

APPENDIX A

MOBILE HOME STANDARDS

The following standards for mobile home tie downs have taken into account possibilities and practicalities of providing protection from high winds for mobile homes. The standards may be used in conjunction with the ideas and concepts presented in TR-75, Protecting Mobile Homes from High Winds, prepared by the Defense Civil Preparedness Agency, Washington, D.C.

Mobile Homes require two types of anchorage: (1) over-the-top tie downs to restrict overturning and (2) frame ties to prevent the mobile home from being pushed from its piers. The standards apply to single mobile homes up to 14 feet in width. "Double wides" do not require over-the-top ties, but they require the same number of frame ties.

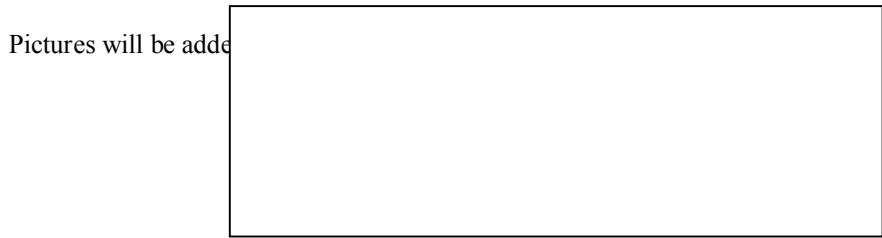
Mobile Home Piers and Footings. All mobile homes shall meet the following minimum requirements for mobile home piers and footings:

1. The ground on which the mobile home is placed will support a minimum of 2,500 pounds per square foot;
2. All piers shall be placed on footings of solid concrete with minimum dimensions of 16" x 16" x 4";
3. Piers shall be constructed of standard 8" x 8" x 16" hollow concrete blocks;
4. Piers shall be topped with solid concrete caps 8" x 16";
5. Treated or cedar wood shims shall be driven tight between the cap and the main frame to provide uniform bearing;
6. Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved. Jacks or heavy metal adjustable columns, anchored to both frame and foundations, may be used;
7. Piers shall be centered under each main frame (or chassis) member, with a maximum spacing of 10 feet on centers. The end piers shall be no farther than five (5) feet in from the ends of the mobile homes.

The mobile home tie downs will also have to meet the following criteria:

1. Over-the-top tie downs shall be positioned at stud and rafter locations near each end of the mobile home. Others, if needed may be positioned between them.
2. Either steel cable or steel strapping can be used for ties All ties shall be fastened to ground anchors, as described in Section 3. below and drawn
3. tight with galvanized turn-buckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws or forged or welded eyes. Turnbuckles with hook ends will not be permitted.
4. All cable ends shall be secured with at least two U-bolt-type cable clamps or other fastening device as approved by the enforcing officials.
5. Cables used for tie downs shall be either galvanized steel or stainless steel having a breaking strength greater than 4,800 pounds. Cable shall be either 7/32" diameter or greater (7 x 19) aircraft cable.
6. When flat steel straps are used for tie downs, they must be in accordance with Federal Specification QQ-S-781; that is 1 ¼ " x .035", Type 1, Class B, Grade 1, with a breaking strength of at least 4,750 pounds.
7. Steel straps used for ties must terminate with D-rings, bolts, or other fastening devices which will not cause distortion of the band or reduce its breaking strength.
8. Sharp edges of the mobile home that would tend to cut the cable or strap must be protected by a suitable device to prevent cutting when the mobile home is buffeted by the wind. Likewise, special adapters must be installed to prevent the cable or strap from knifing through the mobile home.
9. Connection of the cable frame tie to the I-beam (or other shape) main structural-frame member should be by a 5/8" drop-forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, should be used so that the beam is sufficiently reinforced around the hole. If steel-strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.
10. Frame ties should connect the anchor and the steel I-beam (or other shape) main structural frame member which runs

lengthwise under the mobile home. Frame ties CAN'T BE CONNECTED to any of the steel outrigger beams which fasten to and intersect the main I-beams at right angles. The outriggers do not have adequate strength to resist the frame-tie loadings during high winds.

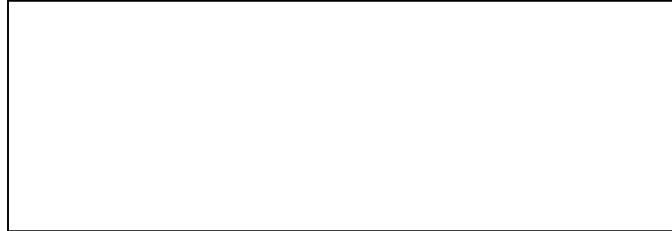


Mobile home round anchors shall meet the following requirements:

1. Ground anchors should be aligned with centers of piers. Also, they should be situated immediately below the outer wall to accommodate over-the-top as well as frame ties.
2. Auger-type anchors shall have a minimum diameter of 6 inches (arrowheads 81') and be sunk to their full depth (at least 4 I). Steel rods shall be at least 5/8" in diameter, have a forged or welded eye at top, or have a yoke-type fastening and tensioning device or a threaded connector and tensioning device.
3. Anchors shall be capable of withstanding 5,700 pounds of pull (in a vertical or diagonal direction) without-failure. This loading can be achieved by many anchors in most kinds of soils.
4. Deadman anchors shall be sunk to a depth of 5 feet, have a minimum length of 2 feet, and have a diameter of at least 6 inches. Hollow concrete blocks are not approved. Steel rods shall be at least 5/8" in diameter, with the bottom hooked into the concrete deadman.

5. Anchors to reinforced concrete slabs must be of strength comparable to that presented above.

Pictures will be added to final draft



APPENDIX B

INDUSTRIAL PERFORMANCE STANDARDS

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open.

Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

2. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other county ordinances.
3. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
4. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half ($\frac{1}{2}$) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particular matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour at which time it may equal but not exceed six-tenths (.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

6. Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
7. Gases. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.
8. Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/1,000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.
9. Glare and Heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property lines. No heat from furnaces or processing equipment shall be

sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

APPENDIX C

MINIMUM SHELTERBELT AND FARMSTEAD WINDBREAK SETBACK REQUIREMENTS

SHELTERBELTS/FARMSTEAD WINDBREAKS

Setback Requirements.

Shelterbelts in all districts consisting of one or more rows when parallel to the right-of way (measured from the center of the road) shall be set back a minimum distance as follows:

1. For roads with a 150 foot right-of-way, shelterbelts must be planted 30 feet beyond the right-of-way;
2. Roads with a 100 foot right-of-way require shelterbelts to be planted 40 feet beyond the right-of-way line; and
3. On roads with a 66 foot right-of-way, shelterbelts are required to be planted 50 feet from the right-of-way line.

Replacement

Replacement trees in existing shelterbelts are exempt from minimum shelterbelt requirements as long as its nonconformance is not increased.

Visibility

On a corner lot in any agricultural district, trees shall not be planted or allowed to grow in the area formed by the radius of seventy-five (75) feet from the intersection at the road's edge.

APPENDIX D

CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

Intent

An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of county citizens and the State of South Dakota. However, livestock, poultry, and other animals produce manure which may, where improperly stored, transported, or disposed, negatively affect the County environment. Animal manure must be controlled where it may add to air, surface water, ground water, or land pollution. The following regulations have been adopted to provide protection against pollution caused by manure from domesticated animals. All new and proposed expansions of Concentrated Animal Feeding Operations shall comply with the regulations as outline herein.

It is the intention of the Board of Adjustment in the enforcement of this ordinance that when an operator of an existing Concentrated Animal Feeding Operation applies for a permit to expand to another class level, the standards that apply to the expansion will not be applied to existing structures that were built in compliance with accepted industry standards in existence at the time of the construction of such facilities. A special exception can be issued, see Special Exception in the Spink County Zoning Regulations.

Definitions

Animal Manure: Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.

Animal Unit: See page 4.

Applicant: An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Change in Operation: “Change in operation” means a cumulative expansion of more than 300 animals units, after January 8, 2002, which are confined at an existing unpermitted concentrated animal feeding operation.

Farm Dwelling: Any dwelling owned or occupied by the farm owners, operators, tenants, or seasonal or year-around hired workers.

Non-Farm Dwelling: Any occupied dwelling which is not a farm dwelling.

Permit: A permit required by these regulations unless stated otherwise.

Potential Pollution Hazard: A Concentrated Animal Feeding Operation of 50 to 499 Animal Units may be classified as a Class D Operation by the County Zoning Officer when a Potential Pollution Hazard exists. Factors to be considered by the Zoning Officer in determining a Potential Pollution Hazard include the following:

1. The Concentrated Animal Feeding Operation does not meet the minimum setback and separation distances of these regulations.
2. A Potential Water Pollution Hazard exists due to sitting over a shallow aquifer or drainage which contributes to the waters of the State.

Process Generated Wastewater: Water directly or indirectly used in the operation of an animal feeding operation. The term includes spillage or overflow from water systems; water and manure collected while washing, cleaning or flushing pens, barns, manure pits or other areas; water and manure collected during direct contact swimming, washing or spray cooling of animals; and water used in dust control.

Process Wastewater: “Process wastewater” means any process generated wastewater and any precipitation (rain or snow) that comes into contact with the animals, manure, litter or bedding, feed, or other portions of the animal feeding operation. The term includes runoff from an open lot.

Shall: “Shall” means that the condition is an enforceable requirement of this permit.

Shallow Aquifer: An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well: A well which is located in a shallow aquifer.

Should: “Should” means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the

producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

Significant Contributor of Pollution: To determine if a concentrated animal feeding operation meets this definition, the following factors are considered:

1. Size of feeding operation and amount of manure reaching waters of the state;
2. Location of the feeding operation in relation to waters of the state;
3. Means of conveyance of manure and process wastewater into waters of the state;
4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state.

Water of the State means all waters within the jurisdiction of this state, including all streams, lake, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Zone A: Special Flood Hazard Areas subject to inundation by the 100-year flood.

Zone X: These areas have been identified in the community flood insurance study as areas of moderate or minimal hazard from the principal source of flood in the area.

Animal Units

Animal species and number of a species required to equal 300, 1,000 and 2,000 animal units. Note that these figures relate to inventory rather than annual production. Other animal species equivalents which are not listed will be based on species' waste production.

EQUIVALENT NUMBER OF A SPECIES TO EQUAL:

ANIMAL
UNIT
EQUIVALENT

<u>ANIMAL SPECIES</u>	<u>300 AU</u>	<u>1,000 AU</u>	<u>2,000 AU</u>	<u>SPECIES/AU</u>
Feeder or Slaughter Cattle	300 hd	1,000 hd	2,000 hd	1.0
Mature Dairy Cattle	200 hd	700 hd	1,400 hd	1.4
Finisher Swine (over 55 lbs)	750 hd	2,500 hd	5,000 hd	0.4
Nursery Swine (less than 55 lbs)	3,000 hd	10,000 hd	20,000 hd	0.1
Farrow-to-Finish (sows)	80 hd	270 hd	540 hd	3.7
Swine Production Unit (Sows Breeding, Gestating & Farrowing)	640 hd	2,130 hd	4,260 hd	0.47
Horses	150 hd	500 hd	1,000 hd	2.0
Sheep	3,000 hd	10,000 hd	20,000 hd	0.1
Turkeys	16,500 hd	55,000 hd	110,000 hd	0.018
Laying Hens and Broilers (continuous overflow watering in facility)	30,000 hd	100,000 hd	200,000 hd	0.01
Laying Hens and Broilers (liquid handling system in confinement facility)	9,000 hd	30,000 hd	60,000 hd	0.033
Ducks	1,500 hd	5,000 hd	10,000 hd	0.2
Buffalo	200 hd	700 hd	1,400 hd	1.4

Classes of Concentrated Animal Feeding Operations

A Concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 45 days or more during any 12-month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility. Two or more animal feeding operations under common ownership are single animal operation if they adjoin each other, or if they use a common area, or system for disposal of manure.

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

ANIMAL UNITS

Class A	2,000 or more	
Class B	1,000 to 1,999	
Class C	300 to 999	
Class D	0 to 300	(Potential water pollution hazard)
Class E	0 to 300	(No pollution hazard)

Concentrated Animal Feeding Operation Permit Requirements

Owner of Class A, Class B, Class C, and Class D Concentrated Animal Feeding Operations are required to complete a permit application whenever any of the following occur:

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.
3. A cumulative expansion by 300 animal units, after January 8, 2002, of existing concentrated animal feeding operation that does not have a permit.
4. A change in ownership.
5. An existing concentrated animal feeding operation is to be restocked after being idle for five (5) or more years.
6. A signed complaint has been received by the County Zoning Officer or South Dakota Department of Environment and Natural Resources and after inspection reveals that the Concentrated Animal Feeding Operation is in violation of County or State regulations.

Concentrated Animal Feeding Operation Control Requirements

1. No Significant Contribution of Pollution

In general, no Concentrated Animal Feeding Operation shall be constructed, located, or operated so as to create a significant contribution of pollution.

2. State General Permit

Class A and B Concentrated Animal Feeding Operations shall obtain a State General Permit pertaining to the animal species of

the Concentrated Animal Feeding Operation. A County permit may be approved conditioned on receiving a State permit.

Classes C and D Concentrated Animal Feeding Operations will be required to obtain a State General Permit if either of the following occur:

- a. If an earthen storage basin or lagoon is used for manure storage.
- b. The Board of Adjustment decides conditions require a State permit.

3. Nutrient Management Plan

Classes A, B, C, and D Concentrated Animal Feeding Operations shall submit a Nutrient Management Plan to the State. The applicant shall develop, maintain, and follow a nutrient management plan to ensure safe disposal of manure and protection of surface and ground water. The South Dakota Department of Environment & Natural Resources must approve the plan prior to land application of any wastes. Due to crop rotation, site changes, and other operational changes, the producer should update the plan annually to reflect the current operation and crops grown on the application sites. The applicant shall collect, store, and dispose of liquid and solid manure according to recognized practices of good agricultural management. The economic benefits derived from agricultural operations carried out at the land disposal site are secondary to the proper and safe disposal of the manure.

A generic nutrient management plan that the applicant may use in developing a nutrient management plan is available from the South Dakota Department of Environment & Natural Resources. The generic nutrient management plan is based on application of nitrogen. The applicant may use other plans, provided the alternate plan contains all the information necessary to determine compliance with conditions of this general permit. Nitrogen, in addition to that allowed in the nutrient management plan, may be applied up to the amounts as indicated by soil or crop nitrogen test results that are necessary to obtain the realistic crop yield.

The South Dakota Department of Environment & Natural Resources recommends and encourages producers to develop nutrient management plans for other nutrients such as phosphorous and potassium. Over application of these nutrients

may lead to water quality problems in area lakes and streams and result in potential damage to the producer's land and crop.

The applicant must maintain records to show compliance with the plan.

The plan must comply with County Manure Application Setbacks.

Land spreading agreements shall be provided if applicant does not have minimum acreage to apply animal manure. Animal manure shall be applied within five miles of the Concentrated Animal Feeding Operation.

4. Manure Management and Operation Plan

Classes A, B, C, and D Concentrated Animal Feeding Operations shall submit a Manure Management and Operation Plan.

A. Plan must include:

1. The location and specifics of proposed animal manure facilities.
2. The operation procedures and maintenance of manure facilities.
3. Plans and specifications must be prepared or approved by a registered professional engineer, or a South Dakota licensed Natural Resource Conservation Service (NRCS) engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer.
4. Animal manure shall not be stored longer than two years.
5. Manure containment structures shall provide for a minimum design volume of 270 days of storage.
6. Producers shall keep records on manure applications on individual fields which document acceptable manure and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields.
7. Manure transportation plan; manure transportation is limited to five Miles from the place of origin.

B. As a condition of the permit, the County Board of Adjustment may require the producer to participate in

environmental training programs and become a certified livestock manager.

- C. The Board of Adjustment may require manure to be injected or incorporated into the soil.

5. Management Plan for Fly and Odor Control

Classes A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The County Board of Adjustment will review the need for control measures on a site specific basis, taking in consideration prevailing wind direction and topography. The following procedures to control flies and odors should be considered in a management control plan.

- A. Operational plans for manure collection, storage treatment and use must be kept updated and implemented.
- B. Methods to be utilized to dispose of dead animals should be included in the management plan.
- C. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds and/or lagoons.
- D. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.
- E. Store solid manure in containment areas having good drainage to minimize odor production.
- F. Remove manure from open pens as frequently as possible to minimize odor production.
- G. Consider use of covers on open storage systems for liquid manure systems to reduce odor production.
- H. Avoid spreading manure on weekends, holidays, and evenings during warm season when neighbors may be involved in outdoor recreation activities.
- I. Avoid spreading during calm and humid days, since these conditions restrict the dispersion and dilution of odors.

J. Incorporation of manure must occur within 24 hours of open air spreading.

6. Required Setbacks (defined as radius) and Separation Distance for new Concentrated Animal Feeding Operations and those Expanding by 300 or More Animal Units after (date) .

	MINIMUMS			
	<u>CLASS A</u>	<u>CLASS B</u>	<u>CLASS C</u>	<u>CLASS D & E</u>
Established Residences not including owners/operators	3,960 feet*	2,640 feet	2,640 feet	2,640 feet
Churches, Businesses and Commercially Zoned Areas	5,280 feet*	5,280 feet	2,640 feet	2,640 feet
Incorporated Municipality	3 miles	2 miles	5,280 feet	2,640 feet
Private Wells & Public Water Supplies other than the operator	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Lakes and Streams classified as Fisheries as identified by the State	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Housed	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open Lot	300 feet	300 feet	200 feet	200 feet
Township Road ROW Housed	150 feet	150 feet	150 feet	150 feet
Township Road ROW Open Lot	150 feet	150 feet	150 feet	150 feet
Designated 100 Year Floodplain	Prohibited	Prohibited	Prohibited	Prohibited

*plus 1,000 feet for 1,000 additional units

Proposals for new Concentrated Animal Feeding Operations, on a site-by-site basis, shall be set back from adjoining property lines as determined by the County Board of Adjustment.

7. Exemptions from Separation Distance

1. If a Concentrated Animal Feeding Operation is closer than the separation distances provided in these regulations, the applicant can request a written waiver from the separation distance. The residence, business, church, school, municipality, or public use area may waive the distance requirement. The waiver is recorded with the County Register of Deeds in order that any future owners can be informed.
2. Concentrated Animal Feeding Operation expansion of 300 animal units or more can apply to County Board of Adjustment for a variance to the required setback and separation distance regulations.

8. New Residences

Anyone establishing a new residence must comply with the minimum setbacks as stated in Section 6, Established Residences, upon determining the class of the concentrated animal feeding operation where the new residence will be located.

The following uses are prohibited in Zone A:

1. New Concentrated Animal Feeding Operations after adoption of this ordinance.
2. Existing Concentrated Animal Feeding Operations will not be able to expand beyond a total of 300 animal units.
3. Earthen storage basins and lagoons.
4. Stockpiling of solid waste.

The following uses are prohibited in Zone B:

1. New and expansion of Class A and B Concentrated Animal Feeding Operations.
2. Earthen storage basins and lagoons.

The following uses are allowed in Zone B by Special Exception:

1. New Class D and expansion of existing Class D up to 999 animals units (Class C). The County may require soil borings to determine impermeable material between land surface and the aquifer.

Each application for a new or expanded Concentrated Animal Feeding Operation (CAFO) will be reviewed by the Board of Adjustment on a site specific basis. The Board of Adjustment reserves the right to increase the minimum required setbacks and separation distance on a site specific review, based on one or more of the following considerations.

- A. A concentration of CAFOs in the area exists or would occur which may pose an air or water quality concern.
- B. Due to topography and prevailing wind direction, additional setback and separation distance is appropriate to safeguard air or water quality.
- C. A Concentrated Animal Feeding Operation is in excess of 5,000 animal units.

9. Manure Application Setbacks

- A. The following manure application setbacks apply to all classes of Concentrated Animal Feeding Operations.

COUNTY MANURE APPLICATION SETBACKS

<u>CATEGORY</u>	<u>SURFACE OR IRRIGATION APPLIED</u>	<u>INCORPORATED OR INJECTED</u>
Lake, Rivers and Streams Classified as Fisheries from high water mark	1,000 feet	100 feet (lake) 50 feet (river & stream)
Streams and Lake classified as Drinking Water Supplies	1,000 feet	300 feet
Public Roads	25 feet (surface) from right-of-way 300 feet (irrigation)	10 feet from right-of-way
Area of 10 or more Residences	300 feet (surface) 1,000 feet (irrigation)	300 feet

Public Wells	1,000 feet	1,000 feet
Private Shallow Wells	1,000 feet	250 feet
A Residence other than the Operator	1,000 feet	300 feet
Natural or Manmade Drainage	500 feet	50 feet

B. The County Board of Adjustment may require liquid manure to be incorporated or injected in order to minimize air and water quality impacts.

C. Requests for application of liquid manure by means of irrigation will be reviewed by the Board of Adjustment on a site-specific basis. Impact on air and water quality will be taking into consideration.

10. Standards for Special Exceptions

A. The County Board of Adjustment may request information relating to a Concentrated Animal Feeding Operation not contained in these regulations.

B. The County Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulation, additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare.

C. Special Exceptions shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are being adhered to.

D. When considering an application, the County Board of Adjustment will take into consideration current and past violations relating to Concentrated Animal Feeding Operations that the applicant has an interest in.

E. Permit applicants will be required to file a letter of assurances as required by the Board of Adjustment. The letter of assurances will be prepared by the zoning officer and signed by both the applicant and the zoning officer.

- F. A neighboring township that adjoins between two counties will follow the regulations of the county that is most restrictive.
- G. An applicant's record on environmental issues, employment, and labor compliance must be submitted with the application. If the County Planning and Zoning Commission finds the person is a "bad actor" then the applicant will be denied a permit.

11. Facility Road Maintenance Agreements

All facilities within Spink County that cause excessive maintenance of County or Township roads shall be required to have a written agreement with the Township Board or County Highway Superintendent, stating acceptance responsibility for all additional costs incurred by the facility in maintenance of said road. Excessive maintenance shall be defined as: All work and material costs incurred over and above the average cost of maintaining that specific type of road within that local governmental units jurisdiction. The terms of said agreement shall be determined prior to the issuance of a conditional use permit.

12. Information Required for Class A and B Concentrated Animal Feeding Operational Permit.

- A. Owner's name, address and telephone numbers.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements including site plan to scale.
- H. General permit from South Dakota Department of Environment & Natural Resources if available for animal species.
- I. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources.

- J. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- K. Notification of whomever maintains the access road (township, county and state).
- L. Notification of public water supply officials.
- M. Any other information as contained in the application and requested by the County Zoning Officer.
- N. Written notification to landowners or tenants living within the setback area to the proposed facility, and publication of notice in official County newspaper at least once.
- O. A full written plan must be submitted at least four weeks in advance of the public hearing in the county courthouse or other location, available for public inspection.
- P. A copy of the general permit application must be submitted to the County, at the time it is submitted to State Department of Environment and Natural Resources.
- Q. A list of owner's names contracted to do manure land spreading and a legal description of the land must be submitted to the County.

13. Information Required for Class C and D Concentrated Animal Feeding Operational Permit.

- A. Owner's name, address and telephone number.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements, including site plan to scale.

- H. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources if using lagoon or earthen storage basin.
- I. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- J. Notification of whomever maintains the access road (township, county and state).
- K. Notification of public water supply officials.
- L. Any other information as contained in the application and requested by the County Zoning Officer.

14. Information Required for the Addition of or Expansion of a Manure Management System for an Existing Feedlot.

- A. A certified plan, designed by a certified Engineer, of the holding pond must be submitted to the Zoning Administrator.
- B. The Landowner or agent must purchase a building permit.

APPENDIX E

SPINK COUNTY SUBDIVISION REGULATIONS

An Ordinance establishing rules, regulations, and standards governing the subdivision of the land within Spink County, South Dakota, and providing harmonious development of the county and its environs for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Now, therefore, be it enacted by Spink County, South Dakota.

ARTICLE I - GENERAL PROVISIONS

SECTION 101 - Purpose

These regulations shall be for the purpose of promoting harmonious development through the implementation of the Spink County Comprehensive Plan.

SECTION 102 - Extent of Regulation

The provisions of these regulations shall apply to every addition to, or subdivision within Spink County, South Dakota, and their prescribed area of extra-territorial jurisdiction. No plat of a subdivision of land shall be filed or recorded until it has been submitted to the Planning and Zoning Commission for their review and then approved by the Spink County Commissioners.

SECTION 103 - Definitions

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word *shall* is mandatory, the word *may* is permissive.

The words used or occupied included the words *intended*, *designed*, or *arranged* to be used or occupied.

The word *lot* includes the words *plot* or *parcel*.

The word *building* includes the word *structure*.

Alley: A public right-of-way which is used primarily as a secondary means of access to the abutting property.

Block: A track or parcel of land bounded by public streets or land, streams, railroads, unplatted lands or a combination thereof.

Comprehensive Plan: A long-range plan for the improvement and development of Spink County, South Dakota, as adopted by the Planning Commission and the County Commissioners.

Cul-de-sac: A street having one end connecting with a public street and being terminated as its other end by a vehicular turn-around.

Improvements: Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading street signs, plantings, and other items for the welfare of the property owners and the public.

Lot: A portion of a subdivision or other parcel of plotted land, intended as a unit for transfer of ownership or for development.

Lot of record: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of Spink County, South Dakota.

Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

Right-of-way: A strip of land separating private property from the existing road, street or alley or dedicated in public ownership.

Street: A right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.

Street -major: Provides for the through traffic movement between areas and across the city, and direct access to abutting property; subject to necessary control of entrances, exits and curb use.

Street -collector: Provides for traffic movement between major arterials and local streets, and direct access to abutting property.

Street - local: Provides for direct access to abutting land, and for local traffic movements.

Subdivider: A natural person, firm, co-partnership, association or corporation who submits a proposed subdivision to the Planning Commission.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development.

Water course, drainage way, channel or stream: A natural or man-made depression in which a current of surface run-off water flows following precipitation.

ARTICLE 2

PROCEDURES

SECTION 201 – Pre-Application

Prior to the subdivision of any land, the subdivider or his/her agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, the Zoning Ordinance, and the Comprehensive Plan.

SECTION 202 – Preliminary Application Fee

The subdivider shall pay to the Zoning Administrator a preliminary application fee as stated in the approved fee schedule before application.

SECTION 203 – Preliminary Application

The subdivider shall prepare and submit to the Planning Commission the following:

1. One (1) copy of the preliminary plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All preliminary submittals shall be in conformance with the design standards set forth in Article III of this Ordinance and shall include or be accompanied by the following information:
 - a) Receipt for preliminary platting fee.
 - b) Proposed name of the subdivision, which shall not duplicate previously filed plat names.
 - c) A date, scale, northpoint, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - d) Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
 - e) Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - f) Existing contours wherever five (5) feet of deviation occurs.

- g) Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.
- h) Zoning classifications and existing and proposed land use.
- i) Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements, or in lieu of the completion of such work and installations previous to the final approval of a plat, the County Commissioners may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the County Commissioners and expressed in the bond, or in lieu of completion of such work and installations previous to the final approval of a plat for an assessment or other method whereby the municipality is put in an assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.
- j) Written and signed statements by the appropriate officials, obtained by the developer, ascertaining the availability of gas, electricity, and water the proposed subdivision.
- k) Layout, numbers, and approximate dimensions of lots and the number of each block.
 - 2. After receipt of the preliminary plat applications, the Planning and Zoning Commission shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City or County. The findings of the examinations shall be returned to the Commission within fifteen (15) days.
 - 3. The Commission, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Commission shall be void at the end of six (6) months unless a final plat has been submitted.
 - 4. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat.

SECTION 204 – Final Application Fees

The subdivider shall pay to the Zoning Administrator a final application fee before preliminary approval and before final application. The fee shall be as stated in the approved fee schedule.

SECTION 205 - Final Plat Application

The subdivider shall prepare and submit to the Planning and Zoning Commission the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

1. Four (4) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All final plat submittals shall be in conformance with the design standards set forth in Article V of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:
 - a) The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
 - b) Location and description of all monuments.
 - c) Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
 - d) Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
 - e) Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
 - f) Certificate signed by the Director of Equalization approving the plat.

- g) One copy of any private restriction or covenants affecting the subdivision or any part thereof.
2. Any subdivision of land containing two or more lots, no matter how described, must be submitted to the Planning and Zoning Commission for approval. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the County Commissioners without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five days before the date fixed therefore. Also any plat submitted for approval shall require the signature of the Spink County Auditor and the Secretary of the Spink County Commissioners
 3. The plat shall be approved or disapproved within sixty (60) days after submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the County Commissioners on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the County Commissioners.
 4. The approval of a plat by the County Commissioners shall not be deemed to constitute or effect any acceptance by the municipality or public of the dedication of any street or other ground shown on the plat.
 5. When any map, plan, plat or re-plat is tendered for filing in the office of the Register of Deeds, it shall be the duty of any such officer to determine whether such proposed map, plan, plat or re-plat is or is not subject to the provisions of the Ordinance and whether the endorsements required by this Ordinance appear thereon, and no register of deeds or deputy shall accept for record, or record, any such map, plan, plat or re-plat unless and until the same shall have been approved by the County Commissioners of such municipality.

ARTICLE 3

DESIGN STANDARDS

SECTION 301 - General Standards

Land within the proposed subdivision which the Planning and Zoning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

SECTION 302 - Streets and Alleys

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets should be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turn-around having a curbline diameter of not less than eighty (80) feet.
3. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in Commercial and Industrial districts except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavements widths (back-to-back of curb) for interior streets and alleys included in any subdivision

shall not be less than the minimum dimensions for each classification as follows:

	<u>TYPE</u>	<u>PAVEMENT WIDTH</u>	<u>R.O.W</u>
80'	Major Arterial Streets		66'
	Local Streets	46'	66'
	Alleys	16'	20'

SECTION 303 - Lots

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
2. Every lot shall abut and have access to a public street.
3. Double frontage lots shall be avoided except where they back upon a major street.

SECTION 304 – Easements

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

ARTICLE 4

IMPROVEMENTS

SECTION 401 - IMPROVEMENTS

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the Director of Equalization certain required improvements as follows:

1. Staking - the external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Street Grading - all full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade established by the Director of Equalization.
3. Street Surfacing - the streets shall be paved in accordance with street improvement and paving standards and regulations approved by the County Commissioners of Spink County, South Dakota.
4. Sanitary Sewer - where a municipal sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall submit to the County Commissioners the plans for connection with a trunk line to the existing system. The County Commissioners shall then inform the subdivider of the trunk size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
5. Water Mains - where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider

shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the County Code(s) requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system and proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health.

ARTICLE 5

ENFORCEMENT

SECTION 501 - Enforcement

1. No plat of any subdivision within the application of this Ordinance shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.
2. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes as a part of or in conformity with any plat, plan, or re-plat of any subdivision within the area subject to application of this Ordinance unless said plan, plat, or re-plat shall have been approved as prescribed by this Ordinance and filed and recorded in the office of the Register of Deeds.

ARTICLE 6

PENALTY

SECTION 601 - Penalty

It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Ordinance. Violation thereof shall be a Class 2 misdemeanor and may be punishable by a fine established by the County Commissioners for each and every day that any violator fails to comply with the provisions of this Ordinance.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent Spink County from taking such other lawful action as is necessary to prevent any violation.

ARTICLE 7

SEVERABILITY CLAUSE

SECTION 701 - Severability Clause

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 8

LEGAL STATUS PROVISIONS

SECTION 801 - Conflict with Other Regulations

No final plat of land within the force and effect of the Zoning Ordinance shall be approved unless it conforms to these Regulations. Whenever there is a discrepancy between standards or dimensions noted herein and those contained in the Zoning Ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.