

Agenda

Yankton County Commission

6:00 PM, Monday, January 25, 2021

Commission Chamber

Yankton County Government Center

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Meeting chaired by: Cheri Loest, Chair

01 Call to order: 6:00 PM **PLEDGE OF ALLEGIANCE**

02 Roll Call: _____ Dan Klimisch _____ Joseph Healy
_____ Don Kettering _____ Wanda Howey-Fox _____ Cheri Loest

AGENDA ITEMS

No.	Time	Item Description	Presenter
03	6:00 PM	Abstain Financial Conflict of Interest (SDCL 6-1-17) Non-Financial Interest-Must State Reason for Abstaining	Commissioner Loest
04	6:05 PM	Approval of Agenda Public comment is a time for persons to address this body on any subject. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. There shall be no personal attacks against the members of this body, county staff, individual, or organizations. The Chair has the authority to enforce this policy. Failure to adhere to these rules may result in forfeiture of the remaining speaking time.	Public Comment
05	6:10 PM	Appoint Acting Director of Equalization	Commissioners
06	6:15 PM	Spring Load Limit Discussion	Mike Sedlacek
07	6:20 PM	District III Proposal to Work on the Comprehensive Plan	Don Kettering
08	6:25 PM	Article 5 Amendment Discussion	Commissioners
09		Public Comment	

2020 County Load Limits

AURORA – All asphalt roads will be posted at 6 ton per axle and 40 mph

BEADLE –All oil roads will be posted at 6 ton per axle and 40 mph for trucks, with the exception of:

1. Yale Rd (411 Ave-County Rd 31) from Hwy 14 north to the Correction Line (196 St-County Rd 8) posted at legal weight limits & trucks 40 mph. From the Correction Line north on (411 Ave County Rd 31) to SD Hwy 28, posted at 6 ton per axle and 40 mph trucks
2. County Rd 22-Custer Ave from Hwy 14 south to 4th St, posted at legal weight limits & trucks 40 mph. 4th St South on (402nd Ave) to County Rd 22 (210 St) posted at 6 ton per axle & 40 mph for trucks
3. Morningside Main will be posted at legal load limits and 30 mph

BENNETT – No Limits

BON HOMME – All asphalt roads will be posted at 7 ton per axle
All County gravel surface roads will be posted as needed

BROOKINGS - The following roads will be posted at 7 ton per axle:

1. County Rd 1 - Hamlin County line to US 14 - (15 miles)
2. County Rd 2 - US 81 to County Rd 1 - (6 miles)
3. County Rd 4 - US 81 to County Rd 3 - (8 miles)
4. County Rd 3 - to County Rd 4 - (2 miles)
5. County Rd 4 - County Rd 3 to County Rd 5 - (2 miles)
6. County Rd 5 - County Rd 4 to Lake County line - (20 miles)
7. County Rd 6 - US 81 to County Rd 7 - (12 miles)
8. County Rd 7 - Hamlin County line to Bruce - (7.5 miles)
9. County Rd 7 - County Rd 6 to US 14 - (7 miles)
10. County Rd 8 from US 81 east to County Rd 1 - (5 miles)
11. County Rd 8 from County Rd 27 to County Rd 36 - (2 miles)
12. County Rd 8 - County Rd 77 to east - (5 miles)
13. County Rd 9 - County Rd 6 to US 14 - (7 miles)
14. County Rd 11 - County Rd 12 to Lake County line - (3.5 miles)
15. County Rd 12 - US 81 to County Rd 77 - (17.5 miles)
16. County Rd 16 - 0.5 miles West to Brookings City limits - (.5 miles)
17. County Rd 17 - County Rd 12 to Moody County line - (4 miles)
18. County Rd 18 - 0.5 miles East to Brookings City limits - (0.5 miles)
19. County Rd 19 - County Rd 12 to Moody County Line - (4 miles)
20. County Rd 20 - County Rd 19 to County Rd 77 - (2 miles)
21. County Rd 21 -County Rd 26 to SD 324 - (2 miles)
22. County Rd 22 - County Rd 77 to County Rd 21 - (2 miles)
23. County Rd 25 - Deuel County line to City of White - (7.5 miles)
24. County Rd 25 - SD HWY 30 to US 14 - (8 miles)
25. County Rd 26 – County Rd 77 to County Rd 21 - (2.5 miles)
26. County Rd 26A - County Rd 26 to County Rd 24 - (2 miles)
27. County Rd 27 - County Rd 8 to US 14 - (5 miles)
28. County Rd 29 - County Rd 42 to US 30 - (6 miles)
29. County Rd 30 - East City limits of Elkton to Minnesota State Line - (1 mile)
30. County Rd 32 - County Rd 35 to Minnesota line - (1.5 miles)
31. County Rd 33 - South City limits of Elkton to Moody County line - (2 miles)

32. County Rd 35 - Minnesota Border to US 14 - (13.5 miles)
33. County Rd 36 - County Rd 8 to North - (1 mile)
34. County Rd 38 - County Rd 77 to County Rd 25 - (7 miles)
35. County Rd 40 - County Rd 25 to County Rd 42 - (6 miles)
36. County Rd 42 - Deuel County line to Minnesota line - (5.5 miles)
37. County Rd 44 - County Rd 25 to Minnesota line - (11.5 miles)
38. County Rd 46 - County Rd 77 to East to 476 Ave - (5 miles)
39. County Rd 77 - Deuel County line to County Rd 6 to US 14 - (15 miles)
40. County Rd 77 - County Rd 24 to Moody County line - (3 miles)

The following are legal limits, no restrictions:

41. County Rd 6 - County Rd 7 to Co. Rd. 77 - (5 miles)
42. County Rd 7 - City of Bruce to County Rd 6 east - (0.5 miles) County Rd 7 – from County Rd #4 south to #6 – (1 mile)
43. County Rd 11 - US 14 to County Rd 12 - (5.5 miles)
44. County Rd 21 – Hwy 324 north to 213th St. – (4 miles)
45. County Rd 23 - (5 miles) from US 14 to SD 324 - (5 miles)
46. County Rd 24 - County Rd 77 to I-29 - (1.5 miles)
47. County Rd 25 - SD 30 to White City Limits - (1 mile)
48. County Rd 30 - SD 13 to East City Limits of Elkton - (0.5 miles)
49. County Rd 33 - SD 13 to South City Limits of Elkton - (1 mile)
50. County Rd 77 - County Rd 26 to County Rd 24 – (2.5 miles)
51. County Rd 4 – From county Rd #7 west to 465th Ave. – (1 mile)

BROWN –All asphalt roads will be posted at 6 ton per axle and 40 mph for trucks except for the following: Belt Loop around the City of Aberdeen

1. Road 4 from 24th Ave north 1.0 mile to County Road 13
2. Road 7 from US Highway 281 east 1.0 mile to Barnard and County Road 10
3. Road 9 from US Highway 281 east 1.0 mile to Westport and County Road 10
4. Road 9 from SD Highway 37 east 7.0 miles to Brown/Marshall County Line
5. Road 10 from County Road 13 (Prairiewood Road) south 1.0 mile to Road 15
6. Road 10 from County Road 19 (Melgaard Road) south 1.0 mile to County Road 14W
7. Road 11 from County Road 16 west 10.0 miles to US Highway 281
8. Road 11 .50 mile east of SD Highway 37 to Huffton
9. Road 11 from County Road 16 east 1 mile
10. Road 12 from 24th Ave NE 1 mile to County Road 13
11. Road 12W will be not be posted from County Road 19 east to US Highway 281 (2.0 miles)
12. Road 12WA from US Highway 12 north 2.0 miles
13. Road 12WB from US Highway 12 north to County Road 12W
14. Road 13 from County Road 14 west 5.0 miles to US Highway 281
15. Road 14 from County Road 11 south 10.0 miles to US Highway 12
16. Road 14W from US281 east 1.5 miles
17. Road 15 from US Highway 281 east 1 mile to County Road 10
18. Road 15 from 385th Ave east .50 mile
19. Road 15 from County Road 12 (Roosevelt Road) east 1.0 mile to County Road 19
20. Road 16 from the Town of Columbia south 0.5 miles to County Road 11
21. Road 16C from County Road 23 south 1 mile to Stratford
22. Road 19 from the JCT of County Rd 19 & County Rd 17 (8th Ave NE) north 1.0 mile to County Road 15
23. Road 20 from County Road 9 south .02 miles to the railroad tracks
24. Road 23 from US Highway 281 east 1.0 mile to Warner and County Road 10
25. Road 23 from US Highway 281 west .25 miles

26. Road 23 from Road 16C for 10 miles east to SD Highway 37
27. Road 23B the Town of Ferney west to SD Highway 37
28. Road 27 from SD Highway 281 west 2.0 miles to the town of Mansfield
29. Frederick Main Street from US Highway 281 east 0.5 miles to the Frederick City Limits

BRULE – 7 ton per axle on all asphalt roads in Brule County – 80,000 lbs. Gross with the exception of:

1. 367th Ave from I-90 to 250th St

350th Ave. from 243rd St. north 2 miles is CLOSED to truck traffic

BUFFALO - All County Roads posted with a 45-mph speed limit

BUTTE - The following roads will be posted at 6 ton per axle for the same time frame that DOT imposes their limits:

1. Arpan Road - 4 miles
2. Fruitdale road – 2 miles
3. Gray Road – 1.1 miles
4. Halle Rae road – ½ mile
5. Helmer Road from Snoma South to Ziebach - 1 1/2 miles – **Posted 6 ton per axle year round**
6. Orman Road - 1 mile
7. Snoma Rd from city limits east to McCoy Rd 1.3 miles
8. Sourdough - 1 mile
9. Valley Township - 6 miles
10. Ziebach Road

CAMPBELL - All asphalt roads posted at 6 ton per axle. Trucks will have a 40-mph speed limit.

CHARLES MIX – All asphalt roads posted at 7 ton per axle through frost

1. County Road 3 and 46 posted year-round at 7 ton per axle
2. County Road 15 posted year-round at 7 ton per axle
3. County Road 51 posted year-round at 7 ton per axle from 365th Ave intersection to 276th St 1/2 mile going North

Posting from mid-February through April

CLARK - All asphalt roads will be posted at 7 ton per axle, with 45 mph speed limit year round for trucks

Gravel will be posted as needed

CLAY – All hard surface roads will be posted at 6 ton per axle except for:

1. Bluff Road from SD HWY 19 to 313 Street

All Gravel roads will be posted at 7 ton per axle, or as posted

All County roads hard surface and gravel will NOT EXCEED 80,000 lbs. GVW

CODINGTON - All asphalt roads when posted will be 7 ton per axle and 40 mph truck speed on all asphalt roads

CORSON - County road 3110 will be posted at 6 ton per axle and 45 mph (if posted)

CUSTER – All county roads will be 6 ton per axle, if posted

1. Sidney Park Road - 6 ton per axle, restriction may be removed during sufficient ground freeze
2. Playhouse Road – 6 ton per axle year-round

DAVISON - All oil roads will be posted 6 ton per axle for trucks with the exception of:

1. County Road 4 (397th Ave) from I-90 to Mount Vernon
2. County Road 10 (403rd Ave) from 255th to I-90
3. County Road 10 (403RD Ave) from County Road 30 (254st) to the unincorporated Town of Betts
4. County Road 30 (254st) from the Aurora County line to Mitchell
5. County Road 23 (247th) from County Road 12 (405th Ave) to State Highway 37 will be posted at 8 ton per axle
6. All posted 80,000 lbs. GVW roads will also be posted at 6 ton per axle

DAY - All county oil roads & some gravel will be posted at 6 ton per axle and 40 mph for trucks

DEUEL - All asphalt roads will be 7 ton per axle on all hard-surfaced roads for the exception of:

1. County Rd #310 from 175th and 486th north to Grant County Line posted at 5 ton per axle

DEWEY - Load limits are the same as intersecting state highways

DOUGLAS - All county oils will be posted at 7 ton per axle with 3 exceptions:

1. 284TH ST from HWY 281 to 401ST Ave is posted **NO THRU TRUCKS** - 26,000 lbs. GVW & 40 mph for trucks – year round and 7 ton per axle during the spring thaw
2. 402ND Ave from SD44 N to Davison County line posted at 80,000 lbs. GVW – year-round and 7 ton per axle during the thaw
3. All county oil roads will be posted at 7 ton per axle during the spring thaw period when signs are in place

EDMUNDS - All County roads will be at 6 ton per axle with 40 mph for trucks

FALL RIVER - All oil roads will be posted at 7 ton with the exception of:

1. County Road 6N, also known as Look Out Road, to be posted at 10 ton

These are seasonal Spring Load Limits and the restrictions will take effect with the signs in place

FAULK – All asphalt roads and recycled roads will be posted at 6 ton with the exception of the following which will not be posted unless breakup occurs:

1. County Road 3 from Seneca to SD State Highway 212 (2 blocks)
2. County Road 15 from Cresbard to SD State Highway 20 (1 mile)
3. County Road 16 from Orient to US Highway 212 & State Highway 45 (3 miles)
4. County Road 23 from Chelsea to SD State Highway 20 (1 mile)

All Faulk County blacktop and gravel are posted 40 mph for trucks

GRANT – All County asphalt roads will be at 7 ton per axle with no speed restrictions

GREGORY - All asphalt roads will be limited to 6 ton per axle during the same time frame that DOT imposes their limits, by County discretion, restrictions to be extended if granted

HAAKON - All Haakon County roads will be posted at 7 ton per axle - 80,000 lbs. GVW and 40 mph spring load speed restriction on all roads.

HAMLIN – All county asphalt roads will be posted at 7 ton per axle
All County gravel surface roads will be posted as needed

HAND - All oil roads will be posted at 6 ton per axle and 40 mph, and 80,000 lbs. GVW

HANSON - 13,500 pounds per axle and 40 mph for trucks on all oil roads

HARDING - No limits

HUGHES – 7 ton load limit on Beastron Road (5 miles of 291st Ave north from Highway 14), Grey Goose Road, Spring Creek, & West Bend Road
6 ton limit on roads designated by the Hughes County Commission

HUTCHINSON - 7 ton per axle on all County Black Top Roads when posted.
Depending on road conditions, some gravel roads posted to load restrictions as required

HYDE - All County Roads are posted at 6 ton per axle with exception for commercial vehicles and equipment of Triple H Wind Project, LLC within the project's boundaries. **Please contact Hyde County Highway Department for more information and project map.** Truck speed limit is 40 mph year around.

JACKSON – 45 mph speed limit on all County Roads year round

JERAULD - The following roads will be posted at 13,500 LBS with no speed restrictions:

1. 01-0 Springs Oil North
2. 04-0 Alpena Oil North
3. 12-0 Springs Oil South
4. 18-0 Crow Lake Oil

JONES – No limits.

KINGSBURY – All county roads will be posted at 6 ton per axle

LAKE - All hard surface and gravel roads will be posted at 7 ton per axle with the exception of:

1. County Road 19 (462 Ave) Off SD HWY 34 (235 Street) 462 Ave, 461 Ave & 461A Ave, south on R19 (462 Ave) for 3.64 miles – 80,000 GVW – 6 ton per axle
2. County Road 21 at 461st Ave. & 238th St. south 6 miles – 80,000 lbs. GVW – 6 ton per axle
3. County Road 51 (446 Ave) from SD Hwy 34 north for 7 miles – 80,000 lbs. GVW, – 6 ton per axle
4. County Road 53 (445 Ave) from County Road R22 (226 St) north for 6 miles – 80,000 lbs. GVW – 6 ton per axle

LAWRENCE – The following county roads will be posted at 7 ton per axle:

1. North Rochford Road 0170 from US Highway 14A to Pennington County Line
2. Nemo Road 4040 from SD Highway 385 to Pennington County Line
3. Hillsvie Road 0103 from McGuigan Road west to the end of pavement
4. Mineral Palace Road 0102 from Hillsvie Road to Oliver Street
5. Oliver Street 0101 from McGuigan Road to Mineral Palace
6. Old Belle Oil Road 1050 from Ward Ave. north to Butte County Line
7. Crook City Road 0320 from Crook Mountain Road to US Highway 85
8. Other County Roads may be posted as conditions dictate

Special Note: County Road 0140 (Old Hwy 14) from the junction of US Highway 85 in Spearfish west to I-90 Exit 2 off ramp is posted at 80,000 lbs. GVW year around and is **NOT** included in the Spring Load Limit

LINCOLN –Designated asphalt surfaced highways will be at 7 ton per axle, 40 ton Gross if posted:

1. County Road 102 from Turner County Line east 5 miles to County Road 111
2. County Road 103 from Turner County Line south 3 miles to County Road 124
3. County Road 110 from 1 mile east of County Road 123 east 4 miles to County Road 135
4. County Road 111 from County Road 116 south 21 miles to SD HWY 46
5. County Road 116 from Turner County Line east 2 miles to County Road 105
6. County Road 122 from County Road 105 east 3 miles to County Road 111
7. County Road 124 from Junction of SD HWY 44 west 2 miles to the Turner County Line
8. County Road 128 from I-29 west 6.5 miles to the Turner County Line
9. County Road 134 from I-29 east 10.5 miles to County Road 135
10. County Road 139 from County Road 152 south 3 miles to SD HWY 46
11. County Road 140 from Turner County Line east 6.5 miles to I-29
12. County Road 140 from County Road 135 east 4 miles to County Road 143
13. County Road 146 from I-29 west 6.5 miles to Turner County Line
14. County Road 148 from County Road 125 east 6 miles to County Road 135
15. County Road 152 from Turner County Line east 6.5 miles to I-29

Designated gravel roads will be at 6 ton per axle if posted:

1. County Road 121 from SD HWY 18 south 15 miles to SD HWY 46
2. County Road 122 from County Road 135 east 2 miles, north 3 miles to County Road 116
3. County Road 126 from 482 Ave north 2.5 miles to County Line
4. County Road 135 from County Road 152 south 3 miles to SD HWY 46
5. County Road 139 from County Road 140 south 6 miles to County Road 152
6. County Road 144 from County Road 125 east 8 miles to County Road 139
7. County Road 146 from County Road 1117 east 4 miles to County Road 125

LYMAN – No limits

MCCOOK – All county asphalt roads are posted at 80,000 lbs. GVW year-round with the exception of:

1. 447th Ave. from SD Highway 42 to Turner County

All asphalt roads are posted at 6 ton per axle during spring posting period with the exception of:

1. Canistota south to SD Highway 42
2. Spencer south to SD Highway 38
3. 447th Ave. from SD Highway 42 to Turner County

Gravel roads will be posted only if necessary

MCPHERSON – No information was available

MARSHALL - All asphalt roads 6 ton per axle and 40 mph with the exception of:

1. MC 07AN one mile from Hwy 10 North one mile (424th Ave) not posted to load restrictions
2. MC 09AN 423rd Ave from Britton North of city limit for 1.5 miles north to 106th St.
3. MC 11AC (415th Ave) 4 miles from SD HWY 10 to MC 12A (114th St) near Amherst, SD
not posted to load restrictions

Depending on road conditions, some gravel roads posted to load restrictions as required

MEADE – All Meade County asphalt roads posted 7 ton per axle with the exception of:

1. Sidney Stage Road will not be posted and will be normal legal loads
2. Fort Meade Way will be at 80,000 GVW

Gravel roads will be 7 ton per axle where signs are in place

MELLETT – 4 ton per axle on the following roads:

1. 6.9 miles north of Norris on Highway 63 to Junction 44
2. 1.5 miles west of Norris on Highway 63 to County line

MINER – All county asphalt roads posted 7 ton per axle & 80,000 lbs. GVW with exception of:

1. County Road 17 from Carthage south to SD Hwy 34 will be 80,000 lbs. GVW
2. County Road 22 from Canova east to SD Hwy 81 will be 80,000 lbs. GVW

Gravel roads will be posted as needed

MINNEHAHA – The following roads will be limited to 80,000 lbs. gross and 6 ton per axle Pursuant to SDCL 32-22-24:

1. County Road 103 from SD State Highway 11 to County Road 120
2. County Road 104 from SD Highway 19 to McCook County line
3. County Road 111 from County Road 150 to SD Highway 42
4. County Road 124 from County Road 105 to the Minnesota State Line
5. County Road 130 from County Road 105 to the Minnesota State line
6. County Road 140 from 466th Avenue to County Road 151
7. County Road 137 from County Road 122 to 1/4 mile north of County Road 110

All other roads will be 20,000 lbs. per axle and 80,000 lbs. Gross

The load restrictions will be in place until further notice, but will remain in place no longer than April 30, 2020 unless warranted

MOODY - All asphalt and gravel roads will be posted at 7 ton per axle

OGLALA LAKOTA – All county roads will be posted at 45 ton Gross and 45 mph with Spring Load Limit of 10 ton

PENNINGTON – All of the following asphalt portions of these roads will be posted at 7 ton per axle:

Hill City: Deerfield Road, Gillette Prairie Road, Mystic Road, Old Hill City Road, Pink Cabin Road, Playhouse Road, Reno Gulch Road, Rochford Road, Rochford Road N, Rochford Road S, Twin Springs Road

New Underwood: 156th Avenue, 160th Avenue, 161st Avenue, 171st Avenue, 173rd Avenue, 233rd Street, A Avenue S, Base Line Road, Bombing Range Road, Elm Springs Road, Highway 1416

Rapid City: 143rd Avenue, 151st Avenue, 154th Avenue, 225th Street, 228th Street, 229th Street, 47th Avenue West, Albert Lane, Albertta Drive, Anderson Road, Apres Vous Court, Atlantic Drive, Aurora Drive, Avenue A, Basswood Street, Benjamin Street, Bennett Road, Blackbird Court, Blue Grouse Way, Bonita Lane, Bonnie Lane, Bradsky Road, Bridge Drive, Butte Circle, Butte Court, Carol Street, Carter Drive, Cavern Road, Chevae Court, Clarkson Road, Cleghorn Canyon Road, Club Court, Colvin Court, Colvin Street, Connie Court, Corbin Drive, Cottage Court, Country Road, Covington Street, Crane Drive, Croyle Avenue, Dark Canyon Road, Daughenbaugh Road, Dawkins Road, Dawn Lane, Deadwood Avenue N, Dealers Drive, Degeest Drive, Diamond Court, Dorothy Drive, Dry Creek Court, Dunn Road, Dunsmore Road, Dyess

Avenue, Dylan Drive, Eclipse Avenue, Elk Vale Road N, Ellendale Drive, Ennen Drive, Ethan Court, Everest Road, Fischer Court, Forest Road, Fort Hayes Drive, Fort Street, Gemini Street, Gin Court, Glen Street, Grant Circle, Green Drive, Green Oak Lane, Green Tree Drive, Green Valley Drive, Green Willow Drive, Greenfield Drive, Greenfield Lane, Greenwood Lane, Gypsy Road, Hacienda Street, Haines Avenue, Hamlin Circle, Hamlin Court, Harding Court, Harney View Drive, Hart Ranch Road West, Harwood Street, Haven Street, Heart Court, Heather Drive, Heather Lane, Helios Street, Heritage Lane, Hidden Valley Lane, Highland Hills Road, Highway 1416, Hilltop Road, Hisega Road, Hogan Street, Howie Drive, Hughes Court, J Court, Jack Pine Drive, Johnston Court, Johnston Drive, Johnston Lane, Joker Street, Jolly Lane, Kerry Drive, Kings Court, Kings Road, La Crosse Street, Lamb Road, Langenberg Court, Leola Lane, Leroy Street, Lindsey Drive, Long View Road, Lower Spring Creek Road, Lunar Drive, Macks Drive, Marcia Court, May Court, Meadow Lane, Meadow Lane Court, Meadow Ridge Drive, Meadowbrook Court, Meadowland Drive, Melcor Road, Mercury Drive, Merritt Road, Meteor Street, Mittenwald Court, Moon Meadows Drive, Morning View Drive, Morris Lane, Mountain Beaver Way, Mountain Pine Lane, Nameless Cave Road, Neck Yoke Road, Neel Street, Nemo Road, Neva Way, Nike Road W, Nonanna Street, Norris Peak Lane, Norris Peak Road, O'Brien Street, Okpealuk Court, Okpealuk Street, Old Folsom Road, Pacific Lane, Palmer Road, Patterson Drive, Peanut Lane, Pennington Street, Penny Lane, Pierre Lane, Pinewood Drive, Pinochle Place, Pioneer Avenue, Pioneer Circle, Pioneer Drive, Pitch Court N, Pitch Court S, Plateau Lane, Pluto Drive, Poker Drive, Potter Lane, Potter Road, Preston Place, Preston Street, Quad Court, Radar Hill Road, Rainbow Lane, Red Rock Canyon Road, Reed Court, Reservoir Road, Rockerville Road S, Rolling Hills Drive, Ross Court, Russet Lane, San Bernardo Street, San Francisco Street, Sand Creek Court, Saturn Drive, Savannah Street, School Drive, Schroeder Road, Serenity Court, Shad Street, Shannon Court, Sharp Drive, Sharp Lane, Shayla Court, Sheridan Lake Road, Sherman Street, Sherry Court, Shields Road, Shiloh Court, Silver City Road, Silver Fox Spur, Silver Mountain Road, Solitaire Drive, Sonquist Lane, South Canyon Road, Southside Drive, Spade Court, Spring Canyon Trail, Spring Creek Road, Sprucewood Street, Stellar Street, Sully Court, Sun Ridge Road, Sweetbriar Street, Teak Drive, Teewinot Drive, Terry Drive, Thunderhead Falls Road, Trail Drive, Trailwood Lane, Turtle Creek Court, Twilight Drive, Universal Drive, Uranus Drive, Valley Drive S, Wamberg Court, West Gate Road, Westberry Hill Road, Wide View Drive, Wild Life Road, Wilderness Canyon Road, Wilderness Circle, Wilderness Trail, Williams Street, Woodcrest Court, Zinnia Street

Wall: Cedar Butte Road, Creighton Road, Golf Course Road, Kelly Hill Road, Quinn Road, Sage Creek Road

PERKINS –

1. County Roads 6 ton per Axle: C-02, C-03, C-09, C-09A, C-19, & C-25
2. No Spring Weight Restrictions on any Gravel Surface Road

POTTER –

1. 6 ton per axle on all County Roads, plus 101, 103, 104, 106, 109, 155, 156, 485, 486, 487, 744, 748, 749, 750, 816, 817, 818, 819, 820, & 954
2. South Manston Street

ROBERTS – Truck speed limit 40 mph

1. 8 ton per axle on the Dam Road & 464 Ave from SD Hwy 127 south to 107 Street (1 mile)
2. 7 ton per axle on asphalt mat roads & gravel roads
3. 6 ton per axle on Blotter Type roads
4. Speed limits on some 6 ton per axle asphalt mat roads & 6 ton per axle blotter type roads

SANBORN – All oil roads will be 80,000 lbs. GVW with 40 mph speed limit year around with the exception of County Road 9-0 which is open to legal loads except during the spring thaw postings of 6 ton per axle

SPINK - All asphalt roads posted at 6 ton per axle and 40 mph as well as these gravel roads:
1. County Road 4 - 6 miles East of Hwy 37 on 150th Street

STANLEY - No limits

SULLY - 6 ton per axle on all oil roads with an 80,000 lbs. GVW
Depending on road conditions, some gravel roads posted to load restrictions as required

TODD - No limits

TRIPP - 7 ton per axle on all oil roads

TURNER – 7 ton per axle with an 80,000 lbs. GVW

UNION - All asphalt surfaced highways 7 ton per axle with the exception of:

1. Union County Road 1B from Jefferson southeast to Exit 4 at I-29

WALWORTH - All county oil roads posted at 6 ton per axle with exception of Legal Loads on:

1. County Road 214 west 1.1 miles from County Road 314 west 1.1 miles
2. County Road 233 from SD Hwy 12 south .4 miles
3. County Road 314 from SD Hwy 12 south .9 miles

YANKTON – All county hard surfaced roads posted at 6 ton per axle 80,000 lbs. GVW with the exception of:

1. 7 ton per axle on 430th Ave from 300th St. north to SD HWY 46
2. 7 ton per axle on East Side Drive from SD HWY 50 north to Whiting Drive
3. 7 ton per axle on 450th Ave from SD HWY 50 north to 310th St

Legal weight limit on County Road 210 or Deer Boulevard north of SD HWY 50, extending north 3.22 miles to the entrance of Dakota Plains Ag Center

ZIEBACH – No Limits

Memo

*Comprehensive Plan
Articles*

To: Don Kettering

From: Greg Henderson

Subject: Planning and Zoning Support

Date: January 18, 2021

I apologize for missing our meeting. I had the wrong date for my medical appointment in Sioux Falls. Eric Ambrosen will help explain what District III is prepared to do in assisting Yankton County. First, Brian McGinnis will provide copies of zoning ordinances from other counties with larger first-class communities. He will tab or otherwise mark up the appropriate sections that have some bearing on livestock zoning.

Second, Eric Ambrosen will review your existing draft comprehensive plan and note statistics, maps or other data analysis sections that can be easily updated. We will then revise that information.

Third, I will review the draft comprehensive plan "considerations" section, which includes policy recommendations. I will note issues or conditions that probably should be included, based upon current events. We are not prepared to make new policy recommendations, outside of obvious facts that are supported by accepted data sources. I know Yankton County has issues to debate which are contentious. We intend to stay out of internal policy discussions.

Our proposed work activities may not involve enough staff time to justify a fee for service contract. If the data updates take more than 40 total hours of staff time, I feel justified in charging Yankton County up to \$2,500 for the additional time, based upon our fee for service hourly rate.

We are not proposing to work with the planning commission or attend planning commission meetings. We are intending to assist your staff and provide direct information to the county commission. Also, we cannot guarantee the June 1, 2021 deadline for the full completion of the plan or zoning revisions. Although we do not anticipate any problems in accomplishing our tasks, we cannot control or manage the work of county personnel. The revision approval and/or adoption process needs to be conducted by county staff.

If you are comfortable with the proposed scope of work and the conditions associated with them, I will put together a Work Order. We will get moving on the assignment as soon as possible. I will ask for direction on submitting work products. We can drop them off at the County Government Center or provide them directly to you.

I am looking forward to assisting you to the best of our abilities. I appreciate the confidence shown in District III and we will do our part to provide useful and timely information.

Thank you.

~~Agriculture—The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.~~

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Animal Feeding Operation - An animal feeding operation is a lot or facility where ~~an established number of fifty or greater~~ animal units, ~~excluding aquaculture~~, are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class Animal Units

Class A 5,000 - 10,000

Class B 3,000 - 4,999

Class C 2,000 - 2,999

Class D 1,000 - 1,999

Class E ~~300-500~~ - 999

Class F ~~1-299~~ 50-499

~~Animal Feeding Operation or CAFO, New—An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein.~~

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds <u>including cow/calf pairs</u>	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.

Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

Animal Unit Conversion Table - A conversion table designed to integrate the definition of animal feeding operations with the animal unit definition. (Amended 06/08/06)

Species Animal	Class A	Class B	Class C	Class D	Class E	Class F
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds including cow/calf pairs	10,000 - 5000	4,999 - 3,000	2,999 - 2,000	1,999 - 1,000	999 - 300 500	499 - 50
Horses	5,000 - 2,500	2,499 - 1500	1,499 - 1,000	999 - 500	499 - 150	
Mature dairy cattle, excluding calves under 300 pounds	7,143 - 3,571	3,570 - 2,143	2,142 - 1,429	1,428 - 714	713 - 214	
Farrow to finish sows	2,703 - 1,351	1,350 - 811	810 - 541	540 - 270	269 - 81	
Swine in a production unit	21,276 - 10,638	10,637 - 6,382	6,381 - 4,255	4,254 - 2,128	2,127 - 638	
Nursery swine less than 55 pounds	100,000 - 50,000	49,999 - 30,000	29,999 - 20,000	19,999 - 10,000	9,999 - 3,000	
Finisher swine over 55 pounds	25,000 - 12,500	12,499 - 7,500	7,499 - 5,000	4,999 - 2,500	2,499 - 750	
Sheep	100,000 - 50,000	49,999 - 30,000	29,999 - 20,000	19,999 - 10,000	9,999 - 3,000	
Laying hens	303,030 - 151,515	151,514 - 90,909	90,908 - 60,606	60,605 - 30,303	30,302 - 92090	
Ducks and/or geese	50,000 - 25,000	24,999 - 15,000	14,999 - 10,000	9,999 - 5,000	4,999 - 1,500	
Turkeys	555,555 - 277,777	277,776 - 166,666	166,665 - 111,111	111,110 - 55,555	55,554 - 16,666	

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Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Concentrated Animal Feeding Operation (CAFO) - An animal feeding operation that meets one or more of the following criteria:

1. contains at least 500 animal units
2. utilizes a Liquid Manure System (see definitions)
3. utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. discharges pollutants into waters of the state through a manmade ditch, flushing system, or other similar man-made device
5. discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation

Concentrated Animal Feeding Operation: An animal feeding operation that holds more than 1,000 animal units and smaller operations that discharge pollutants that impair a stream or other surface water are Concentrated Animal Feeding Operations (CAFOs).

Concentrated Animal Feeding Operation (CAFO), Existing – Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Farm Building - All buildings and structures needed in agricultural operation, including dwellings for owners, operators, farm laborers employed on the farm, and other family members.

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and

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feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of not less than twenty (20) acres of unplatted land, or is a part of a contiguous ownership of not less than eighty (80) acres of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section 513(3).

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Manure System Definitions:

- Solid Manure System – Vast majority (>90%) of excreted manure will be maintained in a form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots
- Semi-Solid or Combination System – Default category for systems that do not fit the description of a solid or liquid manure system. Example systems include dairies having multiple types of housing and/or significant separation of solids prior to long-term storage, modestly bedded facilities, and multi-species operations.
- Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example systems include slatted floor facilities and facilities where manure can be transferred via gravity.

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Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery, swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size.

Performance Standards – Criterion established for the purposes of:

1. Assigning proposed land uses to proper districts; and
2. Controlling noise, odor, glare, smoke, toxic matter, aesthetics, vibration, fire/explosive hazards generated by, or inherent in, uses of land or buildings.

Permitted Special Use – A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

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Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Windbreak - Any non-opaque-manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

ARTICLE 5 AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

1. ~~Agriculture~~Any form of agriculture including the raising of crops, horticulture, animal husbandry, and poultry husbandry, and animal feeding operations, yet excluding concentrated animal feeding operations (CAFO) and commercial grain elevators;
2. Cemeteries;
3. Day cares, family;
4. ~~Dwellings, single family;~~
5. ~~4.~~ Farms, ranches or orchards as defined herein;
6. ~~5.~~ Farm buildings;
7. ~~6.~~ Historic sites;
8. ~~7.~~ Horticulture;
9. ~~1.~~ Manufactured homes, pursuant to Section 1509;
10. ~~8.~~ Modular homes;
11. ~~9.~~ Utility facilities; and
12. ~~10.~~ Veterinary services.

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Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory agricultural structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;

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12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate; ~~and~~
16. Stock dams; and
- ~~16.17.~~ Swimming pools.

Section 506 Permitted Special Uses

1. Dwellings, single-family including modular homes pursuant to Section 516;
2. Dwellings, two-family pursuant to Section 516;
3. Dwellings, additional farm in excess of one (1), pursuant to Sections ~~513(5)~~ 516 and 1509;
4. Manufactured homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) pursuant to Section 519(2,3)
6. Concentrated Animal Feeding Operation. Existing are allowed to expand to 125% of current operation size if the operation exists on an occupied farmstead or continuous property to the farmstead. The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2).

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Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

- ~~1. Animal feeding operations;~~
- ~~2.1.~~ Agricultural, fertilizer, and chemical sales and applications;
- ~~3.2.~~ Agricultural product processing facilities;
- ~~4.3.~~ Aquaculture;
- ~~5.4.~~ Auction yards and barns;
- ~~6.5.~~ Bars;
- ~~7.6.~~ Bed and breakfast operations;
- ~~8.7.~~ Buying stations;
- ~~8.~~ Churches;
9. Concentrated Animal Feeding Operations;
10. Construction services;
11. Day cares, group family home;
- ~~12.1.~~ Dwellings, additional farm in excess of one (1), pursuant to Sections ~~513(5)~~ and 1509;
- ~~13.12.~~ Exhibition areas;
- ~~14.13.~~ Fairgrounds;
- ~~15.14.~~ Fireworks sales;
- ~~16.15.~~ Game farms;

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- ~~17.16.~~ Game lodges;
- ~~18.17.~~ Golf courses;
- ~~19.18.~~ Grain elevators;
- ~~20.19.~~ Individual septic or sewage treatment facilities, pursuant to Section 1513;
- ~~21.20.~~ Indoor shooting/archery ranges;
- ~~22.21.~~ Kennels;
- ~~23.22.~~ Landing Strips;
- ~~24.23.~~ Manufacturing, light;
- ~~25.24.~~ Motor vehicle tracks or play areas;
- ~~26.25.~~ Manure irrigation;
- ~~27.26.~~ Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
- ~~28.27.~~ Open sales areas;
- ~~29.28.~~ Outdoor shooting/archery ranges;
- ~~30.29.~~ Parks;
- ~~31.30.~~ Portable processing plants;
- ~~32.31.~~ Private recreation areas;
- ~~33.32.~~ Private shooting preserves;
- ~~34.33.~~ Quarries, pursuant to Section 1515;
- ~~35.34.~~ Remote fuel depots;
- ~~36.35.~~ Repair shops, auto-body;
- ~~37.36.~~ Repair shops, motor vehicle and equipment;
- ~~38.37.~~ Riding stables;
- ~~39.38.~~ Rodeo arenas;
- ~~40.39.~~ Salvage yards;
- ~~41.40.~~ Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
- ~~42.41.~~ Spreading, injection, or other application of manure or animal waste generated from a concentrated animal feeding operation not permitted by Yankton County shall be required to submit a waste management plan for land application of said manure within the Agricultural District. The waste management plan shall be the same as for a permitted site, pursuant to 519(1C)(3), by an Animal Feeding Operation as described herein, or other livestock production means located outside of Yankton County pursuant to Section 519(11)(12);
- ~~43.42.~~ Swimming pools;
- ~~44.43.~~ Temporary construction facilities; ~~and~~
- ~~45.44.~~ Towers, pursuant to Article 25 & Article 26;
- ~~46.45.~~ Wildlife and game production areas; and
- ~~46.~~ Wind energy systems, pursuant to Article 26.
- ~~47.~~ Subdivisions as defined herein;

Section 509 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or

conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

1. The minimum lot area shall be ~~twenty-two~~ (202) acres;
- ~~2. The minimum lot width shall be five hundred (500) feet;~~
- ~~3.2. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single family home is requested on an existing farmstead site, as defined herein; Construction of a new residence must comply with the minimum setbacks as stated in Section 519(2), upon determining the class(es) of the Concentrated Animal Feeding Operation(s) where the new residence will be located.~~
- ~~4.3. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;~~
- ~~5.1. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and~~
- ~~6.1. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(c)(3), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.~~

Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of seventy five (75) feet;
2. There shall be a rear yard of not less than a depth of seventy five (75) feet;

3. There shall be two (2) side yards, each of which shall not be less than seventy five (75) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and

5. The Zoning Administrator may allow construction of single and multi family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.
6. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations.
- 5.7.

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Section 516 Residence Requirements

The requirements herein apply to all new residences including but not limited to single family dwellings, new family dwellings, and modular homes.

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1. Construction of any new residence must comply with the minimum setbacks as stated in Section 519(2), upon determining the class(es) of the Animal Feeding Operation(s) where the new residence will be located.
 - a. Waiver – The permit applicant may forego the minimum setbacks by signing a residential waiver request form acknowledging proximity to any CAFO. This waiver shall be filed with the permit application and a copy shall be mailed to all owners of operating CAFOs within the setback distance.
2. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and
3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

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Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. ~~Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting.~~ No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 519 Concentrated Animal Feeding Operation Performance Standards

Concentrated Animal Feeding Operations are considered conditional uses and shall comply with the conditional use process, all applicable state and federal requirements, and all requirements defined in this section.

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:

- a. Site description information:**

- i. The owners', managers', management company's or similar entities' name, address and telephone number.
- ii. A legal description of the site and proposed 911 address for the location.
- iii. The type and number of animals to be housed at the site.
- iv. Site diagram of all existing and proposed buildings and structures.
- v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
- vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
- vii. Provide a Farm Service Agency wetland map.
- viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.

- b. A facility management plan shall include:**

- i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be screened or located out of site from neighboring dwellings and the adjacent right-of-way.

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- ii. The methods utilized to control pests and flies.
- iii. An odor footprint model.
- iv. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and the affected residence, church, business or school. The shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
- v. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized.
- vi. A storm water management plan 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 dryer confinement areas to reduce odor production.
- vii. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP

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c. Waste Management Plan Requirements. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:

- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
- ii. A state general permit is required if any of the following situations are met.
 - 1. Any CAFO greater than or equal to 500 animal units.
 - 2. A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3. A general permit is required by Yankton County as a condition of approval.
 - 4. The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources *First Occurrence of Aquifer Materials in Yankton County, SD*
- iii. Proposed maintenance of waste facilities.
- iv. Number and size of containment areas.
- v. Timeframe for removal of manure from storage containment.
- vi. Land application process and/or methods (surface, injection, etc.).

- vii. Legal description and map, including documented proof of area to be utilized for manure application.
- viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.
- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information reasonably related to a concentrated animal feeding operation not contained in these regulations.

2. Facility Setback Requirements. New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe.

The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the separation distance. Any authorized person, business or governmental entity that is within the separation distance may waive the separation distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

Facility Setback Chart						
<u>Class</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
<u>Animal Units</u>	<u>5,000</u>	<u>3,000</u>	<u>2,000</u>	<u>1,000</u>	<u>500</u>	<u>100</u>
	<u>to</u>	<u>to</u>	<u>to</u>	<u>to</u>	<u>to</u>	<u>to</u>
	<u>10,000</u>	<u>4,999</u>	<u>2,999</u>	<u>1,999</u>	<u>999</u>	<u>499</u>
<u>Solid Manure System</u>						
<u>Residence other than owner, active church, business, schools (miles)</u>	<u>2</u>	<u>1.25</u>	<u>0.75</u>	<u>0.50</u>	<u>0.50</u>	<u>0.25</u>
<u>Incorporated municipalities (miles)</u>	<u>2</u>	<u>1.25</u>	<u>.75</u>	<u>0.75</u>	<u>0.50</u>	<u>0.25</u>
<u>Semi-solid or Combination Manure System</u>						
<u>Residence other than owner, active church, business, schools (miles)</u>	<u>2</u>	<u>1.5</u>	<u>1</u>	<u>0.75</u>	<u>0.50</u>	<u>0.25</u>
<u>Incorporated municipalities (miles)</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>0.75</u>	<u>0.50</u>	<u>0.25</u>
<u>Liquid Manure System</u>						
<u>Residence other than owner,</u>	<u>2</u>	<u>1.25</u>	<u>1</u>	<u>0.75</u>	<u>0.50</u>	<u>0.25</u>

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active church, business, schools (miles)						
Incorporated municipalities (miles)	2	2	1	0.75	0.50	0.25
<i>Any Style Manure System</i>						
Existing swine feeding operation over 300 AU, only related to new swine feeding operations (miles)	1	1	1	1	1	0.5
Public wells (feet)	1,320	1,320	1,320	1,320	1,320	1,320
Private well (feet)	350	350	350	350	350	350
Private well (operator's) (feet)	250	250	250	250	250	250
Lakes, rivers and streams (feet)	1,320	1,320	1,320	1,320	1,320	1,320
Right-of-way line (feet)	330	330	330	330	330	330
Property line delineating a change in ownership (feet)	660	660	660	660	660	660
100 year flood plan	PROHIBITED					

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3. Manure application. New Animal Feeding Operations and waste facilities shall comply to the following:

- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
- b. 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.
- c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
- d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
 - i. 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.
 - ii. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
 - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
 - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
 - v. No irrigation over FSA designated wetlands.
 - vi. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
- e. Manure should not be applied over frozen or snow covered ground.

- f. No pipes or drag lines may be permanently installed in the public right-of-way. If manure application will involve temporarily placing hoses or other equipment in a right of way (for example, in a road ditch or through a culvert), the producer must first obtain a Permit to Occupy Right of Way from the local road authority as well as written permission from the landowner.
- g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the state, flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection

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Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
Public wells (feet)	1,320	1,320	1,320
Private wells (feet)	350	350	350
Private wells (operator's) (feet)	250	250	250
Lakes, rivers and streams (public drinking supply) (feet)	1,320	1,320	1,320
Lakes, rivers and streams (fisheries) (feet)	200	1,320	1,320
All public road right- of-ways (feet)	10	10	350
Municipalities (feet)	1,320	2,640	5,280
Residential zone areas (R1, R2, R3) (feet)	660	1,320	2,640
Residence other than operator's (feet)	330	660	1,320
100 year flood plain	PROHIBITED		

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3.

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)

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.~~
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.~~
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~~
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;~~
 - B. ~~Land application process and/or methods;~~

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

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.

5. New animal feeding operations, new CAFO's and waste facilities shall be setback six hundred and sixty-six (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right away line. Additionally, the applicant shall locate the operation $\frac{1}{4}$ 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.

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.

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

8. New animal confinement and waste facilities shall be located no closer than $\frac{1}{2}$ 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

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.

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 or 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;

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

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;

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 dryer confinement areas to reduce odor production;

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

F. A description of the method and timeframe for removal of manure from open pens to minimize odor production;

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

H. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public

gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

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

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

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 and Streams Classified as Fisheries 200 feet

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

G. Incorporated Communities 660 feet

H. A Residence other than the Operators 100 feet

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

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 and Streams Classified as Fisheries 660 feet

- F. All Public Road Right-of-ways (Surface Applied) 10 feet
- G. All Public Road Right-of-ways (Irrigated Application) 100 feet
- H. Incorporated Communities (Surface Applied) 1,000 feet
- I. Incorporated Communities (Irrigated Application) 2,640 feet
- J. A Residence other than the Operators (Surface Applied) 330 feet
- K. A Residence other than the Operators (Irrigated Application) 750 feet

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.
- B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
- C. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
- D. No irrigation of liquid on frozen ground or over FSA designated wetlands. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
- E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.

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Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within ~~two (2)~~five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any building permit, and/or Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit ~~may shall~~ be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit, ~~and-It~~ may be the basis for a denial or revocation of the application, building permit, and/or or a conditional use permit by the Board of Adjustment.