

**PLANNING AND ZONING ORDINANCE 25-3
MCPHERSON COUNTY
SOUTH DAKOTA**

**FIRST PUBLIC READING:
SECOND PUBLIC READING:
ADOPTED:**

EFFECTIVE DATE:

**ORDINANCE 2025-3
AN ORDINANCE AMENDING MCPHERSON COUNTY ORDINANCE 24-1, AN
ORDINANCE AMENDING ZONING REGULATIONS FOR MANURE MANAGEMENT
AND OPERATION PLAN IN MCPHERSON COUNTY**

BE IT ORDAINED BY MCPHERSON COUNTY, SOUTH DAKOTA:

Article V, General Requirements, Chapter 5.08, Concentrated Animal Feeding Operation (CAFO) regulations, Section 5.08.05, Concentrated Animal Feeding Operation Control Requirements, Subsection 5.08.05(4), Manure Management and Operation Plan shall be amended as follows:

4. Manure Management and Operation Plan

New and expansions of Classes A and B concentrated animal feeding Operations shall submit a Manure Management and Operation Plan.

- a. Plan must include:
 - i. The location and specifics of proposed animal manure management facilities.
 - ii. The operation procedures and maintenance of manure facilities.
 - iii. Plans and specifications must be prepared or approved by a registered professional engineer, or a Natural Resource Conservation Service (NRCS) engineer. Animal manure management facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer.
 - iv. Unless otherwise determined by the Board of Adjustment, animal manure shall not be stored longer than two (2) years.
 - v. Animal manure management containment structures: Any new enclosed structure or new enclosed structure used in combination with an existing manure containment

structure shall have at least 270 days of storage. Any new open lot design shall provide at least 365 days of storage.

- vi. The Applicant shall keep records on manure applications on individual fields which document acceptable manure and nutrient management practices have been followed per South Dakota Department of Agriculture and Natural Resources standards.
 - vii. Manure transportation plan: that complies with the requirements of this ordinance.
- b. As a condition of the permit, the Board of Adjustment may require the producer to participate in environmental training programs.
 - c. The Board of Adjustment shall require manure to be injected or incorporated into the soil within forty-eight (48) hours of open-air application of the manure. Failure to comply with the time requirement shall constitute a violation of this ordinance.

In situations deemed because of weather and soil conditions, that manure cannot be injected or incorporated into the soil within the 48-hour time period, the Animal Feeding Operations may appeal to the Board of Adjustment for permission to extend the 48-hour deadline and any other request will be considered on a case-by-case basis. Unless permission is applied for and granted, it shall be a violation this ordinance.

- d. Plans should be made to avoid spreading manure on weekends, holidays, and evenings during warm seasons when neighbors may be involved in outdoor recreation activities.
- e. For manure to be transported, stored and or applied beyond ten (10) miles from its place of origin, and any manure originating outside of McPherson County, a variance is required for every legal land description, including section, range, and township, to where the manure is to be transported, stored, and/or applied.

The variance shall include and shall not be limited to:

- i. The legal land description(s) to where the manure shall be transported, stored, and/or applied;
- ii. The date the manure is to be transported, stored, and/or applied;
- iii. The route the manure is to be transported on;
- iv. A description, approximate quantity, and product (per load/gallon) to be hauled or pumped that meets legal load limit requirements and right of way occupancy permitting;
- v. In case of inclement weather, alternative dates and routes will have to be disclosed.
- vi. Statement that the permit applicant is liable for any leaks or spills.

Dated this _____ day of _____, 2025.

Mark Opp
Chairman of the McPherson Co. Board of County Commissioners

ATTEST:

Lindley Howard
McPherson County Auditor

FIRST READING:

SECOND READING:

ADOPTED:

PUBLICATION DATE:

EFFECTIVE DATE: