

-DEFINITIONS

Definitions

For the purpose of this Ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall means mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word lot includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

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. All Concentrated Animal Feeding Operations (CAFO) and Animal Feeding Operations (AFO) above 49 animal unit or more that 200 total animals require a conditional use permit (CUP). 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.

Animal – a living creature including but not limited to, cattle, sheep, horses, swine, turkeys, chickens, ducks, geese, goats or other livestock.

Animal Feeding Operation: An animal feeding operation (AFO) is a lot or facility where an established number of animal units are confined, stabled, fed, or maintained in either an open or housed lot for a total of for more than 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.

~~Two or more facilities under common ownership shall be considered a single operation. Two or more facilities that use a common system, or area for manure disposal shall be considered a single operation.~~

~~Animal feeding operation– An animal feeding operation (AFO) is a lot or facility where an established number of animals are confined, fed or maintained for more than 45 days in any 12 month period in an open lot that does not sustain crops, vegetation or forage growth in the normal growing season or in a structure for more than 45 days in any 12 month period. Two or more facilities under common ownership shall be considered a single operation. Two or more facilities that use a common system or area for manure disposal shall be considered a single operation~~

~~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—999
Class F	1—299

The following chart will be used for animal class classifications.

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 <u>500</u> - 1,999
Class E	300—999 <u>200 - 499</u>
Class F	1—299 <u>50 - 199</u>

~~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:~~

The following chart will be used for animal unit calculations.

		<u>1 A.U.</u> <u>Equivalent</u>
Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds	1.0 A.U.	<u>1 cow</u>
Horse	2.0 A.U.	<u>.5 horse</u>
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.	<u>.7 cattle</u>
Farrow-to-finish sows	3.7 A.U.	<u>.3 sows</u>
Swine in a production unit	0.47 A.U.	<u>2.1 swine</u>
Nursery swine less than 55 pounds	0.1 A.U.	<u>10 swine</u>
Finisher swine over 55 pounds	0.4 A.U.	<u>2.5 swine</u>
Sheep or lambs	0.1 A.U.	<u>10 sheep</u>
Laying hens or broilers	0.033 A.U.	<u>30.3 hens</u>

Ducks and/or geese	0.2 A.U.	<u>5 ducks</u>
Turkeys	0.018 A.U.	<u>55.6 turkeys</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)

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

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 Operations *AFO and Concentrated animal feeding operation (CAFO)*. 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.

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 *or Concentrated Animal Feeding Operations* as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Swimming Pool – A water filled enclosure, permanently constructed ~~or portable~~, having a depth of more than twenty four inches below the level of the surrounding land, or ~~an~~ a permanent above ground pool, having a depth of more than thirty inches, designed, used and maintained for swimming ~~and bathing~~.

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;~~
2. Cemeteries;
3. Day cares, family;
4. Dwellings, single-family;

5. Dwellings, two-family

~~6. Dwellings, multi family~~

7. Farms, ranches, or orchards as defined herein;

8. Farm buildings;

9. Historic sites;

10. Horticulture;

~~11. Parks;~~

~~12. Wildlife and game production areas;~~

13. Manufactured homes, pursuant to Section 1509;

14. Modular homes;

15. Utility facilities; and

16. Veterinary services.

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. Residential Swimming pools;

8. Signs, banner;

9. Signs, directional on-site;

10. Signs, directional off-site;

11. Signs, easement and utility;
12. Signs, exterior off-site, pursuant to Article 14;
13. Signs, flag;
14. Signs, name and address plate;
15. Signs, on-site;
16. Signs, real estate; and
17. Stock dams.

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 *above 49 animal units and/or 200 or more total animals;*
2. *Concentrated Animal Feeding Operations;*
3. Agricultural, fertilizer, and chemical sales and applications;
4. Agricultural product processing facilities;
5. Aquaculture;
6. Auction yards and barns;
7. Bars;
8. Bed and breakfast operations;
9. Buying stations;
10. Churches;
11. Construction services;
12. Day cares, group family home;
13. Dwellings, additional farm in excess of one (1), pursuant to Sections 513(5) and 1509;
14. Exhibition areas;

15. Fairgrounds;
16. Fireworks sales;
17. Game farms;
18. Game lodges;
19. Golf courses;
20. Grain elevators;
- ~~21. Individual septic or sewage treatment facilities, pursuant to Section 1513;~~
22. Indoor shooting/archery ranges;
23. Kennels;
24. Landing Strips;
25. Manufacturing, light;
26. Motor vehicle tracks or play areas;
27. Manure irrigation;
28. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
29. Open sales areas;
30. Outdoor shooting/archery ranges;
- 31. Parks;**
32. Portable processing plants;
33. Private recreation areas;
34. Private shooting preserves;
35. Quarries, pursuant to Section 1515;
36. Remote fuel depots;
37. Repair shops, auto-body;
38. Repair shops, motor vehicle and equipment;

- 39. Riding stables;
- 40. Rodeo arenas;
- 41. Salvage yards;
- 42. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);

43. Subdivisions as defined herein;

44. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation **or Concentrated Animal Feeding Operation** as described herein, ~~or other livestock production means located outside of Yankton County pursuant to Section 519 (11)-(12);~~

45. Spreading, injection, or other application of manure or animal waste from any livestock production means located outside of Yankton County;

~~**46. Spreading, injection, or other application of human waste by a third party;**~~

~~**47. Swimming pools;**~~

- 48. Temporary construction facilities; and
- 49. Towers, pursuant to Article 25 & Article 26;

50. Wildlife and game production areas; and

- 51. Wind energy systems, pursuant to Article 26.

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 (20)
2. The minimum lot width shall be five hundred (500) feet
- ~~3. 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;~~
4. 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. 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 unit, provided the property is not transacted or prepared, platted, or described for transaction; and
6. 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.

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.*

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 perennial 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 Animal Feeding Operation Performance Standards

~~All~~ Animal Feeding Operations (AFO) and Concentrated Animal Feeding Operations (CAFO) are required to obtain a State General Permit from the South Dakota Department of Environment and Natural Resources (DENR) that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health. This permit must be obtained prior to the County application for a Conditional Use Permit (CUP). Applicants must have a South Dakota Environmental Training certification for CAFO's. Animal Feeding Operations below 500 animal units are not required to obtain a State Permit or Environmental certification from SD DENR.~~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:~~

The following chart will be used for animal unit calculations.

1 A.U.
Equivalent

Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds	1.0 A.U.	<u>1 cow</u>
Horse	2.0 A.U.	<u>.5 horse</u>

Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.	<u>.7 cattle</u>
Farrow-to-finish sows	3.7 A.U.	<u>.3 sows</u>
Swine in a production unit	0.47 A.U.	<u>2.1 swine</u>
Nursery swine less than 55 pounds	0.1 A.U.	<u>10 swine</u>
Finisher swine over 55 pounds	0.4 A.U.	<u>2.5 swine</u>
Sheep or lambs	0.1 A.U.	<u>10 sheep</u>
Laying hens or broilers	0.033 A.U.	<u>30.3 hens</u>
Ducks and/or geese	0.2 A.U.	<u>5 ducks</u>
Turkeys	0.018 A.U.	<u>55.6 turkeys</u>

The following chart will be used for animal class classifications.

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 <u>500</u> - 1,999
Class E	300—999 <u>200 - 499</u>
Class F	1—299 <u>50 - 199</u>

~~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(e),8(e),9,10,11,12,13)~~

~~Class D (500—1,999) — Section 519(1,2,3,4,5,7(d),8(d),9,10,11,12,13)~~

~~Class E (100—200—499) — Section 519(2,3,4*,5,7(e),8(e),9,10,11,12,13)~~

~~Class F (50-99 199) animal units or above 200 total animal regardless of the number of Animal units.) — Section 519(2,3,4*,5,7(),8(e),9,10,11,12,13)~~

below fifty (50) animal units, not to exceed two hundred (200) total animals, no conditional use is required, above 200 total animal units will be assigned to the appropriate class above.

Animal Feeding Operations (AFO), **Concentrated Animal Feeding Operations and waste facilities (CAFO)** shall submit animal waste management system plans and specifications for review **prior to the Conditional Use Hearings** 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.

1. 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.
2. ~~Animal feeding operations (AFO), Concentrated animal feeding operations (CAFO), and waste facilities shall comply with the following facility setback requirements:~~
 - ~~A. Public Wells 1,000 feet 1,320 feet~~
 - ~~B. Private Wells 250 feet 350 feet~~
 - ~~C. Private Wells (Operator's) 150 feet 250 feet~~
 - ~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet 1,320 feet~~
 - ~~E. Lakes, Rivers, Streams Classified as Fisheries 1,000 feet 1,320 feet~~
 - ~~F. Designated 100 Year Flood Plain PROHIBITED~~
3. Animal Feeding Operations (AFO), Concentrated Animal Feeding Operations (CAFO), and waste facilities shall submit the following facility management plan prior to the application for a conditional use permit. Examples of such management shall include at least but are not limited to:
 - A. Proposed maintenance of Animal feeding operations (AFO), Concentrated animal feeding operations (CAFO), and waste facilities;
 - B. Proposed and detailed maintenance plan of waste facilities; Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification prior to the county application for a conditional use permit.
 - C. Land manure application process and or methods; Proposed ~~and~~ detailed maintenance plan of waste facilities;
 - D. ~~Land application process and/or methods;~~ Legal description and map, including documented proof of area to be utilized for ~~nutrient~~ manure application;
 - E. Other requirements as described by the zoning administrator, planning commission, and/or board of adjustment
 - F. Soil testing results to ensure land is appropriate for manure application.
 - G. Location of other AFO's and CAFO's in the area to avoid overlapping of land in

~~nutrient management plans.~~

~~H. All Animal Feeding Operations (AFO's) and Concentrated Animal Feeding Operations (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.

~~I. State Environmental Training certification for CAFO's~~

~~J. Other requirement as described by the zoning administrator, planning commission, and/or board of adjustment.~~

4. 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-a-way line. The Planning Commission and/or Board of Adjustment may mandate setbacks greater (but not less) than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare of all of Yankton County.

New Animal Feeding Operations, Concentrated Animal Feeding Operations, and waste facilities shall be located no closer than the following **regulations prescribe distance** from any Class I, **Class II, or Class III** incorporated municipality, active church, or established **R1, R2 or R3 residential area or residential dwelling** as shown on the Official Zoning Map.

A. Class A _____ 4 miles

B. Class B _____ 2 miles

C. Class C _____ 1 mile

~~D. Class D _____ 2,640 feet **3,960 feet**~~

E. Class E _____ 2,640 feet

~~F. Class F _____ 1,320 feet~~

Designated 100 Year Flood Plain PROHIBITED

	A	B	C	D	E	F
Residence (R1, R2, R3) other than operator's (miles)	4	2	1	0.75	0.50	0.25
Municipalityies, Church (miles)	4	2	1	0.75	0.50	0.25

Public or private wells (not operator's) (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 and streams classified as drinking water supply (feet)	1,320	1,320	1,320	1,320	1,320	1,320
Lakes, rivers, streams classified as fisheries (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 Plain	Prohibited					

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.~~

An owner of a residential dwelling may request the setbacks to their dwelling be permanently waived. Residential waiver request forms are obtainable from the Zoning Administrator and must be filled out prior to the conditional use application. This waiver shall permanently run with the land and be filed with the Yankton County Register of Deeds. or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50.

~~7. 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

8. 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. Manure pipes or lines shall not be placed public rights of way. ~~Both methods~~ Methods of transportation must comply with federal, state, and local load limits on roads, bridges, and all other similar structures.
9. All Animal feeding operations (AFO), Concentrated animal feeding operations (CAFO), and waste facilities shall prepare a facility management plan. The plan shall address how to responsibly dispose of dead animals, manure, and wastewater in such a manner as to control odors, control flies, rodents, weeds, and to protect the environment. Special emphasis shall be place on protecting both groundwater and surface water. The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into careful consideration prevailing wind direction, flood plains, aquifers, surface water protection, and topography, and compatibility with the neighborhood. The following procedures ~~to control flies and odors~~ shall be completely addressed in a management control plan:
 - A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. Nutrient management plans must be submitted to and approved by SD DENR prior to the county permit application. The nutrient management plan will list all fields and acres that are in the nutrient management plan, and shall include expected manure application rates. All land in the nutrient management plan that is not owned by the applicant shall have manure easements completed prior to the county permit application.
 - B. An operational plan for prevention of both ground water and surface water contamination;
 - C. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. A detailed plan for carcass disposal shall be a part of the application.
 - D. An operational plan to prevent the spread of infectious disease to other facilities and a bio-security plan;
 - E. 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, an odor footprint model shall be used. An odor management plan shall include bio-filters, pit additives, or other odor reduction technologies.

~~F. Utilization of Bio-filters and ground water monitoring wells to mitigate harmful effects and promote safety, health, and welfare;~~

G. 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.

H. A solid and liquid manure storage plan detailing the number and size of containment areas and methods of controlling drainage ~~to~~ with an emphasis on minimizing odor production;

~~I. Road Haul routes / road haul agreements with road authority to minimize damage to infrastructure and shall be included in the CUP;~~

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

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

L. A notification section ~~should~~shall 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 ~~and odor footprint~~ 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 ~~shall~~ lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should ~~shall~~ be given.

M. 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.

~~9A. N. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The nutrient management plan will list all fields and acres that are in the nutrient management plan that is not owned by the applicant, shall have manure easements completed prior to the county permit application.~~

10. Manure generated from Animal Feeding Operations (AFO), Concentrated Animal Feeding Operations (CAFO) and waste facilities ~~shall~~ should not be applied over frozen or snow covered ground and must comply with the following manure application

setback requirements: if it is injected or incorporated within twenty four (24) hours:

	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)	10-30	10-30	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 floodplain	prohibited		

A. Public Wells ————— 1,000 feet ~~1,320~~

B. Private Wells ————— 250 feet ~~350~~

C. Private Wells (Operator's) ————— 150 feet ~~250~~

D. Lakes, Rivers, Streams Classified as a Public
Drinking Water Supply ————— 1,000 feet ~~1,320~~

E. Lakes, Rivers and Streams Classified as Fisheries ————— 200 feet ~~1,320~~

F. All Public Road Right of ways ————— 10 feet ~~30~~

G. Incorporated Communities ————— 660 feet ~~1,320~~

H. ~~Residential zone areas (R-1, R-2, R-3)~~ ————— ~~660 feet~~

I. A Residence other than the Operators ————— 100 feet ~~330~~

J. ~~100 year floodplain~~ ————— ~~prohibited~~

K. ~~Manure application on tiled fields shall be avoided when possible~~

11. Manure generated from Animal Feeding Operations (AFO), ~~Concentrated Animal Feeding Operations (CAFO), and waste facilities shall should not be applied over frozen or snow covered ground and must~~ comply with the following manure application setback requirements if it is irrigated or surface applied:

A. Public Wells ————— 1,000 feet ~~1,320~~

B.	Private Wells	250 feet <u>350</u>
C.	Private Wells(Operator's)	150 feet <u>250</u>
D.	Lakes, Rivers, Steams Classified as a Public Drinking Water Supply	1,000 feet <u>1,320</u>
E.	Lakes, Rivers and Streams Classified as Fisheries	660 feet <u>1,320</u>
F.	All Public Road Right of ways (Surface Applied)	10 feet <u>30</u>
G.	All Public Road Right of ways (Irrigated Application)	100 feet <u>350</u>
H.	Incorporated Communities (Surface Applied)	1,000 feet <u>2,640</u>
I.	Incorporated Communities (Irrigated Application)	2,640 feet <u>1 mile</u>
J.	Residential zone areas (R-1, R-2,R-3) (surface applied)	1,320 feet
K.	Residential zone areas (R-1, R-2,R-3)(irrigation applied)	2,640 feet
L.	A Residence other than the Operators (Surface Applied)	330 feet <u>660</u>
M.	A Residence other than the Operators (Irrigated Application)	750 feet <u>1,320</u>
N.	100 year floodplain	prohibited
O.	Manure application on tiled fields	prohibited

17. 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.
- E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.

18. All liquid manure shall be injected to provide for better agronomic benefits and to reduce the potential for runoff and minimize odor. Liquid manure may be surface applied if

approved by the State DENR as ~~part of a nutrient management plan or~~ for emergency discharge only. Documentation of state approval shall be maintained by the CAFO operator and be available upon request by the Planning Department.

Section 520 Conditional Use Permit for an Animal Feeding Operation (AFO), **Concentrated Animal Feeding Operations (CAFO), and/or waste facilities** is 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 (AFO), **Concentrated Animal Feeding Operations (CAFO), and/or waste facilities** 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) years~~ **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.

~~*Two or more facilities under common ownership shall be considered a single operation and shall comply with all applicable setbacks as described herein. Two or more facilities that use a common system, or area for manure disposal shall be considered a single operation.*~~

Any evidence that is presented by any person that any **building permit**, and/or Conditional Use Permit for an Animal Feeding Operation (AFO), **Concentrated Animal Feeding Operations (CAFO), and/or waste facilities** 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** a conditional use permit by the Board of Adjustment.