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<b>Title:</b>	County of Blue Earth Livestock Manure Management Ordinance
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### ***Abstract***

The goal of this ordinance is to minimize the pollution from domestic manure. Standards have been set to control methods of storage, distribution, spreading, and animal confinement, in order to minimize impacts on land, water, and air.

### ***Resource***

#### **ARTICLE II. LIVESTOCK MANURE MANAGEMENT**

##### **DIVISION 1. GENERALLY**

Sec. 6-31. Statutory authorization.

The livestock manure management ordinance referred to in this article as "article," is adopted pursuant to the authorization and policies contained in Minn. Stats. chs. 115 and 116, and Minnesota Pollution Control Agency Rules, parts 7020.0100--7020.1900, and the planning and zoning enabling legislation in Minn. Stats. ch. 394.

Sec. 6-32. Policy.

(a) An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of county citizens and the state. These domesticated animals provide our daily source of meat, milk, eggs and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices.

(b) However, livestock, poultry and other animals produce manure which may, where improperly stored, transported or disposed, negatively affect the county's environment.

When animal manure adds to air, surface water, groundwater or land pollution in the county, it must be controlled.

(c) This article has been promulgated to provide protection against pollution caused by manure from domesticated animals.

(d) The rules of this article recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.

(e) This article complies with the policy and purpose of the state in regard to the control of pollution as set forth in Minn. Stats. chs. 115 and 116. Experience has shown that the environment, residential and agricultural uses of land can be incompatible. The purpose of this article is to regulate the management of manure, and the uses and development of land in the county which may adversely affect the health, safety and general welfare of the public.

#### Sec. 6-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All distances, unless otherwise specified, shall be measured horizontally. The terms "person" and "feedlot operator" shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations.

Abandoned water well means a well whose use has been permanently discontinued, or which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical or may be a health hazard.

Agency means the Minnesota Pollution Control Agency as established in Minn. Stats. ch. 116.

Agriculture. means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of primary agricultural activities.

Animal feedlot means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this article, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this article.

Animal manure means poultry, livestock or other animal excreta, or a mixture of excreta with feed, bedding or other materials.

Animal unit (A.U.) means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a 1,000-pound slaughter steer or heifer.

Bluff means a topographic feature such as a hill, cliff or embankment with an average slope of 18 percent or greater over a horizontal distance of 50 feet.

Certificate of compliance means a letter from the Minnesota Pollution Control Agency commissioner to the owner of an animal feedlot stating that the feedlot meets the agency standards, and that the livestock operation does not create or maintain a potential pollution hazard, or if a potential pollution hazard existed, it has been corrected to meet Minnesota Pollution Control Agency requirements.

Change in operation means an increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization or disposal of animal manure.

Conditional use means a use that, because of special characteristics attendant to its operation, may be permitted in a district as a conditional use with site specific requirements, as determined and approved by the board of commissioners, that protect the public health, safety and welfare of the community.

Conservation zoning district means a district based on topographic, physiographic and soil conditions that will:

- (1) Be protective of the environmentally fragile areas in the county;
- (2) Retain major areas of natural ground cover for conservation purposes;
- (3) Deter abuse of water resources and conserve other natural resources of the county.

Corrective or protective measure means a practice, structure, condition or combination which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with Minnesota Pollution Control Agency rules.

County feedlot permit means a tri-annual permit from the county feedlot officer to the owner of an animal feedlot stating that the feedlot meets the requirements of this article.

Domestic fertilizer means:

(1) Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or

(2) Animal manure that is used as compost, soil conditioners or specialized plant beds.

Earthen storage basin means a manure storage area.

Feedlot means a lot of building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this article, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Feedlot officer means an individual, appointed by the board of commissioners, and is responsible for administering this article.

Feedlot operator means an individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been, or hereafter may be, covered by the regional flood and as shown on the county flood insurance rate map, dated March 5, 1990, and/or July 21, 1999.

Hardship means the same as that term is defined in Minn. Stats. ch. 394.

Immediate incorporation means the mechanical incorporation of manure into the soil within 48 hours.

Interim permit means a permit issued by the Minnesota Pollution Control Agency or the county feedlot officer which expires no longer than ten months from the date of issue.

Lagoon means a biological treatment system designed and operated for biodegradation, to convert organic matter such as feed, bedding and body byproducts in animal wastes to more stable end products.

Manure storage area means an area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for the purposes of this article.

National Pollutant Discharge Elimination System (NPDES) means a permit issued by the Minnesota Pollution Control Agency for the purpose of regulating the discharge of pollutants from point sources, including concentrated animal feeding operations.

New animal feedlot means an animal feedlot constructed and operated at a site where an animal feedlot did not previously exist.

Nonconformity means any legally established use, structure or parcel of land before the adoption of this article, or amendments thereto, that is not in compliance with the provisions of this article.

Ordinary high water level means the landward boundary of public waters and wetlands which delineates the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. This is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Pastures means areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

Potential pollution hazard means a condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

(1) An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of a water well; or

(2) An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards including, but not limited to, Minn. Rules chs. 7050 and 7055, during a rainstorm event of less magnitude than the 25-year, (4.9 inches), 24-hour event, or will violate any applicable state rules.

Public waters means any waters as defined in Minn. Stats. § 103G, subs. 14 and 15.

Residence means a dwelling where persons live.

Riparian means land contiguous with the bank of a stream, the shore of a lake or the edge of a wetland.

Seasonal high water table means the highest elevation in the soil where all voids are filled with water, as evidenced by presence of water or soil mottling or other information.

Shoreland means land located within the following distances from public water:

(1) One thousand feet from the ordinary high water level of a lake, pond or flowage.

(2) Three hundred feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

State animal feedlot permit means a state animal feedlot permit which is issued when an identified potential pollution hazard cannot be corrected within a ten-month period because the solution is not technically or economically feasible, or the manure is not used as a domestic fertilizer.

Steep slopes means lands having average slopes over 12 percent, and less than 18 percent, as measured over horizontal distances of 50 feet or more.

Structure means any building or appurtenance and other supporting facilities.

Unused/abandoned feedlot means a preexisting animal feedlot that has been abandoned or unused for a period of five years.

Variance means that variance for which any person may apply from any requirements of Minn. Rules part 7020.1500 to 7020.1900. Such variances shall be applied for and acted upon by the Minnesota Pollution Control Agency in accordance to Minn. Stats. § 116.07, subd. 5, and other applicable statutes and rules.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any of its portions.

Wetland means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Sec. 6-34. Jurisdiction of article provisions.

The provisions of this article shall apply to all animal feedlots that exceed ten animal units, A.U., and to all areas of the county outside the incorporated limits of municipalities.

Sec. 6-35. Compliance with article provisions.

The use of any land for the establishment, expansion or management of an animal feedlot shall comply with the provisions of this article; chapter 24, pertaining to zoning, and the provisions of Minnesota Pollution Control Agency Rules.

Sec. 6-36. Administration and enforcement of article.

(a) The feedlot officer is responsible for the administration and enforcement of this article. The board of commissioners may establish by resolution, application, permit and such other fees necessary to fund the administration and enforcement of this article.

(b) Any violation of the provisions of this article or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this article can occur regardless of whether or not a permit is required for a regulated activity pursuant to this article.

Sec. 6-37. Interpretation.

In the interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the public health, safety and welfare of the citizens of the county by providing for the commonly approved animal husbandry practices used in the management of animal feedlots.

Sec. 6-38. Abrogation and greater restrictions.

It is not the intent of this article to repeal, abrogate or impair any existing ordinances, rules or statutes. However, when this article is inconsistent with any other ordinance, rule or statute, the ordinance, rule or statute which imposes the greater restriction shall prevail.

Sec. 6-39. Amendment.

This article may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this section:

(1) Proceedings. Proceedings for amendment of this article shall be initiated as follows:

- a. A recommendation of the county planning commission.
- b. By action of the board of commissioners.

(2) Notice of public hearing. A notice of public hearing containing the date, time and location of the hearing, as well as a description of the proposed amendment, shall be published in the official newspaper of the county at least ten days in advance of the public hearing.

(3) Public hearing. The county planning commission shall hold a public hearing, as published in the official newspaper of the county, and shall make a report of its findings and recommendations on the proposed amendment to the board of commissioners and the zoning administrator within 60 days after the hearing. If no report or recommendation is transmitted by the county planning commission within 60 days after the hearing, the board of commissioners may take action without waiting for such recommendation. Upon the filing of such report or recommendation, the board of commissioners may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the board of commissioners may adopt the amendment or any part in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the board of commissioners concur with its passage.

(4) Recording. Upon the adoption of any ordinance or other official control, including any maps or charts supplemented to or as a part thereof, the county auditor shall file a certified copy with the county recorder or registrar of titles for record. Ordinances, resolutions, maps or regulations filed with the county recorder or registrar of titles pursuant to this article do not constitute encumbrances on real property.

Sec. 6-40. Creation or maintenance of pollution hazard.

No animal feedlot or manure storage area shall be constructed, located or operated so as to create or maintain a potential pollution hazard.

Sec. 6-41. Unused animal manure; treatment and disposal.

Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state rules.

Sec. 6-42. Animal unit (A.U.).

The term "animal unit" means a unit of measure used to compare differences in the production of animal manures. It uses as a standard the amount of manure produced on a regular basis by a 1,000-pound slaughter steer or heifer.

TABLE INSET:

Livestock	Animal Unit	Animals = 300 A.U.
1 mature dairy cow	1.4	215
1 slaughter steer/heifer	1.0	300
1 horse	1.0	300



1 swine over 55 lbs.	0.4	750
1 nursery pig to 55 lbs.	0.05	6,000
1 sheep	0.1	3,000
1 turkey	0.018	16,500
1 chicken	0.01	30,000

Other animals -- average weight of animal/1,000 lbs. = A.U.

Sec. 6-43. Manure storage.

New concrete manure storage pits shall provide a minimum of eight months' storage capacity. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one year.

Sec. 6-44. Manure application rates.

(a) Animal manure application rates should minimize adverse effects on public waters. Whenever possible, manure should be applied at rates consistent with best management practices that are site specific to each farm and as established by the state.

(b) When manure cannot be applied at rates consistent with best management practices, then it shall be applied at rates not exceeding local agricultural crop nitrogen requirements.

Sec. 6-45. Earthen basin storage standards.

(a) Each applicant shall provide the feedlot officer with an annual manure management plan that includes the following:

- (1) Manure testing procedures and results.
- (2) Acreage and soil characteristics of the field.
- (3) Crop to be grown and yield goal.
- (4) Amount of manure to be applied to the field.
- (5) Other site specific information as required by the zoning administrator or feedlot officer.

(b) Each applicant shall provide the feedlot officer with a basin maintenance management plan and annual management report for review by the zoning administrator or feedlot officer. The feedlot officer shall provide forms to be used as a guide for completing the plan.

(c) Each applicant shall provide the feedlot officer with the results of spring and fall testing of the basin's perimeter tile by a certified laboratory. Testing will be for nitrate and fecal coliform. The results of the tests will be sent to the zoning administrator or feedlot officer for review. If test results indicate that tile water exceeds Minnesota Pollution Control Agency health risk limits (HRL), the county may require remedial action, and may require monitoring wells to be installed. If health risk limits are not exceeded for two consecutive years, then one test a year may be required.

#### Sec. 6-46. Standards for the transportation of manure.

(a) All vehicles used to transport animal manure on township, county, state and interstate highways, or through municipalities shall be leakproof.

(b) Manure spreaders with end gates shall be considered to be in compliance with this provision, provided that the end gate works effectively to restrict leakage and the manure spreader is leakproof.

(c) This section shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways, provided that the animal manure is for use as domestic fertilizer.

#### Sec. 6-47. Transportation of manure into the county.

Any person located outside the jurisdiction of the county that transports manure to the county with the intent of storing or spreading such manure within the county shall provide the county with a complete manure management plan, and shall comply with all provisions of this article. Furthermore, the animal manure shall be applied to the land in a manner consistent with this article and with the animal feedlot pollution control requirements.

#### Sec. 6-48. Owner and operator's responsibility.

(a) The landowner and the owner and the operator of any animal feedlot shall be responsible for the storage, transportation and disposal of all animal manure generated in a manner consistent with the provisions of this article.

(b) Upon abandonment, termination or nonrenewal of any permit or certificate necessary to operate a feedlot, or failure to operate the feedlot in any manner consistent with this article, or with state and federal regulations, the landowner and the owner and the operator of any feedlot shall remain responsible for all costs of closure, cleanup or other costs necessary to bring the property into compliance with all federal, state and county regulations, and to restore the property to a suitable use.

## **DIVISION 2. ADMINISTRATION\***

\*Cross references: Administration, ch. 2.

Sec. 6-71. Certificate of compliance and county feedlot permit required.

No person shall operate an animal feedlot without first obtaining a county feedlot permit. In addition, a certificate of compliance from the Minnesota Pollution Control Agency is required for an animal feedlot that exceeds 50 animal units of manure when any of the following conditions exist:

- (1) A new feedlot is proposed where a feedlot did not previously exist.
- (2) A change in operation of an existing animal feedlot is proposed.
- (3) A change in ownership, which includes the transfer of a feedlot operation from one member of a family to another member of the family.
- (4) An existing feedlot is to be restocked after being abandoned, or unused for five or more years.
- (5) An inspection by Minnesota Pollution Control Agency (MPCA) staff or county feedlot officer reveals that the feedlot is creating a potential pollution hazard.

Sec. 6-72. Exceptions.

The following are exceptions to the requirements of this article:

- (1) Animal feedlots within the shoreland, with an animal density greater than one animal unit per acre, shall be reviewed by the county feedlot officer to determine if a potential pollution hazard exists.
- (2) Temporary uses involving ten animal units or more may be exempted by the board of commissioners, but not to exceed 14 calendar days.
- (3) A certificate of compliance and county feedlot permit is required for feedlots with fewer than ten animal units when a Minnesota Pollution Control Agency or county inspection reveals an uncorrected potential pollution hazard.

Sec. 6-73. Responsibility for obtaining a feedlot permit.

The landowner, the owner and operator of a proposed or existing feedlot facility are responsible, and shall obtain a county feedlot permit prior to the commencement of a new feedlot, or the expansion of an existing feedlot. The permit will specify that the feedlot operation conforms to the requirements of this article. Any use, arrangement or

construction at variance with that authorized by permit shall be deemed a violation of this article and shall be punishable as provided in this article.

Sec. 6-74. Issuance of a certificate of compliance.

The feedlot officer may issue a Minnesota Pollution Control Agency certificate of compliance stating that the feedlot complies with the agency rules under the following conditions:

(1) The feedlot is less than 300 animal units; the manure is to be used as domestic fertilizer; and all known potential pollution hazards have been mitigated by protective or corrective measures.

(2) The feedlot is less than 1,000 animal units; the manure is used as domestic fertilizer; and there are no known potential pollution hazards.

All other feedlot applications, including feedlots for which further technical review is desired by the feedlot officer, shall be forwarded to the commissioner of the Minnesota Pollution Control Agency.

Sec. 6-75. Issuance of a feedlot permit.

The feedlot officer shall issue a county feedlot permit for any animal feedlot that is in compliance with this article.

Sec. 6-76. Land use development permit.

No land use development permit, a permit to begin construction, shall be issued until a feedlot permit has been issued by the county and a certificate of compliance has been issued by the Minnesota Pollution Control Agency.

Sec. 6-77. Feedlot permit review.

The county feedlot officer shall conduct an on-site review of a feedlot operation, in the following circumstances, to ensure compliance with this article:

(1) When a new application for a feedlot permit is received.

(2) When a written complaint has been determined to be valid by the feedlot officer.

(3) On a random basis of the permitted feedlots each year.

(4) When a feedlot operator has received a written warning of a potential violation, or a written notice of a violation of this article, the following shall apply:

a. The initial review shall verify whether all problems have been corrected and that the operation of the feedlot is in compliance with this article.

b. The feedlot officer may conduct subsequent reviews of the feedlot operation to ensure that corrective practices are being implemented.

(5) Those feedlots that have been designated as having the highest potential to pollute shall be subject to more frequent review.

(6) All other feedlots shall be contacted periodically. The contact may consist of a response to written questions regarding the operation of the facility, or it may also, but not necessarily, include an on-site visit to the feedlot. Contact may also include attendance of educational meetings for feedlot operators.

(7) A written review of the feedlot's operation and compliance with this article shall be completed by the feedlot officer each time an on-site review is conducted. The feedlot operator and owner shall be provided with a copy of the review by mailing to the address provided on the annual permit within 15 working days of the on-site visit.

#### Sec. 6-78. Variances.

(a) Variances may only be granted in accordance with the provisions of this article and Minn. Stats. ch. 394.

(b) A variance may not circumvent the general purposes and intent of this article.

(c) A variance may not be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

(d) Conditions may be imposed in the granting of a variance to ensure compliance.

#### Sec. 6-79. Nonconforming use.

(a) Generally. Any use or occupancy which on January 1, 1995, does not conform to the provisions of this article is a nonconforming use. A county feedlot permit is required for all nonconforming feedlots.

(b) Continued, restored or abandoned.

(1) A nonconforming use may not be enlarged, but may be continued, or restored in accordance with this section.

(2) Any nonconforming use which is abandoned or which is discontinued for a period of one year may not be resumed, and any future use or occupancy of the land shall conform to this article.

(c) Alteration or moving.

(1) A nonconforming use or occupancy may be altered, provided that such alterations do not intensify or physically expand or extend the nonconforming use.

(2) A nonconforming building or structure moved to a different location on a single parcel or land shall be brought into conformance with this article.

(d) Damage or destruction. When a nonconforming use or occupancy is destroyed by fire or other peril to the extent of 50 percent of its market value, as determined by the county assessor, any subsequent use or occupancy of the land or premises shall conform to this article.

(e) Restoration and repair. A nonconforming structure may be restored or repaired as follows:

(1) To comply with state law and county ordinances;

(2) If damaged to an extent less than 50 percent of its market value as determined by the county assessor;

(3) To effect repairs and necessary maintenance which are nonstructured and incidental to the use or occupancy, provided that such repairs do not constitute more than 50 percent of its market value as determined by the county assessor.

### **DIVISION 3. PERMITTED AND CONDITIONAL USES**

Sec. 6-101. Permitted uses.

Existing and new feedlots are a permitted use only in the agricultural zoning district if they have a county feedlot permit pursuant to this article.

Sec. 6-102. Conditional uses.

A conditional use permit and a county feedlot permit is required when the following conditions exist:

(1) The proposed expansion or modification of an existing feedlot, or a new feedlot in a conservation district.

(2) The proposed expansion or modification of an existing feedlot, or a new feedlot in the shoreland district.

(3) A lagoon system, or an earthen storage basin is proposed for the storage or treatment of animal waste.

- (4) A feedlot that exceeds ten animal units when it has been determined to be a potential pollution hazard as defined in this article.
- (5) When a feedlot operator has received a written notice of a violation of this article.
- (6) A new feedlot exceeding 100 animal units.
- (7) The expansion of an existing feedlot if the cumulative total exceeds 100 animal units.
- (8) When the Minnesota Pollution Control Agency issues an interim permit, a state feedlot permit or a NPDES permit.
- (9) A new feedlot to be located, or the expansion of an existing feedlot within one-half mile of a county, municipal or state park.
- (10) A new feedlot or the expansion of an existing feedlot within two miles of a municipal border.
- (11) A new feedlot within one-half mile of a municipal boundary is prohibited unless there is a written agreement from the affected municipality.
- (12) Other feedlots as determined by the feedlot officer.

Sec. 6-103. Standards for conditional use permits.

The county may impose, in addition to the standards and requirements set forth in this article, additional conditions which the planning commission or board of commissioners consider necessary to protect the public health, safety and welfare. This may include, but is not limited to, the following conditions:

- (1) Conditional use permits shall be in effect only as long as sufficient land specified for spreading manure is available and being used for such purposes as regulated otherwise by this article.
- (2) All feedlots shall be operated in a manner consistent with the Minnesota Pollution Control Agency certificate of compliance and this article. (Minn. Rules, ch. 7005.0950 states that agricultural odors from cropland activities such as spreading fertilizer, pesticides and manure are not air pollution.)
- (3) For all new feedlots greater than 1,000 animal units, or the expansion of existing feedlots to more than 1,000 animal units, the board of commissioners may require the applicant, or permit holder, to furnish a bond, or payment to the earthen basin closure fund for reclamation purposes based upon the animal units involved. The bond shall be approved by the feedlot officer and the county attorney. Payment of the closure fee does not relieve the owner or operator from the legal responsibility or obligation to close the

facility as required by federal, state or county regulations. The closure fee will be used to close the facility, only after all other sources have been exhausted.

(4) All manure storage lagoons and earthen storage basin shall conform with Minnesota Pollution Control Agency design standards. All plans for manure storage lagoons and earthen manure storage basins shall be designed, and the plans signed, by an agricultural or civil engineer registered in the state, or by qualified staff of the United States Department of Agriculture Soil Conservation Service.

(5) An agricultural or civil engineer registered in the state or qualified staff of the United States Department of Agriculture Soil Conservation Service shall provide the county feedlot officer with a signed construction report and certification that the manure storage lagoon, or earthen manure storage basin, was constructed to the standards of the approved plans.

(6) The owner and/or operator may be required to post a road bond in the amount of \$2,500.00 per mile to pay for the cost of any repair of damage to the roadway caused as a result of the construction of the facility.

(7) Land used for manure application may be limited to a two-mile radius from the earthen basin. Effluent will be land applied with the chisel plow and drag-line injection method, unless otherwise specified on the permit.

(8) For new earthen basins, storing 1,000 animal units of manure or more, the board of commissioners may require an independent inspector, of the county's choosing, to inspect the site during construction of the basin. The inspection may include sample cores of the clay liner as required to ascertain the compaction density of the liner. The applicant shall be responsible for all cost associated with the inspection and testing.

#### Sec. 6-104. Animal feedlots.

In addition to the requirements for the conditional use permit listed in sections 24-461 and 24-462, the following requirements apply to the issuance of conditional use permits for animal feedlots:

(1) A conditional use permit to establish a new animal feedlot, to expand or modify an existing feedlot or to restock an abandoned feedlot shall function to enable the establishment of such animal feedlot. The permit shall be valid for a period of five years, or until replaced by a county feedlot permit issued pursuant to the article II, livestock manure management, of chapter 6, pertaining to environment. The county feedlot permit shall function as the operating permit for the animal feedlot.

(2) The feedlot operator shall be responsible to maintain compliance with operating conditions listed on the conditional use permit which shall be made part of the feedlot permit by reference.

#### DIVISION 4. FEEDLOT PERMIT



Sec. 6-121. Information required.

In general, the following information is required for review prior to the issuance of a county feedlot permit, or Minnesota Pollution Control Agency certificate of compliance:

- (1) A completed permit application listing the names, addressees and telephone numbers of the landowner, all owners and operators and signed by at least one of the owners.
- (2) The maximum number of animals of each type that will be confined at the feedlot at one time.
- (3) A description of the geological condition, soil types and seasonal high water table.
- (4) A map or aerial photo indicating dimensions of feedlot, showing all existing homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcropping, roads, wells, topographic contours and surface water drainage within 1,000 feet of the feedlot.
- (5) Manure management planning should include, but not limited to, the following information:
  - a. ASCS aerial photographs of the location of all manure application sites and acreage reports.
  - b. If an area to be used for land spreading of manure is not owned or operated by the feedlot owner or operator, then proof of a written agreement between feedlot owner and/or operator and landowner shall be furnished showing the land to be used for land spreading manure.
  - c. Manure handling and application techniques.
  - d. Plans for proposed manure storage and/or pollution abatement structure.
  - e. A nutrient analysis of the soils and manure when required by the feedlot officer.
  - f. Permits shall be amended to record any changes in land used for manure application.
- (6) A site plan showing the following information:
  - a. The locations and dimensions of all animal confinement buildings, including outside lots.
  - b. The locations and dimensions of any manure storage facilities, including those not located in a building.

c. The location of any well, active or abandoned, and its distance to the nearest confinement building or outside lot.

d. The drainage patterns on the site.

(7) In some instances, because of site specific or operational considerations, the feedlot officer may require additional information.

(8) Method/plan for disposal of dead animals shall be consistent with the state board of animal health regulations.

#### Sec. 6-122. Manure management education.

(a) Manure management is a complex issue that is an important part of a feedlot's operation. The best plan for utilizing manure is a specific plan designed with the input of the feedlot operator. Without the feedlot operator's full cooperation and coordination, the implementation of any manure management plan is difficult.

(b) Feedlot operators must be aware of the many variables associated with manure management. Feedlot operators shall be encouraged to use educational and technical sources to develop an individual manure management plan based upon current best management practices.

(c) The county feedlot officer shall cooperate with state and federal agencies, and industry to make current manure management education publications and a list of independent consultants available to the feedlot operator when applying for a county feedlot permit.

#### DIVISION 5. SETBACKS FOR FEEDLOTS AND MANURE APPLICATION

#### Sec. 6-141. Newly constructed feedlots.

Newly constructed feedlots will meet the following setback requirements of this article:

(1) New feedlots may not be located in 100-year floodplain.

(2) New feedlots may not be located closer than 200 feet from any public or private well less than 50 feet deep, or if such well is not located in an aquifer protected by a geologic confining layer. This includes abandoned wells that have not been sealed in accordance with article III of this chapter. New feedlots shall set back 100 feet from all other wells.

(3) New feedlots or expansion of an existing feedlot shall be set back at least 30 feet from the top of a steep slope when adjacent to any riparian zone.

(4) New feedlots must be set back 100 feet from a public or private drainage ditch.

(5) New feedlots must be set back 50 feet from all other property lines.

Sec. 6-142. Manure application setbacks for all feedlots.

The land application of manure shall be set back as follows:

TABLE INSET:

Setback From the Following Physical Features/Structures	Spreading Without Incorporation	Injection or Incorporation Within 48 Hours	Irrigation
Streams or rivers	Section 6-143	50 feet	200 feet
Lakes	Section 6-143	100 feet	300 feet
Wetlands*	Section 6-143	50 feet	200 feet
Public and private drainage ditches	100 feet	25 feet	200 feet
Surface tile inlets	100 feet	25 feet	200 feet
Water wells	200 feet	200 feet	200 feet
Sinkhole	100 feet	50 feet	200 feet
Residential dwellings	500 feet	300 feet	1,000 feet
Public roads (right-of-way line)	25 feet	10 feet	300 feet
Floodplain	Prohibited	Permitted	Prohibited

Sec. 6-143. Setbacks for spreading manure without incorporation.

The following separation distances and prohibition, based upon percent of slope, soil texture as defined in the county soils survey and time of year, apply to the land application of manure without immediate incorporation:

TABLE INSET:

			Separation From
Slope	Soil Texture	Time of Year	Surface Waters
0--6 percent	Coarse	Not frozen	100 feet
0--6 percent	Coarse	Frozen	200 feet
0--6 percent	Medium to fine	Not frozen	200 feet
0--6 percent	Medium to fine	Frozen	300 feet
Over 6 percent	Coarse	Not frozen	200 feet
Over 6 percent	Medium to fine	Not frozen	300 feet
Over 6 percent	All soils	Frozen	Prohibited

Sec. 6-144. Feedlot-dwelling setback.

The setback requirements for a dwelling and a feedlot are mutual. The distance between a feedlot and a dwelling is measured from the nearest wall of any confinement building, the nearest edge of any manure storage structure, or the nearest fence line of any open confinement lot to the nearest wall of a dwelling. The feedlot-dwelling setback is established as follows:

- (1) Feedlots, ten--50 animal units, 500 feet.
- (2) Setback distances for feedlots, 51 animal units or greater, are established as follows:
  - a. A rectangle laid out on a north-south axis that establishes the perimeter of the feedlot, within which is included the outermost wall of any confinement building, the outermost edge of any manure storage structure, and the outermost fence line of any open confinement lot.
  - b. True north azimuths from each of the four corners of the feedlot perimeter are established as follows:
    1. From the northeast corner an azimuth of 130 degrees is established.
    2. From the southeast corner an azimuth of 30 degrees is established.
    3. From the southwest corner an azimuth of 310 degrees is established.

4. From the northwest corner an azimuth of 190 degrees is established.
- c. A 1,000 foot feedlot-dwelling setback is required between:
  1. North azimuth 30 degrees and north azimuth 130 degrees.
  2. North azimuth 190 degrees and north azimuth 310 degrees.
- d. A 1,500-foot feedlot-dwelling setback is required between:
  1. North azimuth 310 degrees and north azimuth 30 degrees.
  2. North azimuth 130 degrees and north azimuth 190 degrees.

Sec. 6-145. Urban fringe overlay district setback from municipal boundaries.

In the urban fringe overlay district all new feedlots and the expansion of existing feedlots over 100 animal units must be setback from a municipality's corporate limits, as set forth on the official map delineating the boundaries of that municipality's UFD urban fringe overlay district.

Sec. 6-146. Density, lot area and setback standards in the agricultural and conservation districts.

In the agricultural and conservation zoned districts the following standards apply:

- (1) Feedlot density. A new feedlot or the expansion of an existing feedlot, shall not exceed a density of 3,000 animal units.
- (2) Lot area standard. A lot area of ten acres is required for all feedlots less than 1,000 animal units. A lot area of 40 acres is required for all feedlots 1,000 animal units or more, including the expansion of existing feedlots with a cumulative total of 1,000 or more animal units.
- (3) Setback from dwellings. New feedlots and the expansion of existing feedlots shall set back as specified in section 24-3(b).