

2008 Charles Mix AFO REGS

Charles Mix County
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Advertising Sign - An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such advertising sign is located or to which it is affixed, but does not include those business signs which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

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.

Agricultural Use Covenant Running with the Land - An agreement required by ordinance by which parties, hereafter known as grantors acknowledge that adjacent land may be subjected to conditions resulting from agricultural operations. Once executed, said agreement runs with the land and cannot be separated from the land nor transferred without it.

Alley - A way which affords only a secondary means of access to abutting property.

Amendment - A change in the wording or substance of this ordinance or a change in the boundaries or classifications upon the Official Zoning Map.

Amusement Park - A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment and restaurants and souvenir sales.

Animal Feeding Operation: An animal feeding operation 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 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:

<u>Class</u>	<u>Animal Units</u>
Class A	7,000 - 10,000*
Class B	3,000 - 6,999
Class C	1,000 - 2,999

*Absent an approved variance pursuant to the regulations herein



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	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.

Animal Species	Class A	Class B	Class C	Class D
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds	10,000 – 5,000	4,999 - 3,000	2,999 - 2,000	1,999 - 1,000
Horses	5,000 - 2,500	2,499 - 1,500	1,499 - 1,000	999 - 500
Mature dairy cattle, excluding calves under 300 pounds	7,143 - 3,571	3,570 - 2,143	2,142 - 1,429	1,428 - 714
Farrow to finish sows	2,703 - 1,351	1,350 - 811	810 - 541	540 - 270
Swine in a production unit	21,276 - 10,638	10,637 - 6,382	6,381 - 4,255	4,254 - 2,128
Nursery swine less than 55 Pounds	100,000 - 50,000	49,999 - 30,000	29,999 - 20,000	19,999 - 10,000
Finisher swine over 55 pounds	25,000 - 12,500	12,499 - 7,500	7,499 - 5,000	4,999 - 2,500
Sheep	100,000 - 50,000	49,999 - 30,000	29,990 - 20,000	19,999 - 10,000
Laying hens or broilers	303,030 - 151,515	151,514 - 90,909	90,908 - 60,606	60,605 - 30,303
Ducks and/or geese	50,000 - 25,000	24,999 - 15,000	14,999 - 1,000	9,999 - 5,000
Turkeys	555,555 - 277,777	277,776 – 166,666	166,665 - 111,111	111,110 - 55,555

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.

Apartment - A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Section 519 Animal Feeding Operation Performance Standards

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

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

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.

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 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	5,280 feet
E. Lakes, Rivers, Streams Classified as Fisheries	1,000 feet
F. Designated 100 Year Flood Plain	Prohibited
3. 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 confinement and waste facilities shall be located no closer than the following regulations prescribe from any incorporated municipality or established R1 or R2 residential area as shown on the Official Zoning Map

A. Class A	2 miles
B. Class B	1.5 miles
C. Class C	2,640 feet



6. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any habitable residential dwelling, active church, or active school. 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 Charles Mix County Register of Deeds.

- A. Class A 1 miles
- B. Class B 3,960 feet
- C. Class C 1,320 feet

8. Animal waste shall be transported in accordance with federal, state, and local transportation, sanitation, safety, and other applicable regulations to include load limits on roads, bridges, and other similar structures.

9. 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 drier 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. 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.
10. 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
11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:
- A. Public Wells 1,000feet
 - B. Private Wells 250feet
 - C. Private Wells(Operator's) 150feet
 - D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000feet
 - E. Lakes, Rivers and Streams Classified as Fisheries 660 feet
 - F. All Public Road Right-of-ways (Surface Applied) 10 feet
 - G. All Public Road Right-of-ways (Irrigated Application) 100 feet
 - H. Incorporated Communities (Surface Applied) 1,000 feet
 - I. Incorporated Communities (Irrigated Application) 2,640 feet
 - J. A Residence other than the Operators (Surface Applied) 330 feet
 - K. A Residence other than the Operators (Irrigated Application)750 feet



12. 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. **Center Pivot** and “Big gun” type irrigation systems may be utilized to irrigate grey water or dewater lagoons or other manure containment systems. No slurry or semi solid manure may be irrigated via a “gun” or center pivot system.