

**BROOKINGS COUNTY ORDINANCE NO. 2024-05**

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF ORDINANCE 2024-01

WHEREAS, BROOKINGS COUNTY, previously adopted Ordinance 2024-01 in accordance with SDCL Chapter 11-2;

WHEREAS, the Brookings County, South Dakota, Board of County Commissioners deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to amend Ordinance 2024-01 by amending Article V General Requirements: Chapter 5.22. Concentrated Animal Feeding Operations: Section 5.22.05. Concentrated Animal Feeding Operation Control Requirements, # 9 Standards for Conditional Uses.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROOKINGS COUNTY, SOUTH DAKOTA: that "Article V General Requirements: Chapter 5.22. Concentrated Animal Feeding Operations: Section 5.22.05. Concentrated Animal Feeding Operation Control Requirements: # 9 Standards for Conditional Uses" is hereby amended by adding subsection letter "e" in underline font.

"e. The permit holder shall provide and at all times maintain General Liability insurance in the amount of at least \$1,000,000.00, with an Environmental Protection Insurance rider of at least \$100,000.00. Proof of such insurance must be received prior to the issuance of a permit and must be provided annually during the operation of such CAFO. The insurance carrier shall be required to provide Brookings County with notice of insurance and with a notice of cancellation or change in coverage. Failure to maintain such insurance shall be grounds for cancellation of the Conditional Use Permit." (all other standards for conditional uses shall remain the same.)

Adopted this 6<sup>th</sup> day of August 2024.

BOARD OF COMMISSIONERS

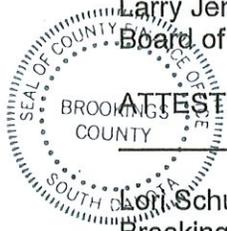
By: \_\_\_\_\_

Larry Jensen, Chairman  
Board of Commissioners

First Reading: July 16, 2024  
Second Reading: August 6, 2024  
Adopted: August 6, 2024  
Published: August 15, 2024  
Effective date: September 5, 2024

ATTEST: \_\_\_\_\_

Lois Schultz  
Brookings County Finance Officer



**BROOKINGS COUNTY DEVELOPMENT**  
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Brookings County Commission  
July 16, 2024, County Commission meeting  
August 6, 2024, County Commission meeting

July 3, 2024: The Brookings County Planning and Zoning Commission recommends approval of the ordinance update to Article V – Chapter 5.22 with a unanimous vote of 9-ayes and 0-nays at their July 2, 2024, meeting.

Brookings County Planning Commission  
July 2, 2024 – 8:00 PM meeting

## Article V-Chapter 5.22 update July 2, 2024

Prepared by Richard Haugen  
Brookings County Development, Deputy Director,

Zoning Ordinance update to Article V – General Requirements, Chapter 5.22 Concentrated Animal Feeding Operations, Section 5.22.05 Concentrated Animal Feeding Operation Control Requirements; 9. Standards for Conditional Uses by adding “Section e.”

*e. The permit holder shall provide and at all times maintain General Liability insurance in the amount of at least \$1,000,000.00, with an Environmental Protection Insurance rider of at least \$100,000.00. Proof of such insurance must be received prior to the issuance of a permit and must be provided annually during the operation of such CAFO. The insurance carrier shall be required to provide Brookings County with notice of insurance and with a notice of cancellation or change in coverage. Failure to maintain such insurance shall be grounds for cancellation of the Conditional Use Permit. (Ord. 2024-05, 8-6-2024).x*

Ordinance Update to Article V – General Requirements  
Staff Report  
July 2, 2024

"Section e" was inadvertently not included in the complete Zoning Ordinance update in Ordinance 2024-01. This will add that section back into the ordinance for Concentrated Animal Feeding Operations (CAFO).

The proposed update addition "Section e." is highlighted in "yellow" on page 31 of the attachment.

3. Accessory use signs shall be based on similar requirements for a home occupation permit and shall not be more than four (4) square foot in area.
4. Owner must occupy the principal dwelling structure.
5. No more than four (4) bedrooms in such dwelling structure shall be used for such purpose at one time.
6. Off-street parking requirements shall be one (1) space per guestroom and shall be in addition to parking requirements for the principal use. Off-street parking shall not be located in a required front or side yard and screening shall be required when adjacent to residentially used property not owned by the applicant.
7. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with application.
8. The length of stay per guest shall not exceed fourteen (14) overnights during any one hundred twenty (120) day period.
9. Meals shall be limited to breakfast, provided by the applicant. Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.

#### **CHAPTER 5.22. CONCENTRATED ANIMAL FEEDING OPERATIONS.**

##### **Section 5.22.01. 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's environment. Confined Animal Feeding Operations, also referred to herein as CAFO(s), and the manure generated from those facilities must be controlled where it may add to air, surface water, ground water, or land pollution. The following regulations have been adopted in order to provide standards for the location of animal feeding operations and to provide protection against pollution caused by manure from domesticated animals. All Concentrated Animal Feeding Operations shall comply with the regulations as outlined herein.

##### **Section 5.22.02. Animal Units Equivalent to Animal Species.**

Brookings County uses an animal unit equivalency ratio to determine the head count of a specific animal species for the purpose of defining the specific class of a CAFO by animal unit. The animal species equivalents are based upon a species' manure production. The standards for determining an animal unit to animal head count equivalency are derived from the Environmental Protection Agency and the State of South Dakota General Permit. Table 5.22.02 details the classes of Concentrated Animal Feeding Operations and the specific animal unit equivalency ratio. Note that the figures in Table 5.22.02 relate to inventory rather than annual production.

Table 5.22.02  
Number of Animals to Define Classes of Concentrated Animal Feeding Operations

Animal Species	Class A CAFO (Over 2,000 Animal Units)	Class B CAFO (1,000-1,999 Animal Units)	Class C CAFO (100 to 799 Units <sup>1,3</sup> – Zone B Shallow Aquifer)	Class D CAFO (0 to 999 Units – No Water Pollution Hazard)	Animal Unit Equivalency Ratio
	Animal numbers equal to or more than:	Animal numbers equal to:	Animal numbers equal to:	Animal numbers equal to or less than:	
Cattle other than mature dairy cows or veal calves <sup>2</sup>	2,000	1,000 to 1,999	100 to 499	999	1.0
Mature Dairy Cattle (milked or dry)	1,400	700 to 1,399	70 to 349	699	1.43
Swine (weighing over 55 lbs.)	5,000	2,500 to 4,999	250 to 1,249	2,499	0.4
Swine (weighing less than 55 lbs.)	20,000	10,000 to 19,999	1,000 to 4,999	9,999	0.1
Horses	1,000	500 to 999	50 to 249	499	2.0
Sheep or lambs	20,000	10,000 to 19,999	1,000 to 4,999	9,999	0.1
Turkeys	110,000	55,000 to 109,999	5,550 to 27,499	54,999	0.018
Chickens, other than laying hens using other than liquid manure handling system	250,000	125,000 to 249,999	12,500 to 62,499	124,999	.008
Laying hens using other than liquid manure handling system	164,000	82,000 to 163,999	8,200 to 40,999	81,999	.0122
Laying Hens & Broilers using liquid manure handling system	60,000	30,000 to 59,999	3,000 to 14,999	29,999	.0333
Ducks Using liquid manure Handling system	10,000	5,000 to 9,999	500 to 2,999	4,999	0.2
Ducks using other than liquid manure handling system)	60,000	30,000 to 59,999	3,000 to 14,999	29,999	.033
Geese	60,000	30,000 to 59,999	3,000 to 14,999	29,999	.033

1. Only in accordance with Chapter 4.06 Aquifer Protection District.
2. Cattle includes but is not limited to heifers, steers, bulls, cows and cow/calf pairs.
3. Existing Class C expand to 799 animal units in Water Pollution Hazard area.

**Section 5.22.03. Classes of Concentrated Animal Feeding Operations.**

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	100 to 799	(Zone B Shallow Aquifer)
Class D	100 to 999	(No pollution hazard)

**Section 5.22.04. Concentrated Animal Feeding Operation Permit Requirements.**

Owners of Class A, Class B, Class C, and Class D Concentrated Animal Feeding Operations are required to complete, where applicable, Section 4.01.04.7 a building permit, and/or conditional use permit application as follows:

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed that exceeds the number of animal units allowed by an existing county-issued permit.
3. An expansion in the number of animal units of a Concentrated Animal Feeding Operation, without a county-issued permit that existed prior to May 13, 1997, would result in the creation of either a Class A, B, or C Concentrated Animal Feeding Operation.
4. In the event there is a change in ownership of a Class A, B, C, or D Concentrated Animal Feeding Operation, which has a previously issued county permit, the new owner(s) has sixty (60) days from the date of legal conveyance of ownership in which to apply for a transfer of a previously issued county CAFO permit in order to keep said current permit valid. The new owner will be required to abide by the permit requirements, findings of facts and any letter of assurances that were issued under the previously approved permit application(s). If no transfer is completed within sixty (60) days, the new owner will be required to submit a new application for approval.
5. An existing Concentrated Animal Feeding Operation is to be restocked after being idle for five (5) years.
6. A signed complaint has been received by the County Zoning Officer and/or the South Dakota Department of Agriculture and Natural Resources and after inspection reveals that the Concentrated Animal Feeding Operation is in violation of either County or State regulations. Violations of State regulations shall be inspected by State officials.

**Section 5.22.05. Concentrated Animal Feeding Operation Control Requirements.**

1. Compliance with South Dakota Department of Agriculture and Natural Resources.
  - a. All Concentrated Animal Feeding Operations shall be constructed, located, or operated in compliance with the rules and regulations of the South Dakota Department of Agriculture and Natural Resources.

- b. State General Permit.
- c. Class A and Class B Concentrated Animal Feeding Operations shall obtain a State General Permit pertaining to the animal species of the Concentrated Animal Feeding Operation. A County conditional use permit may be approved conditioned upon receiving a State General Permit. The issuance of a State General Permit satisfies the county's requirements for an approved nutrient management plan and manure management plan.
- d. It shall be at the discretion of the Zoning Officer and/or the Board of Adjustment to require an applicant to submit plans for a Class C or Class D Concentrated Animal Feeding Operations to be reviewed by the South Dakota Department of Agriculture and Natural Resources if the following occur:
  - i. The Zoning Officer and/or the Board of Adjustment decide conditions require review by the South Dakota Department of Agriculture and Natural Resources to determine general compliance with standards adopted for a State General Permit.

2. Nutrient Management Plan.

The applicant shall develop, maintain, and follow a nutrient management plan, per the requirements below, to ensure safe disposal of manure and process wastewater and protection of surface and ground water.

- a. New Class A, B, and C Concentrated Animal Feeding Operations are required to have a nutrient management plan.
- b. Nutrient management plan(s) for Class A and Class B Concentrated Animal Feeding Operations shall be reviewed and approved by the South Dakota Department of Agriculture and Natural Resources. The issuance of a State General Permit satisfies the county's requirements for an approved nutrient management plan.
- c. The nutrient management plan(s) for Class C Concentrated Animal Feeding Operations nutrient management plans shall be developed by a Certified Crop Advisor and meet the current Natural Resources Conservation Service (NRCS) South Dakota Technical Nutrient Management Standards and all other applicable South Dakota Department of Agriculture and Natural Resources and Brookings County regulations.
- d. The applicant must maintain records to show compliance with the approved nutrient management plan.
- e. Documentation of land spreading agreements shall be available upon request by the County.

3. Manure Management and Operation Plan.

- a. New Class A, B, and C Concentrated Animal Feeding Operations are required to have a Manure Management and Operation Plan.
- b. The manure management and operation plan for Class A and Class B Concentrated Animal Feeding Operations shall be reviewed and approved by the South Dakota

Department of Agriculture & Natural Resources. The issuance of a State General Permit satisfies the county's requirements for an approved manure management plan.

- c. Class C Concentrated Animal Feeding Operations' manure management and operation plans shall at a minimum meet the current Natural Resources Conservation Service (NRCS) Standards and all Applicable DANR and Brookings County Zoning Regulations.
  - d. Manure Management and Operation Plan must include:
    - i. The location and specifics of proposed manure management facilities.
    - ii. The operation procedures and maintenance of manure management facilities.
    - iii. Plans and specifications must be prepared or approved by a registered professional engineer, or a Natural Resource Conservation Service (NRCS) engineer. Manure management treatment facilities will require inspection by an engineer.
    - iv. Manure shall not be stored longer than two (2) years.
    - v. Manure management containment structures shall provide for a minimum design volume of three hundred sixty-five (365) days of storage. In addition, open outdoor storage shall include minimum storage for direct precipitation and/or runoff from a 25-year, 24-hour storm.
    - vi. Manure management facilities utilizing methane digesters may receive on and off-site generated manure and/or organic wastes.
    - vii. The applicant will provide information regarding how manure from the CAFO site will be transported to fields identified in the nutrient management plan. This may require the need for a haul road agreement and/or the applicable agreement for pipes to cross the right-of-way or private property. Unless otherwise agreed to between the Road Authority and the applicant, Brookings County requires, at a minimum, the applicant to abide by minimum requirements of the adopted letter of assurance/findings of facts for the applicable size of operation.
  - e. The applicant is responsible for the misapplication of the manure whether applied on the applicants own land or on land where there is a land spreading agreement or in transport. The complaint procedure will be the same as for any other zoning complaint.
  - f. As a condition of the permit, the Zoning Officer and/or the Board of Adjustment may require the applicant to participate in environmental training programs.
4. Management Plan for Fly and Odor Control.
- a. New Class A, B, and C 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 the submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis. The following procedures to control flies and odors shall be considered in a management control plan:
    - i. Operational plans for manure collection, storage treatment and how said plans will be updated and implemented.
    - ii. Methods to be utilized to dispose of dead animals shall be included.
    - iii. Location of existing and proposed tree/shrub plantings.

- b. The County recommends the following Best Management Practices in the development of a fly and odor management plan:
  - i. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.
  - ii. Store solid manure in containment areas having good drainage to minimize odor production.
  - iii. Remove manure from open pens as frequently as possible to minimize odor production.
  - iv. Avoid spreading manure on weekends, holidays and evenings during warm season when neighbors may be involved in outdoor recreation activities.
  - v. Avoid spreading during calm and humid days, since these conditions restrict the dispersion and dilution of odors.
  
- 5. Required Minimum Setbacks and Separation Distance for New Class A, B, C, and D Concentrated Animal Feeding Operations.

Setbacks for new Concentrated Animal Feeding Operations and those Existing, Non-permitted Concentrated Animal Feeding operations expanding into a Class A, B, C, or D Concentrated Animal Feeding Operations after May 13, 1997, shall be measured from the nearest point of any manure containment facility, earthen lagoon, confinement structure, or open lot to the nearest point of the primary structure for the use deriving the benefit from the structure if applicable. See Table 5.22.05.6.

Table 5.22.05.6  
Minimum Setbacks

Number of Animal Units	Class D	Class C	Class B	Class A
Established Residences <sup>2, 3</sup>	1,320 feet	1,320 feet	1,760 feet	2,640 feet
Adjoining Property Lines	200 feet	200 feet	200 feet	200 feet
Churches, Businesses and Commercially Zoned Areas <sup>3</sup>	1,320 feet	1,320 feet	2,640 feet	2,640 feet
Incorporated Municipality Limits <sup>3</sup>	1,320 feet	1,320 feet	5,280 feet	5,280 feet
Established Private Water Well <sup>5</sup>	200 feet	200 feet	250 feet	250 feet
Existing Public Water Well	500 feet	500 feet	1,000 feet	1,000 feet

Lakes and Streams classified as Fisheries as identified by the State	150 feet	150 feet	150 feet	150 feet
Federal, State & County Road ROW				
Confinement	200 feet	200 feet	200 feet	300 feet
Open Lot	50 feet	50 feet	50 feet	50 feet
Township Road ROW				
Confinement	150 feet	150 feet	150 feet	150 feet
Open Lot	50 feet	50 feet	50 feet	50 feet

- <sup>1</sup> Two (2) or more CAFOs under common ownership are a single concentrated animal feeding operation if they adjoin each other (within one mile) or if they use a common area or system for disposal of manure. Required setbacks for the two (2) or more CAFOs treated as a single operation shall not be less than the minimum setback required for each operation if said operations were treated as individual operations.
- <sup>2</sup> Established residences do not include any residence established after May 13, 1997 less than one-half (1/2) mile from any Concentrated Animal Feeding Operation which was active at the time of the residence's construction.
- <sup>3</sup> The Board of Adjustment may allow a setback of less than the minimum required provided a written waiver by the entity deriving the benefit of the setback is filed with the application.
- <sup>4</sup> The Board of Adjustment may utilize Section 5.22.05.7 to increase or decrease the required setback.
- <sup>5</sup> Private well – potable water – has been used for drinking water within the last month.
- <sup>6</sup> Public water well

6. Exceptions/Exemptions to Separation and/or Setback Distance Requirements.

- a. Except as identified in Section 5.22.05.7(e) through (h), below, All Concentrated Animal Feeding Operations in operation prior to May 13, 1997, which do not comply with the minimum setback requirements, but continue to operate, and are not expanded in a manner which will result in the one of the following examples are exempt from setback/separation distance requirements:
  - i. Example 1: A Class D CAFO expands to a Class A or B CAFO.
  - ii. Example 2: A Class B CAFO expands to a Class A CAFO.
  - iii. Example 3: A Class A CAFO expands by 10% of the number of animal units
- b. A Concentrated Animal Feeding Operation structure which is expanded or constructed, if the title holder of the land benefitting from the distance separation requirement executes a written waiver with the title holder of the land where the structure is located, under such terms and conditions which the parties may negotiate.
- c. A Concentrated Animal Feeding Operation structure which is constructed or expanded closer than the required setback/separation distance from the corporate limits of a city if the incorporated community approves a written waiver.

- d. A Concentrated Animal Feeding Operation structure which existed prior to the creation of a residence, educational institution, commercial enterprise, religious institution, incorporated community, if the residence, educational institution, commercial enterprise or religious institution was constructed or expanded or the boundaries of the incorporated community were expanded, after the date that the concentrated animal feeding operation was established. The date that the Concentrated Animal feeding Operation was established is the date on which the Concentrated Animal Feeding Operation commenced operating. A change in ownership or expansion shall not change the date of operation.
- e. A non-standard Concentrated Animal Feeding Operation (Class D) without a county issued permit is exempt from setback/separation distance requirements. In the event of a calamity, the buildings and use areas associated with the non-standard Concentrated Animal Feeding Operation are allowed to be replaced. The non-standard Concentrated Animal Feeding Operation is allowed to expand to a maximum size of nine hundred ninety-nine (999) animal units. The replacement and/or expansion is allowed without having to obtain a variance from setback/separation requirements, provided the separation distance between the structure or use associated with the proposed Concentrated Animal Feeding Operation replacement/expansion is equal to or greater than the distance between the Concentrated Animal Feeding Operation and other existing uses requiring a separation distance on (the Adoption date of ordinance). The replacement and expansion provisions contained herein do not apply to non-standard Concentrated Animal Feeding Operations situated over the Aquifer Protection Overlay District.
- f. A non-standard Concentrated Animal Feeding Operation (Class C) is exempt from setback/separation distance requirements. The non-standard Concentrated Animal Feeding Operation is allowed to expand to a maximum size of four hundred ninety-nine (499) animal units in Zone B of the Aquifer Protection District or five hundred (500) animal units in Zone A of the Aquifer Protection District. The expansion also shall conform to Chapter 4.06 Aquifer Protection. The expansion is allowed, provided the separation distance between the structure or use associated with the proposed Concentrated Animal Feeding Operation replacement/expansion is equal to or greater than the distance between the Concentrated Animal Feeding Operation and other existing uses requiring a separation distance on May, 13, 1997. See Figure 5.22.05.7
- g. A non-standard Concentrated Animal Feeding Operation (Class B) with a county issued permit is exempt from setback/separation distance requirements. In the event of a calamity, the buildings and use areas associated with the non-standard Concentrated Animal Feeding Operation are allowed to be replaced. The replacement and/or expansion is allowed without having to obtain a variance from setback/separation requirements. The replacement and/or expansion is allowed without having to obtain a variance from setback/separation requirements, provided the separation distance between the structure or use associated with the proposed Concentrated Animal Feeding Operation replacement/expansion is equal to or greater than the distance between the Concentrated Animal Feeding Operation and other existing uses requiring a separation distance on May 13, 1997. The replacement and expansion provisions contained herein do not apply to non-standard Concentrated Animal Feeding Operations situated over the Aquifer Protection Overlay District. See Figure 5.22.05.7

- h. A non-standard Concentrated Animal Feeding Operation (Class A) with a county issued permit is exempt from setback/separation distance requirements. In the event of a calamity, the buildings and use areas associated with the non-standard Concentrated Animal Feeding Operation are allowed to be replaced. The replacement is allowed without having to obtain a variance from setback/separation requirements, provided the separation distance between the structure or use associated with the proposed Concentrated Animal Feeding Operation replacement/expansion is equal to or greater than the distance between the Concentrated Animal Feeding Operation and other existing uses requiring a separation distance on May 13, 1997. The replacement of said Concentrated Animal Feeding Operation cannot exceed the number of animal units identified in the existing County Permit, unless a variance is granted. The replacement and expansion provisions contained herein do not apply to non-standard Concentrated Animal Feeding Operations situated over the Aquifer Protection Overlay District. See Figure 5.22.05.7
- i. Exceptions Generally: Any "exception" listed may be granted by the administrative official with no action from the Board of Adjustment, unless otherwise noted.



7. Manure Application.

- a. In addition to the regulations set forth herein, any Class A or B Concentrated Animal Feeding Operation shall apply manure in accordance with the state general permit.
- b. The Board of Adjustment may require 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 taken into consideration.

8. Haul Roads.

- a. Any applicant for a new Class A or B Concentrated Animal Feeding Operation shall identify the primary routes to be used for transporting feed and animals to the operation and transporting animals or raw products from the operation and the approximate average number of trucks.
- b. Unless documentation is provided indicating no such agreement is required, applicants for a new Class A or B Concentrated Animal Feeding Operation shall enter into a road agreement for identified haul roads, and such agreement shall be filed with the Zoning Officer. Class A or B are required to be situated upon roads adequately designed to carry the proposed number of fully or partially loaded trucks using said CAFO.

9. Standards for Conditional Uses.

- a. The Board of Adjustment may request information relating to a Concentrated Animal Feeding Operation not contained in these regulations.
- b. The Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulations' additional conditions which the Board of Adjustment considers necessary to protect public health, safety and welfare.
- c. Conditional Use Permits for Concentrated Animal Feeding Operations 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. Conditional Use Permit applicants must comply with the Findings of Facts as required by the Board of Adjustment. The Findings of Facts will be prepared by the zoning officer and approved by the Board of Adjustment and signed by the Board of Adjustment's designee. The permit for the concentrated animal feeding operation is based upon compliance with the regulations herein, and associated letter of assurances. Any violation of these regulations or non-compliance with the letter of assurances shall be cause for revoking a permit. If a violation of these regulations or non-compliance with the letter of assurance occurs, permit holders will be notified by registered mail and a hearing before the Board of Adjustment will be held concerning the status of the permit. The Board of Adjustment shall either revoke the permit or set a timeline for compliance. If compliance is not met, the permit shall be revoked, and the permit holder ordered to cease operations.

e. The permit holder shall provide and at all times maintain General Liability insurance in the amount of at least \$1,000,000.00, with an Environmental Protection Insurance rider of at least \$100,000.00. Proof of such insurance must be received prior to the issuance of a permit and must be provided annually during the operation of such CAFO. The insurance carrier shall be required to provide Brookings County with notice of insurance and with a notice of cancellation or change in coverage. Failure to maintain such insurance shall be grounds for cancellation of the Conditional Use Permit. (Ord. 2024-0xx-xx-2024)

10. Suggested Minimum Application Information.

The following information may be requested and reviewed by the Board of Adjustment/Zoning Officer prior to the issuance or as a condition to the issuance of a conditional use permit for any class of CAFO.

- a. Owner(s)/Applicant(s) name address and telephone number.
- b. Legal descriptions of site and site plan.
- c. Number and type of animals.
- d. Preliminary nutrient management plan, if required.
- e. Preliminary manure management and operation plan, if required.
- f. Preliminary management plan for fly and odor control.
- g. Information on ability to meet suggested setbacks and separation distances.
- h. As a condition of approval of any Concentrated Animal Feeding Operation over 1,000 animal units or as determined by the Board of Adjustment, the documentation of an approved General Permit from the South Dakota Department of Agriculture & Natural Resources for animal species is required. The issuance of a State General Permit satisfies the county's requirements for an approved nutrient management plan and manure management plan.
- i. Documentation of notice to public water supply officials.
- j. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- k. Documentation of notice to whomever maintains the access/haul road(s) (township, county, and state).
- l. Any other information as contained in the application and requested by the Zoning Officer.

**CHAPTER 5.23 COMMERCIAL PUBLIC ENTERTAINMENT ENTERPRISE REQUIREMENTS.**

**Section 5.23.01 Qualification of Events.**