

**YANKTON COUNTY**  
**TEMPORARY ORDINANCE**  
**For**  
**Confined Animal Feeding Operations**  
Adopted 12/21/01

Yankton County Zoning Administrator  
PO Box 1076  
Yankton, SD 57078  
(605) 260-4400 Ext. 9

**Animal Feeding Operation** - An Animal Feeding Operation is a facility where an established number of animal units, as defined herein, 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 purpose of these regulations, Animal Feeding Operations are divided into the following classes:

<b><u>CLASS</u></b>	<b><u>ANIMAL UNITS</u></b>
Class AA	10,000 or more
Class A	3,600 – 9,999
Class B	2,000 – 3,599
Class C	1,000 – 1,999
Class D	500 – 999

**Animal Units** – A unit of measure for livestock equated as follows; one animal unit is equivalent to:

Cow, Feeder, or Slaughter Beef Animal, Excluding Calves Under 300 Pounds	1
Horse	0.5
Mature Dairy Cattle, Excluding Dairy Calves Under 300 Pounds	0.7
Farrow-to-Finish Sows	0.27
Swine in a Production Unit	2.13
Nursery Swine Less Than 55 Pounds	10
Finisher Swine Over 55 Pounds	2.5
Sheep or Lambs	10
Laying Hens or Broilers	30
Ducks and/or Geese	5
Turkeys	55

**Animal Unit Conversion Table** – A conversion table designed to integrate the definition of Animal Feeding Operations with the animal unit definition.

<b><u>ANIMAL SPECIES</u></b>	<b><u>CLASS AA</u></b>	<b><u>CLASS A</u></b>	<b><u>CLASS B</u></b>	<b><u>CLASS C</u></b>	<b><u>CLASS D</u></b>
Cow, Feeder or Slaughter Beef Animal, Excluding Calves Under 300 Pounds	10,000	3,600	2,000	1,000	500
Horses	5,000	1,800	1,000	500	250
Mature Dairy Cattle, Excluding Calves Under 300 Pounds	7,000	2,520	1,400	700	350
Farrow-to-Finish Sows	2,700	972	540	270	135
Swine in a Production Unit	21,300	7,668	4,260	2,130	1,065
Nursery Swine Less than 55 Pounds	100,000	36,000	20,000	10,000	5,000
Finisher Swine Over 55 Pounds	25,000	9,000	5,000	2,500	1,250
Sheep	100,000	36,000	20,000	10,000	5,000
Laying Hens or Broilers	300,000	108,000	60,000	30,000	15,000
Ducks and/or Geese	50,000	18,000	10,000	5,000	2,500
Turkeys	550,000	198,000	110,000	55,000	27,500

**Animal Waste Facility** – A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are limited to holding basins, lagoons, pits and slurry stores.

**Applicant** – For purposes of this Ordinance a person shall be deemed to be an Applicant if they are the owner of the proposed facility; an officer or director of the owner thereof; or an owner of any interest, direct or indirect, in any company, except a publicly traded company, which is the owner of the proposed development.

**Aquaculture** – Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

## 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. Farms;
3. Ranches;
4. Orchards;
5. Horticulture;
6. Farm buildings;
7. Dwellings, single-family;
8. Manufactured homes, pursuant to Section 1409;
9. Modular homes;
10. Day cares, family;
11. Farm drainage systems;
12. Customary water irrigation systems; other than manure irrigation equipment;
13. Utility facilities;
14. Historic sites;
15. Veterinary services;
16. Signs, on-site;
17. Cemeteries;
18. Shelterbelts; and
19. Stock dams.

#### **SECTION 505 – PERMITTED ACCESSORY USES AND STRUCTURES**

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

1. Roadside stands;
2. Home and farm occupations;
3. Signs, directional on-site;
4. Signs, directional off-site;
5. Signs, real estate;
6. Signs, banner;
7. Signs, name and address plate;

8. Signs, easement and utility;
9. Signs, flag;
10. Accessory agricultural structures; and
11. Those accessory uses, not specifically regulated by ordinance and structures customarily incidental to permitted uses and structures when established within the space limits of this district.

### **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. Dwellings, additional farm in excess of one (1), pursuant to Sections 513 (4) and 1409;
2. Airports;
3. Open sales areas;
4. Bars;
5. Riding stables;
6. Rodeo arenas;
7. Fairgrounds;
8. Exhibition areas;
9. Amusement parks;
10. Motor vehicle tracks or play areas;
11. Golf courses;
12. Stadiums and athletic fields;
13. Swimming pools;
14. Agricultural product processing facilities;
15. Grain elevators;
16. Municipal, commercial, or residential district central containment, sewage disposal, treatment, or application sites;
17. Individual septic or sewage treatment facilities, pursuant to Section 1413;
18. Signs, exterior off-site, pursuant to Article 13;
19. Sale and auction yard and barns;
20. Private recreation areas;
21. Repair shops, motor vehicle;
22. Repair shops, auto-body;
23. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
24. Wildlife and game production areas;
25. Fireworks sales;
26. Quarries, pursuant to Section 1415;
27. Animal feeding operations;
28. Buying stations;
29. Agricultural, fertilizer, and chemical sales and applications;
30. Salvage yards;
31. Bed and breakfast operations;

32. Parks;
33. Game farms;
34. Aquaculture;
35. Private shooting preserves;
36. Game lodges;
37. Schools, public;
38. Schools, denominational or private;
39. Day cares, group family home;
40. Day care centers;
41. Kennels;
42. Churches;
43. Remote fuel depots or keytrolls;
44. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation, as defined herein, pursuant to Section 519 (9) (10);
45. Retail sales;
46. Manufacturing;
47. Manure irrigation equipment;
48. Towers; and
49. Wind energy systems.

#### **SECTION 509 – CLASSIFICATION OF UNLISTED USES**

In order to insure that the zoning ordinance will permit all similar uses in each district, the 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 District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

#### **SECTION 511 – PROHIBITED USES AND STRUCTURES**

All uses and structures which are not specifically permitted as principal, accessory, or conditional use 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 forty (40) acres;
2. The minimum lot width shall be five hundred (500) feet;
3. The Board of Adjustment 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 15;

5. An additional dwelling unit is allowed 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. 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 twenty-five (25) feet;
3. There shall be two (2) side yards, each of which shall not be less than twenty-five (25) 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.

#### **SECTION 517 – PROHIBITION OF VIEW – OBSTRUCTION**

The intent of this Section is to keep the right-of-ways free and clear of snow build-up and to promote traffic safety along road right-of-ways and intersections.

There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within one hundred fifty (150) feet from the centerline of the road on the north and west sides and seventy-five (75) feet from the centerline of the road on the south and east sides between the dates of November 15<sup>th</sup> and April 15<sup>th</sup> each year.

**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 AA.....	Section 519 (1,2,3,4,5(a),6(a),7,8,9,10)
Class A.....	Section 519 (1,2,3,4,5(b),6(b),7,8,9,10)
Class B.....	Section 519 (1,2,3,4,5(c),6(c),7,8,9,10)
Class C.....	Section 519 (1,2,3,4,5(d),6(d),7,8,9,10)
Class D.....	Section 519 (5(e))

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; and

- C. Legal description and map, including documented proof of area to be utilized for nutrient application
5. Animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any incorporated municipality:
- A. Class AA.....3 miles
  - B. Class A.....3 miles
  - C. Class B.....2.5 miles
  - D. Class C.....2,640 feet
  - E. Class D.....2,640 feet
6. Animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any active church or residential dwelling, one dwelling unit is allowed on the facility site. The owner of a residential dwelling may request the Board of Adjustment to review the facility and the Board may, by variance, decrease the required separation distance. An Agricultural Use Covenant must then be recorded with the County Register of Deeds in order that any future owners can be informed.
- A. Class AA.....2 miles
  - B. Class A.....1 mile
  - C. Class B.....2,640 feet
  - D. Class C.....2,640 feet
7. 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.
8. 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:

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- A. An operational plan for manure collection, storage, treatment, and use must be kept updated and implemented;
  - B. The methods utilized to dispose of dead animals shall be identified;
  - C. Planting trees and shrubs of adequate size to control wind movement of odors generated by animal waste facilities;
  - D. Construction activities shall provide adequate slopes and drainage to divert storm water from confinement areas while providing for drainage of water from said areas, thereby assisting in maintaining dryer confinement areas to reduce odor production;
  - E. Storage of solid manure in containment areas shall control drainage to minimize odor production;
  - F. A plan for removal of manure from open pens to minimize odor production shall be documented;
  - G. The applicability, economics, and effect of odor reduction covers or methods on open liquid manure storage systems as a method of odor reduction shall be evaluated.
  - H. A method of notification shall be formulated to advise neighboring occupied residences and other similar properties in advance of manure application. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible; and
  - I. The weather conditions shall be considered and the application of manure during calm and humid days shall be avoided whenever possible, since these conditions restrict the dispersion and dilution of odors.
9. 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, 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 Operator's.....100 feet
10. 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, 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 Operator's (Surface  
Applied).....330 feet
  - K. A Residence other than the Operator's (Irrigated  
Application).....750 feet