAVIES, PATRICIA J	30392 445 AVE	VOLIN SD 57072
FRENG, DOUGLAS A	% KITTI MYERS	43474 KAISER RD
FRENG, DOUGLAS A %Kitti Myers	43474 KAISER RD	YANKTON SD 57078
FRENG, KATIE (AKA KATIE MARIE)	30431 4445 AVE	MISSION HILL SD 57046
LATHROP, MICHAEL J	34352 CHRIS RD	MISSION HILL SD 57046
LATHROP, MICHAEL J	30376 445 AVE	VOLIN SD 57072
NIELSON LIVING TRUST %Holly Niels	1205 LIMERICK RD	VERMILLION SD 57069
ROTH, TOM JAY	30324 444 AVE	MISSION HILL SD 57046
STRATMAN, LYLE K	44686 303 ST	VOLIN SD 57072
SVENDSEN, TAD H	2683 S LIMA ST	AURORA CO 80014
VAN OSDEL, BARRY G	44732 SD HWY 50	MISSION HILL SD 57046

Exhibit #2A

AFFIDAVIT OF MAILING

I, Jay C & Hs, hereby certify that on the 20 day of December, 2017, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1/2 mile radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 20 day of December, 2017.

Jay C & Hs
(Name)
Affiant

Subscribed and sworn to before me this 20 day of December, 2017.

DENISE L. WUBBEN
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

(SEAL)

Denise L Wubben
Notary Public - South Dakota
My commission expires: July 1, 2023

Exhibit #3

Cutts Application #3126

November 22, 2017

Yankton County Planning Commission
Yankton County Board of Adjustment
C/O Yankton County Planning & Zoning Director
321 West 3rd Street #209
Yankton, SD 57078

Dear Members,

This letter and the information contained herein will serve as Jay Cutts' submittal to comply with *Section 519 (10) Class E, of the Yankton County zoning ordinances* in support of his application for a conditional use permit for a 2,400-swine finishing unit to be located in W1/2 SE1/4 SEC 2 T94 R55, Yankton County, South Dakota.

Section 519(10) Animal Feeding Operation Performance Standards requires a facility management plan to include procedures to dispose of dead animals, manure/ nutrients and wastewater for the purpose of controlling flies and odors as addressed in a management control plan.

What follows is a direct response to Section 519(10):

(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 orders. 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 facilities 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.

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 buffering to address wind movement with the use of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility:

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) Storm water management shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from sais 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) Solid manure/nutrients storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production:

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

Cutts Application #3126

(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 but after snow melt.

(G) 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 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 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.
Please see exhibit #4 – proposed site plans

(H) Notification section: The names, addresses and contact information of all occupied residences and public gathering places within one-half (1/2) mile of applicants manure application fields. The preferred

Cutts Application #3126

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:

Exhibit #5A
Location S36-T94N-R55W

OwnerAddress1	OwnerAddress2	OwnerAddress3
ANDERSON, MARVIN G	44453 CHRIS RD	MISSION HILL SD 57046
AULD, KEVIN	601 BROADWAY #700	SEATTLE WA 98122
BAK, ALVIN C	44473 CHRIS RD	MISSION HILL SD 57046
BEESON, DUSTIN D	44571 CHRIS RD	YANKTON SD 57078
CARLSON, JAMES R	44493 CHRIS RD	MISSION HILL SD 57046
CASPER, THOMAS A	44531 CHRIS RD	MISSION HILL SD 57046
CHRIS AND KRISTIE BURKE LLC	PO BOX 220	YANKTON SD 57078
CHRISTENSEN, MICHELLE	44485 CHRIS RD	MISSION HILL SD 57046
CLARK, JUNE A (ELE)	434 CAMEO DR	LAKELAND FL 33803
CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
DELPH, CRYSTAL L	44539 CHRIS RD	MISSION HILL SD 57046
DORZOK, RONALD E	44563 CHRIS RD	MISSION HILL SD 57046
FAULK, TIMOTHY	30925 DAKOTA LN	MISSION HILL SD 57046
GARNER, BRANDT	PO BOX 88	MISSION HILL SD 57046
GEHM, LLOYD V	PO BOX 322	DESMET SD 57231
GOEDEN, LEROY W	209 E ST	SERGEANT BLUFF IA 51054
HAAS, DARRELL J	PO BOX 125	VOLIN SD 57072
HARPER, JOHN R	4307 E SD HWY 50	YANKTON SD 57078
HEINE FARMS	PO BOX 477	YANKTON SD 57078
HEINE, ARLENE REVOCABLE TRUST	2201 VALLEY RD	YANKTON SD 57078
HILLBERG, RONALD C	30908 DAKOTA LN	MISSION HILL SD 57046
HUBER, BERNAL H REV TRUST	44728 309 ST	MISSION HILL SD 57046
J & J FARMING COMPANY LLC	214 CAPITAL ST STE 4	YANKTON SD 57078
JANSSEN, LAMOINE	PO BOX 75	MISSION HILL SD 57046
JENSEN, RANDY	44553 CHRIS RD	MISSION HILL SD 57046
JOHNSON, HENRY C (LE)	917 LAWN RIDGE AVE SE	HURON SD 57350

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KOEPSELL, SCOTT	44573 CHRIS RD	MISSION HILL SD 57046
LEBENS, THOMAS	PO BOX 12037	PRESCOTT AZ 86304
MARQUARDT, DOUG	1314 GOLF VIEW LN	YANKTON SD 57078
MARQUARDT, RALPH	PO BOX 1040	YANKTON SD 57078
MISSION HILL PROPERTY LLC	30995 446 AVE	MISSION HILL SD 57046
NELSON, NANCY L	30997 446 AVE	MISSION HILL SD 57046
NICOLAI, REUBEN	4800 33 ST SOUTH	LA CROSSE WI 54601
OLSON, DENNIS G	200 VAN OSDEL TER	MISSION HILL SD 57046
OLSON, SCOTT	44533 308 ST	MISSION HILL SD 57046
OSBORN, FRANK R	44477 CHRIS RD	MISSION HILL SD 57046
PALSMA, MARLYN	41349 BUZZY'S RD	SPRINGFIELD SD 57062
PAPIK, LELAND	30852 446 AVE	MISSION HILL SD 57046
PIBAL, GLORIA REVOCABLE TRUST	901 EAST 19 ST	YANKTON SD 57078
PLACEK, WARREN	400 EAST 16 AVE	TYNDALL SD 57066
REIMERS, JOHN H	44483 CHRIS RD	MISSION HILL SD 57046
SCHULTE, DEAN D	44587 308 ST	MISSION HILL SD 57046
SCHWADER, TOM	PO BOX 42	MISSION HILL SD 57046
SIMPSON, GUY	44495 CHRIS RD	MISSION HILL SD 57046
STAR, TINA A	44549 CHRIS RD	MISSION HILL SD 57046
VESPER, EVA D	44497 CHRIS RD	MISSION HILL SD 57046
WALSH, RANDY J	31352 465TH AVE	VERMILLION SD 57069
WILSON, SCOTT	44465 CHRIS RD	MISSION HILL SD 57046
YAGGIE, TOM LIVING TRUST	44452 309 ST	MISSION HILL SD 57046
ZOSS, IVAN	708 BILL BAGGS RD	YANKTON SD 57078

Exhibit #5B
Location S34-T94N-R55W

OwnerAddress1	OwnerAddress2	OwnerAddress3
ACKERMAN, WALTER	30901 CEDAR BLUFF RD	MISSION HILL SD 57046
ANDERSON, RICHARD C	3600 WHITING DR	YANKTON SD 57078
AUNE, DAVID L	30825 444 AVE	MISSION HILL SD 57046
BOVERO, MIKE L	30822 444 AVE	MISSION HILL SD 57046
CHANEY, GUY A	3013 BROADWAY STE #8	YANKTON SD 57078
CHRISTENSEN, DAVID	46170 312 AVE	VERMILLION SD 57069
CITY OF YANKTON	PO BOX 176	YANKTON SD 57078
CLOUGH, FAYE ANN	3548 EAST HWY 44	RAPID CITY SD 57703
COULSON, THOMAS R	1205 WEST 11 ST	YANKTON SD 57078
CRISMAN, DEAN	11091 RW RANCH RD	BELLE FOURCHE SD 57717
CUTTS, JAY	44681 309 ST	MISSION HILL SD 57046

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ELGERSMA, DUSTY	1503 US 18 ST	INWOOD IA 51240
FERDEN, BOB	4003 TIMBERLAND DR	YANKTON SD 57078
FIECHUK, SHAWNA M	1401 WHITING ST	YANKTON SD 57078
FLEEGE, JEROME E	44368 309 ST	MISSION HILL SD 57046
FLOEN, TIM	2919 430 ST	MAURICE IA 51036
FRICK, A MICHAEL	4212 SW JIM RIVER RD	YANKTON SD 57078
GUNDERSON, JAMES D	30833 444 AVE	MISSION HILL SD 57046
HACECKY, DANIEL REV TRUST	30463 NE JIM RIVER RD	MISSION HILL SD 57046
HANCOCK, VERONICA S(CHANEY)	3013 BROADWAY STE #8	YANKTON SD 57078
HANISCH, HILARY	3601 WHITING DR	YANKTON SD 57078
HANSON, JASON	109 WILDWOOD DR	MISSION HILL SD 57046
HARPER, JOHN R	4307 E SD HWY 50	YANKTON SD 57078
HENDRICKSON, PAUL	5503 MAIN ST	RUNNING WATER SD 57062
HILLTOP PROPERTIES LLC	2904 STONEHEDGE LN	SIOUX FALLS SD 57103
HLAVAC, RANDY L	1506 WEST 31 ST	YANKTON SD 57078
JENSEN, ROBERT V	300 WEST 17 ST	YANKTON SD 57078
JRD ENTERPRISES LLC	PO BOX 76	YANKTON SD 57078
KABELLA, TROY L	404 WEST 5 ST	YANKTON SD 57078
KULHAVY, KENNETH D	144 WILDWOOD DR	MISSION HILL SD 57046
LARSEN, KEVIN	507 EAST 20 ST	YANKTON SD 57078
LOECKER, REYNOLD	3700 S JIM RIVER RD	YANKTON SD 57078
MAHONEY, MICHAEL	110 E CENTER ST #579	MADISON SD 57042
MARQUARDT, RALPH J	PO BOX 1040	YANKTON SD 57078
MCHENRY, CRYSTAL	600 DEER BLVD	YANKTON SD 57078
MCMAHAN, JUSTIN B	87030 591 AVE	WATERBURY NE 68785
MILLER, TIMOTHY F	217 WILDWOOD DR	MISSION HILL SD 57046
NEW HOPE FARM REVOCABLE TRUST	30725 444 AVE	MISSION HILL SD 57046
NEWSAM, BROOKE	30935 433 AVE	YANKTON SD 57078
NOVAK, DAVID	30818 444 AVE	MISSION HILL SD 57046
PETERSON, LANCE M	407 DAVIS ST	GAYVILLE SD 57031
PRIOR, BRYAN M	1204 WEST 12 ST	YANKTON SD 57078
SAGA COMMUNICATIONS INC	73 KERCHEVAL AVE	GROSSE POINTE MI 48236
SCHENK, KARL M	44352 308 ST	MISSION HILL SD 57046
SHOEMAKER, WILLIAM H	4004 S JIM RIVER RD	YANKTON SD 57078
SIMONSEN, SHANE S	311 WILDWOOD DR	MISSION HILL SD 57046
SMITH, LOUIE A TRUST	2209 BURLEIGH ST APT #309	YANKTON SD 57078
STRIKE, GREGORY A	3502 S JIM RIVER RD	YANKTON SD 57078
TEACHOUT, GERALD BRUCE	3902 WHITING DR	YANKTON SD 57078

THORSON, KAREN J	145 WILDWOOD DR	MISSION HILL SD 57046
THORSON, TOM G	145 WILDWOOD DR	MISSION HILL SD 57046
TNB FARMING SOLUTIONS	2909 PETTERSON RD	VERMILLION SD 57069
WINCKLER, MARK A	3704 WHITING DR	YANKTON SD 57078
WISHON, TRAVIS J	30848 444 AVE	MISSION HILL SD 57046
YAGGIE, TOM LIVING TRUST	44452 309 ST	MISSION HILL SD 57046
ZOSS, TOM	236 WILDWOOD DR	MISSION HILL SD 57046
ZWEBER, GERARD A	175 WILDWOOD DR	MISSION HILL SD 57046

Exhibit #5C
Location S11-T94N-R55W

OwnerAddress1	OwnerAddress2	OwnerAddress3
BOYD, MARY ANNE	1004 MULBERRY ST	YANKTON SD 57078
CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
FRENG, DOUGLAS A % Kitti Myers	43474 KAISER RD	YANKTON SD 57078
FRENG, KATIE (AKA KATIE MARIE)	30431 4445 AVE	MISSION HILL SD 57046
FRENG, RANDY S	30405 444 AVE	MISSION HILL SD 57046
FRENG, THOMAS C	1207 EAST 15 ST	YANKTON SD 57078
FRENG, THOMAS C	1207 EAST 15 ST	YANKTON SD 57078
GUSTAD, ORDELL B TRUST	30701 CEDAR BLUFF RD	MISSION HILL SD 57046
HOLMAN, DEAN	47470 281 ST	CANTON SD 57013
HUBER, KAREN A	44334 304 ST	MISSION HILL SD 57046
NELSON AG HOLDINGS LLC	44023 306 ST	YANKTON SD 57078
VAN OSDEL, BARRY G	44732 SD HWY 50	MISSION HILL SD 57046

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.

Please see exhibit #6, #6B, #6C – planned manure/nutrient application fields.

(l) 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 while outlining the least advantageous climatic conditions.

Cutts Application #3126

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 a letter (electronic notification and telephone will be utilized when feasible) to remind them of our application time frame with a 30-day window and a goal of a one week window. Due to the number of residents a sign at the field may also be placed.

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).

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. 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

Cutts Application #3126

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

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

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

B. Private Wells 250 feet
The 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.

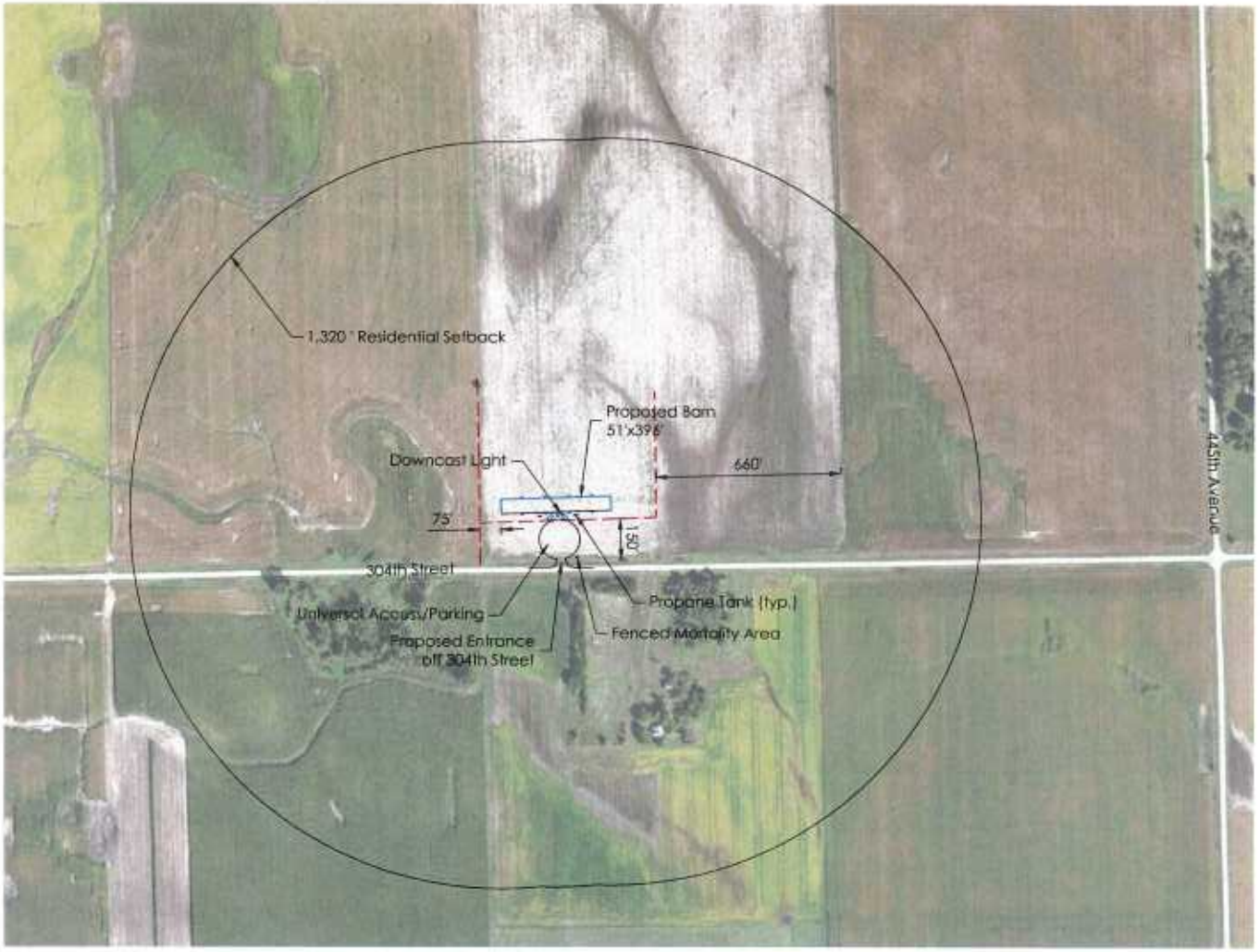
E. Lakes, Rivers and Streams Classified as Fisheries 200 feet
The application will meet the setback requirement for Lakes, Rivers, Streams Classified as Fisheries.

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.

Exhibit #4



1" = 400'

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

There are no municipalities within 2,640 feet of the site.

There are no known Private Wells within 250 feet of the site.

There are no Lakes, Rivers, Streams Classified as Public Drinking Water Supplies nor Fisheries within 1,000 feet of the site.

The site is NOT located within the 100 year floodplain.

STOCKWELL

Jay Cutts
44681 309th Street | Mission Hill, SD 57046
SE 1/4, Section 2, T94N, R55W - Yankton County, SD

Location

CUTTS 2

Exhibit #C/A

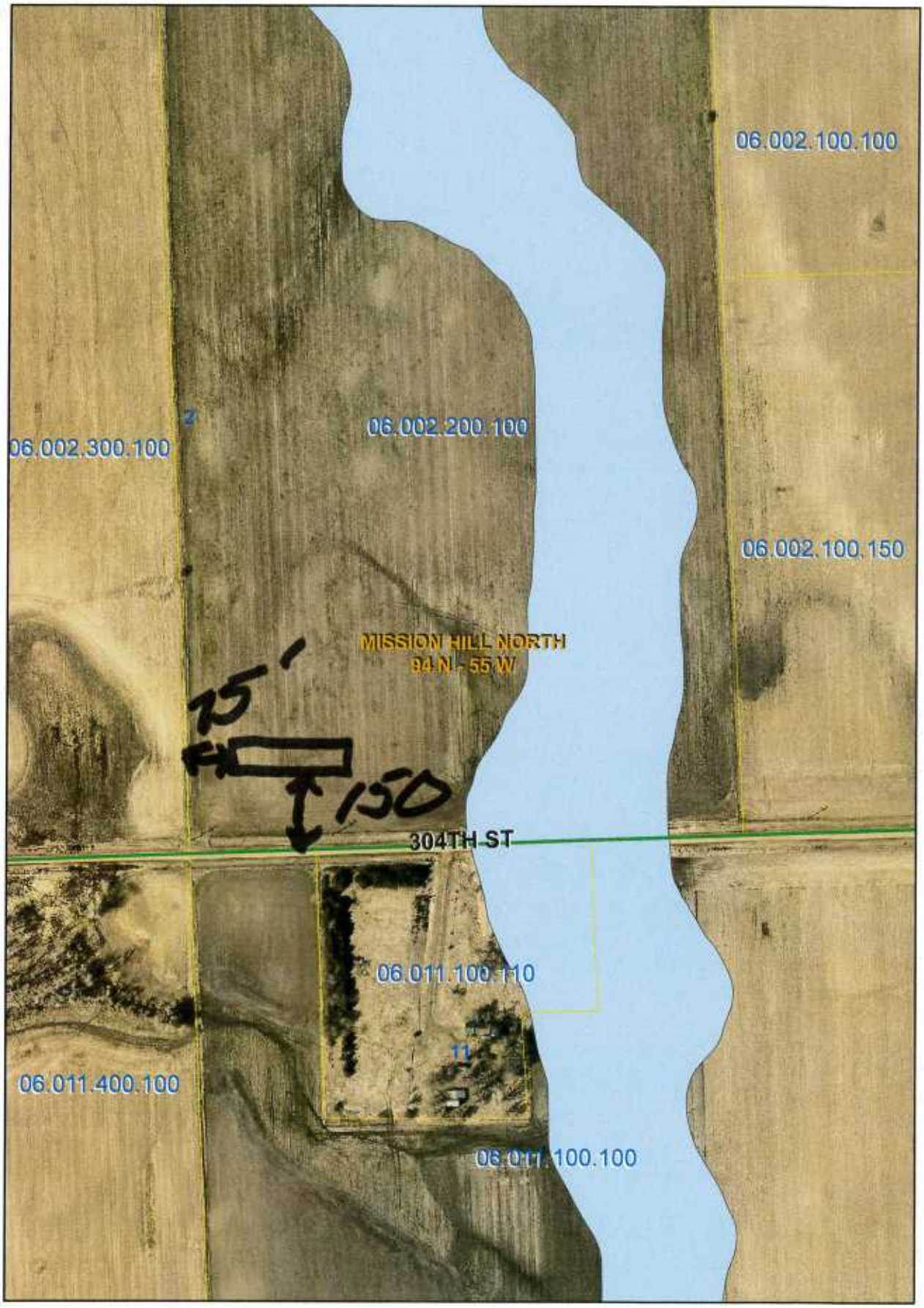

06.002.100.100
06.002.200.100
06.002.300.100
06.002.100.150
MISSION HILL NORTH
94 N - 55 W
75'
150
304TH ST
06.011.100.110
11
06.011.400.100
06.011.100.100

Exhibit #4 B

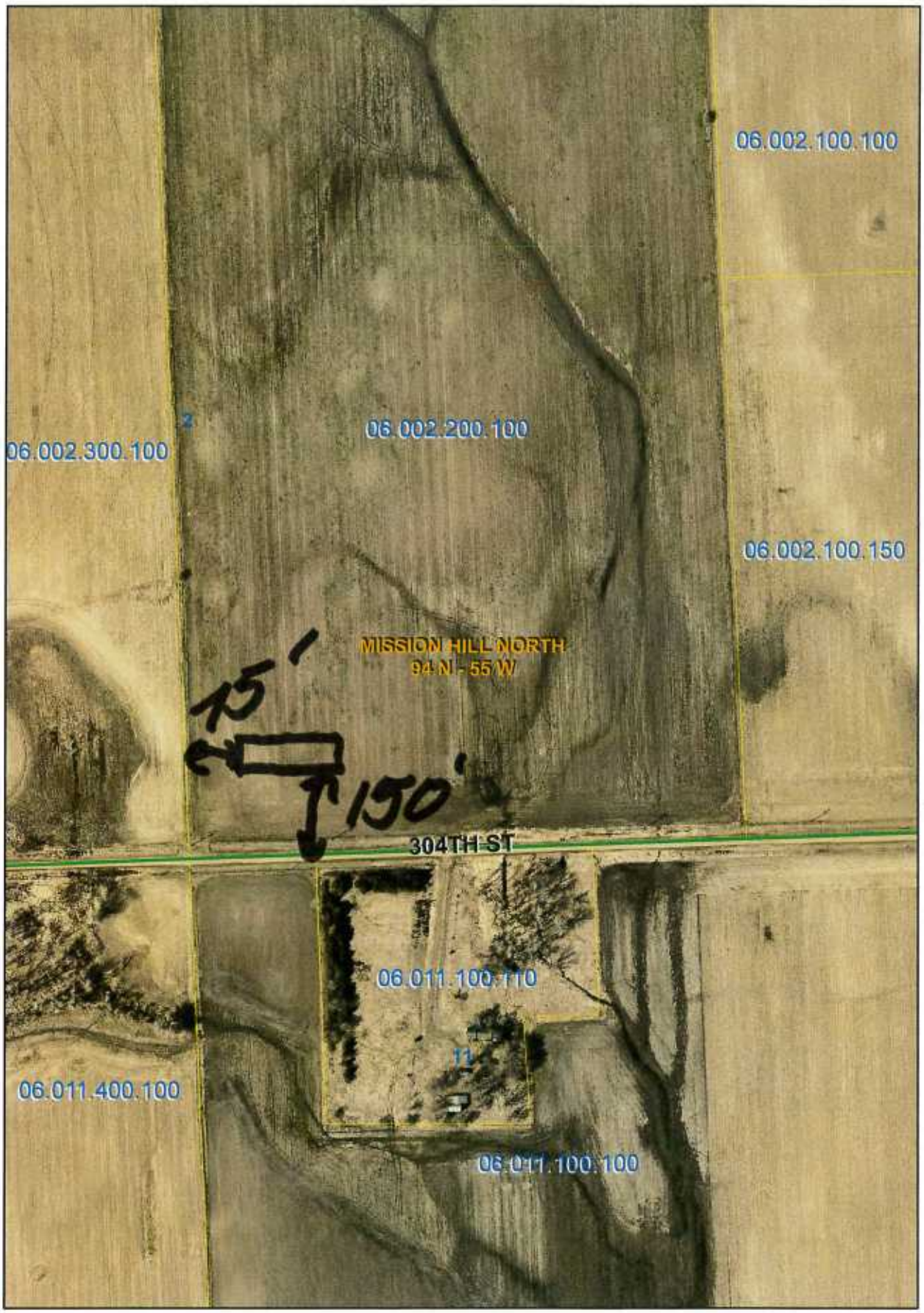

06.002.100.100
06.002.200.100
06.002.300.100
06.002.100.150
MISSION HILL NORTH
94 N - 55 W
15'
130'
304TH ST
06.011.100.110
11
06.011.400.100
06.011.100.100

Exhibit #5A

Aeriai Map

map center: 42° 54' 37.7, -97° 17' 25.78

0ft 909ft 1818ft

Maps Provided By:
surety
CUSTOMIZED ONLINE MAPPING
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36-94N-55W
Yankton County
South Dakota

N
W E
S

11/27/2017

Field borders provided by Farm Service Agency as of 5/21/2008.

Exhibit #6A

OwnerAddress1	OwnerAddress2	OwnerAddress3
ANDERSON, MARVIN G	44453 CHRIS RD	MISSION HILL SD 57046
AULD, KEVIN	601 BROADWAY #700	SEATTLE WA 98122
BAK, ALVIN C	44473 CHRIS RD	MISSION HILL SD 57046
BEESON, DUSTIN D	44571 CHRIS RD	YANKTON SD 57078
CARLSON, JAMES R	44493 CHRIS RD	MISSION HILL SD 57046
CASPER, THOMAS A	44531 CHRIS RD	MISSION HILL SD 57046
CHRIS AND KRISTIE BURKE LLC	PO BOX 220	YANKTON SD 57078
CHRISTENSEN, MICHELLE	44485 CHRIS RD	MISSION HILL SD 57046
CLARK, JUNE A (ELE)	434 CAMEO DR	LAKELAND FL 33803
CUTTS, JAY F	44681 309 ST	MISSION HILL SD 57046
DELPH, CRYSTAL L	44539 CHRIS RD	MISSION HILL SD 57046
DORZOK, RONALD E	44563 CHRIS RD	MISSION HILL SD 57046
FAULK, TIMOTHY	30925 DAKOTA LN	MISSION HILL SD 57046
GARNER, BRANDT	PO BOX 88	MISSION HILL SD 57046
GEHM, LLOYD V	PO BOX 322	DESMET SD 57231
GOEDEN, LEROY W	209 E ST	SERGEANT BLUFF IA 51054
HAAS, DARRELL J	PO BOX 125	VOLIN SD 57072
HARPER, JOHN R	4307 E SD HWY 50	YANKTON SD 57078
HEINE FARMS	PO BOX 477	YANKTON SD 57078
HEINE, ARLENE REVOCABLE TRUST	2201 VALLEY RD	YANKTON SD 57078
HILLBERG, RONALD C	30908 DAKOTA LN	MISSION HILL SD 57046
HUBER, BERNAL H REV TRUST	44728 309 ST	MISSION HILL SD 57046
J & J FARMING COMPANY LLC	214 CAPITAL ST STE 4	YANKTON SD 57078
JANSSEN, LAMOINE	PO BOX 75	MISSION HILL SD 57046
JENSEN, RANDY	44553 CHRIS RD	MISSION HILL SD 57046
JOHNSON, HENRY C (LE)	917 LAWN RIDGE AVE SE	HURON SD 57350
KOEPSELL, SCOTT	44573 CHRIS RD	MISSION HILL SD 57046
LEBENS, THOMAS	PO BOX 12037	PRESCOTT AZ 86304
MARQUARDT, DOUG	1314 GOLF VIEW LN	YANKTON SD 57078
MARQUARDT, RALPH	PO BOX 1040	YANKTON SD 57078
MISSION HILL PROPERTY LLC	30995 446 AVE	MISSION HILL SD 57046
NELSON, NANCY L	30997 446 AVE	MISSION HILL SD 57046
NICOLAI, REUBEN	4800 33 ST SOUTH	LA CROSSE WI 54601
OLSON, DENNIS G	200 VAN OSDEL TER	MISSION HILL SD 57046
OLSON, SCOTT	44533 308 ST	MISSION HILL SD 57046
OSBORN, FRANK R	44477 CHRIS RD	MISSION HILL SD 57046
PALSMA, MARLYN	41349 BUZZY'S RD	SPRINGFIELD SD 57062
PAPIK, LELAND	30852 446 AVE	MISSION HILL SD 57046
PIBAL, GLORIA REVOCABLE TRUST	901 EAST 19 ST	YANKTON SD 57078
PIBAL, WAYNE E		
PIBAL, WAYNE JR		
PLACEK, WARREN	400 EAST 16 AVE	TYNDALL SD 57066
REIMERS, JOHN H	44483 CHRIS RD	MISSION HILL SD 57046
SCHULTE, DEAN D	44587 308 ST	MISSION HILL SD 57046
SCHWADER, TOM	PO BOX 42	MISSION HILL SD 57046
SIMPSON, GUY	44495 CHRIS RD	MISSION HILL SD 57046

Exhibit #6A

STAR, TINA A	44549 CHRIS RD	MISSION HILL SD 57046
VESPER, EVA D	44497 CHRIS RD	MISSION HILL SD 57046
WALSH, RANDY J	31352 465TH AVE	VERMILLION SD 57069
WILSON, SCOTT	44465 CHRIS RD	MISSION HILL SD 57046
YAGGIE, TOM LIVING TRUST	44452 309 ST	MISSION HILL SD 57046
ZOSS, IVAN	708 BILL BAGGS RD	YANKTON SD 57078

Exhibit #5B

Aerial Map

map center: 42° 54' 38.85, -97° 19' 24.34

0ft 823ft 1647ft

34-94N-55W
Yankton County
South Dakota

N W E S

11/27/2017

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Field borders provided by Farm Service Agency as of 5/21/2008.