

**WASECA COUNTY PLANNING COMMISSION  
TENTATIVE PUBLIC HEARING SCHEDULE FOR UDC REVIEW**

ARTICLE	SECTIONS	SUBSECTIONS TO BE REVISED	DATE OF PUBLIC HEARING
2 NONCONFORMITIES AND LOTS OF RECORD	2.07 Shoreland Nonconformities	(B)(2)	August 1
3 DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS	3.02 Zoning Permits	(B)(4); (C)(9)	
	3.03 Amendments/Rezoning	(B)(7); (F)(1)	
	3.04 Required Setback	Title revision; (B)(6)	
	3.05 Site Plans	(B)	
	3.06 Subdivision Regulations	(C)(7)(d); (C)(9)	
	3.07 Conditional Use Permits	(C)(7); (D)(6)	
	3.08 Variances and Appeals	(F)(7); (K)(2)	
4 GENERAL REGULATIONS	3.09 Special Events Permit	(D)(g); (E)(p)	
	4.01 General Provisions	(C)	
	4.02 General Regulations for Structures	(F)	
	4.12 Sign Regulations	(B)	
6 ZONING DISTRICT REGULATIONS	4.13 Extraction of Material and Minerals, Open Pits and Impounding of Waters	(A)	
	6.01 Districts and District Boundaries	(B)(1)	
6 ZONING DISTRICT REGULATIONS	6.02 Allowed and Conditional Land Uses	(E); (F)(6)	
	6.16 Specific Standards for Commercial and Industrial Uses	A whole new subsection	September 5
5 GENERAL ENVIRONMENTAL REGULATIONS	5.02 Subsurface Sewage Treatment Systems		October 3
	5.03 Sanitary Provisions		
	5.04 Stormwater Management and Sediment and Erosion Control	(A); (B); (G)(1); (H); (I)(7)	
	5.05 Buffer Code	(B) Title revision and move definitions to 8.03	
6 ZONING DISTRICT REGULATIONS	6.06 Feedlot Ordinance		November 7

## ARTICLE 6: ZONING DISTRICT REGULATIONS

Section

### **General Provisions**

[6.01](#) Districts and district boundaries

[6.02](#) Allowed and conditional land uses

[6.03](#) Summary table of dimensional standards

[6.04](#) County zoning map; entire county and area detail

### **6.05 General standards for agricultural and natural resource uses**

### **6.06 Specific standards for animal agriculture (“feedlot ordinance”)**

[6.07](#) Specific standards for agricultural, natural resource and related uses

### **§ 6.06 SPECIFIC STANDARDS FOR ANIMAL AGRICULTURE (“FEEDLOT ORDINANCE”).**

(A) *Purpose.* An adequate supply of healthy livestock, poultry and other animals is essential to the well being of the 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. However, livestock, poultry and other animals produce manure, which may, where improperly stored, transported or disposed, negatively affect the county’s environment.

(1) The following regulations for the control of livestock, poultry, other animal feedlots and manure application have been enacted to provide protection ~~against pollution caused by~~ to surface and ground water resources from manure ~~from domesticated animals; however, these rules recognize that animal and excess nutrients, while also recognizing the irreplaceable qualities nutrients in~~ manure provides ~~beneficial qualities to~~ the soil and ~~to and the overall importance livestock plays in~~ the production of agricultural crops

(2) This ordinance provides for a cooperative program between the county and the State Pollution Control Agency. Pollution prevention measures, where deemed necessary by the Agency, should be individually designed and developed to provide the site-specific controls needed for the operation in question. Therefore, a joint county-state program is desirable because it will ensure local involvement, minimize disruption to agricultural operations and protect the environment. This ordinance complies with the policy and purpose of the state in regard to the control of pollution as set forth in M.S. Chapters 115 and 116, as they may be amended from time to time.

(B) *Adoption by reference of state regulations.* Pursuant to M.S. § 394.25, Subdivision 8, as it may be amended from time to time, the code adopts by reference:

(1) Minnesota Pollution Control Agency Rules, Parts 7020.0100 through 7020.1900, Rules for the Control of Pollution from Animal Feedlots, as amended from time to time; and

(2) M.S. § 169.88, as it may be amended from time to time. (Financial liability of owner and/or operator of a vehicle that damages public roads).

(C) *Provisions for new feedlots.*

(1) Sites proposing to maintain ten or more animal units, or a manure storage area capable of holding the manure produced by ten or more animal units shall be defined as a feedlot and must meet the required feedlot setbacks.

(2) *Permit requirements.* A construction short form shall be required for all new feedlots over 50 animal units.

(a) A permit application shall be made available by the County Feedlot Officer.

(b) The following information shall be included for application:

1. Names of all principal owners and operators and the signature of at least one of the owners;
2. The legal name and business address of the facility, if different than the owner;
3. The location of the facility by county, township, section and quarter section;
4. Type of livestock and the maximum number of animal of each animal type that can be confined within each lot, building or area at the animal feedlot;
5. A list of all proposed manure storage areas, including plans and specifications for proposed liquid manure storage areas and for permanent stockpile sites;
6. The total number of animal units the facilities listed in subsections (C)(2)(b)4. and (C)(2)(b)5. above will be capable of holding after completing the construction;
7. The soil type or texture and depth to saturated soils at the facility as identified in the USDA Soil Survey Manual or site-specific soils investigation;
8. An aerial photograph showing the location of all wells, buildings, surface tile intakes, lakes, rivers and watercourses within 1,000 feet of the proposed facility;
9. The number of acres available for land application of manure;
10. If applying for a NPDES/SDS permit or interim permit, a manure management plan that meets the requirements under Minnesota Rules Part 7020.2225 subpart 4; and
11. If applying for an NPDES permit, a supplemental federal application form.

(c) In addition to the requirements of subsections (C)(2)(b)1. through (C)(2)(b)11. above, a permit application for an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more must contain:

1. An air emission plan that includes:
  - a. Methods and practices that will be used to minimize air emissions resulting from animal feedlot or manure storage area operations including manure storage area start-up practices, loading and manure removal;
  - b. Measures to be used to mitigate air emissions in the event of exceedance of the state ambient hydrogen sulfide standard; and
  - c. A complaint response protocol describing the procedures the owner will use to respond to complaints directed at the facility, including:
    - i. A list of each potential odor sources at the facility, and a determination of the odor sources most likely to generate significant amounts of odor; and
    - ii. A list of anticipated odor control strategies for addressing each of the significant odor sources.
2. An emergency response plan that includes a description of the procedure that will:
  - a. Contain, minimize and manage an unauthorized discharge;
  - b. Provide notification to the proper authorities; and

c. Mitigate any adverse effect of an unauthorized discharge.

(l) Construction of any new livestock building or addition to an existing livestock building must obtain a county zoning permit in addition to a feedlot permit.

(m) New feedlots of 50 animal units or more shall obtain a conditional use permit unless ~~recommendations-conditions~~ of the County Feedlot Site Inspection Team are implemented pursuant to subsection (E) below (“The County Feedlot Site Inspection Team”) of this article. All sites 3,000 animal units or larger, shall obtain these reviews: the County Feedlot Site Inspection Team inspection, ~~recommendation-conditions~~ and a conditional use permit from the County Board. The Site Team ~~recommendation-conditions~~ shall be forwarded to the Planning Commission and Board of Commissioners for review when considering a conditional use permit.

(3) *Notice of application.*

(a) *Public notice.* Minnesota Rules, Part 7020.2000, subpart 4 provides for notification of application procedures. When the County Feedlot Officer receives an application or a person applies to the MPCA or the for a permit to construct a feedlot resulting in a capacity of 500 animal units or more shall, not later than ten business days after the application is submitted, the county shall provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot. Notification under this subsection is satisfied under an equal or greater notification requirement of a county conditional use permit. The county shall also give notice in the same manner to every township where the feedlot(s) will be located. The county shall also give notice by first class mail to each municipality within 5,000 feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include the following:

1. The names of the owners or the legal name of the facility;
2. The location of the facility by county, township, section and quarter section;
3. Species of livestock and total animal units;
4. Type of confinement buildings, lots and areas at the animal feedlot; and
5. The types of manure storage.

(b) *Government notification of proposed construction.* An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in subparagraphs (C)(3)(b)1. and (C)(3)(b)2. below:

1. The County Feedlot Officer or the Commissioner at least 30 days prior to commencement of construction of a new feedlot or manure storage area;
2. All local zoning authorities, including county, township and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction.

(4) *Construction short-form issuance.* All construction short-forms expire within 24 months of the date of issuance. If the work for which a construction short-form permit was issued is not complete upon expiration of the permit, the expiration date of the permit may be extended by no more than 24 months if the owner complies with subparagraphs (C)(4)(a) and (C)(4)(b) below:

- (a) The facility is currently eligible for the same permit;
- (b) The owner notifies the Commissioner or County Feedlot Officer at least 90 days prior to the expiration of the permit. The notification shall include:
  1. The name of the owner, and the name of the facility if different than the owner;

2. The permit number;
3. The reason the work may not be completed prior to the expiration of the permit; and
4. The estimated amount of time required to complete the work;

(c) If the animal feedlot under construction will be capable of holding 500 animal units or more or the manure storage area under construction will be capable of holding the manure produced by 500 animal units or more when completed shall be subject to the notification requirements as listed in subsection (C)(3) above (“notice of application”), the notification must include the date on which the original permit was issued and the new proposed completion date.

(d) The County Feedlot Officer shall issue the construction short-forms authorized by a delegation agreement between the State Pollution Control Agency and the county.

(e) In order for the county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the Commissioner for review. The Commissioner shall, after receipt of the justification for revocation by the county, review the matter within 60 days to determine compliance with the provisions of applicable Agency rules. The county must receive written approval of the permit revocation from the Agency prior to taking action. Where a revocation has been approved by the Agency, the applicant must be informed in writing by the county of the reasons for revocation and the applicant shall retain all rights of appeal set out in Minnesota Rules Chapter 7001. Revocation without re-issuance of the permit must follow the requirements under part 7001.0180.

(f) In the case of a denial of a permit application by the County Feedlot Officer, the applicant shall be informed by the county in writing of the reasons for denial and shall be informed of applicable appeal procedures. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the Agency to review the county’s action. Such a denial by a county shall be without prejudice to the applicant’s right to an appearance before the

(g) Agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial. The Agency shall approve, suspend, modify or reverse the denial of a permit if the matter has been appealed to the Agency.

(h) No circumvention. An owner who obtains a construction short-form is subject to enforcement action for construction or operation without a permit if the Commissioner or County Feedlot Officer later determines that the animal feedlot or a manure storage area does not qualify for the construction short-form that was issued and that the owner is required to apply for and obtain an SDS or NPDES permit.

(5) *Manure management plans for new feed lots.* New feedlots shall be required to submit a Manure Management Plan to the county demonstrating how the applicant proposes to mitigate all potential pollution problems.

(6) *Manure transported into the county.* Manure from out of county sources may be used as a domestic fertilizer in the county when applied at agronomic rates.

(7) *Environmental assessment worksheet.* Minnesota Rules Chapter 4410, state that a mandatory EAW is required for:

(a) Construction of a new feedlot having 1,000 animal units or more by State Animal Unit standards;

(b) Expansion of an existing feedlot by 1,000 animal units or more by State Animal Unit standards;

(c) Expansion of an existing feedlot by more than 500 animal units by State Animal Unit Standards in a sensitive area as defined in Minnesota Rules Chapter 4410; and/or

(d) A petition to request an EAW can be submitted to the EQB for a discretionary EAW for a feedlot that meets the minimum requirements of Minnesota Rules Part 4410.4600 Subpart 19 by interested parties obtaining 25 signatures for the request.

(8) *Manure storage structures and associated livestock feedlot setbacks.* Manure storage structures and associated livestock feedlot setbacks (see Table 6.4 following page).

(9) *Maximum animal units.* A maximum of 5,000 animal units may be allowed for all new feedlots.

(10) *Municipalities.* New animal feedlots are prohibited from locating 2,640 feet or less from an incorporated municipality. New animal feedlots located greater than 2,640 feet and less than or equal to 5,280 feet shall obtain the County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

<b>Table 6.4 Manure Storage Structures and Associated Feedlot Setbacks</b>	
<b>Land Use or Feature</b>	<b>Distance (feet)</b>
Airport (FAA approved)	2,640
An existing feedlot under separate ownership	500
A residence (other than feedlot owner/applicant)	1,000
Cemeteries <sup>3</sup>	500
Churches <sup>2</sup>	1,000
Golf courses, private or public <sup>4</sup>	1,000
Incorporated municipality <sup>5</sup>	2,640
Parks <sup>1</sup>	1,000
Property line* (side yards, rear yard)	80
Public roads (measured from centerline of road)	300
Shoreland: lakes (measured from OHWL)	1,000
Shoreland: river, stream, drainage ditch (public or private- measured from ordinary high water level)	
Well, private	As regulated by MN Dept. of Health
Well, public	As regulated by MN Dept. of Health
Wetlands: Type I-VIII	300
*If a proposed feedlot structure or feedlot building does not encroach upon yard setbacks, and retains more than a 125 foot front yard setback, such additions will be permitted provided it is a permitted use within the zoning district in which the property is located. A front yard setback of less than 125 feet requires a variance prior to construction.	
New feedlots and new manure storage structures are prohibited within 1,000 feet of the OHWL of a lake or within 300 feet of the OHWL of a stream or river. New feedlots and new manure storage structures are also prohibited in floodplain, floodway, bluff impact zones and abandoned rock quarries.	
<sup>1</sup> Parks subject to the above listed setback: from any park maintained or owned by an incorporated municipality and from the following four county parks: Courthouse Park, Gooselake Park, Ray Eustice Park and Blowers Park.	

<sup>2</sup>**CHURCH** defined as a building used as a church, synagogue or place of worship with regular scheduled services.

<sup>3</sup>**CEMETERY** defined as follows: a cemetery governed by a cemetery association, local government or congregation of worshippers.

<sup>4</sup>Public and private golf course setback shall be measured from the nearest point of the feedlot to the nearest point of any maintained and established golf fairway or green at the time of feedlot permit application.

<sup>5</sup>Incorporated municipalities are the cities of Elysian, Janesville, New Richland, Waldorf and Waseca.

New feedlots shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000-foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All family-related feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.

(D) *Provisions for existing feedlots, including modification and expansion.* (The provisions of this subsection (D) apply to existing feedlots.)

(1) *Registration requirements.*

(a) *Sites required to register.* Sites with ten or more animal units, or a manure storage area capable of holding the manure produced by ten or more animal units shall be required to register with the County Feedlot Officer as a feedlot and meet required setbacks.

(b) *Initial registration schedule and requirements.* Owners required to register shall comply with at least one of the following ~~by January 1, 2002:~~

1. The owner shall submit a completed registration form supplied by the County Feedlot Officer;

2. The owner shall submit a completed permit application to the County Feedlot Officer ~~after October 23, 2000; or~~

~~3. The owner is listed on the Level II inventory conducted in the year 2000.~~

~~(c) Registration requirements after January 1, 2002. Owners of animal feedlots and manure storage areas who are required to register shall comply with paragraphs (D)(1)(c)1. and (D)(1)(c)2. below as applicable.~~

~~1. Owners of facilities not in operation prior to January 1, 2002, shall register with the County Feedlot Officer prior to commencement of operation. Owners shall comply with at least one of the following:~~

~~a. The owner shall submit a completed registration form supplied by the County Feedlot Officer; and/or~~

~~b. The owner shall submit a completed permit application to the County Feedlot Officer.~~

~~2(c). Owners shall update their registrations at least once during the four-year registration window prior to the registration update deadline, as defined by the County Feedlot Officer. ~~which shall be established by adding four-year increments to the initial registration deadline of January 1, 2002. Owners shall register at least once during each of the four-year registration update intervals by meeting one of the following:~~~~

~~a. The owner shall complete paragraph (D)(1)(c)1. or (D)(1)(c)2. above (“Registration Requirements”); or~~

~~b. The owner shall be listed in a Level II or Level III county feedlot inventory that has been updated in the four-year period.~~

(d) *Other.* An existing feedlot proposing an expansion of 100 animal units or more or a change in operation as determined by the Feedlot Officer must obtain a conditional use permit. A conditional use permit would not be required if the County Feedlot Site Inspection Team ~~recommendations~~ conditions are implemented pursuant to subsection (E) below (The County Feedlot Site Inspection Team”) of this article. All sites 3,000 animal units or larger shall obtain County Feedlot Site Inspection Team inspection and a conditional use permit.

(2) *Permit requirements.* Four types of permits are required under this ordinance, Minnesota Rules Chapters 7020 and 7001: interim permits, construction short form permits, SDS permits and NPDES permits. The owner shall apply for a permit as follows:

(a) An NPDES permit for the construction and operation of animal feedlot that meets the criteria for CAFO;

(b) Unless required to apply for a permit under paragraph (D)(2)(a) above, an SDS permit under the following conditions:

1. The construction and operation of animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units;

2. The facility does not comply with all applicable requirements of Minnesota Rules, Parts 7020.2000 to 7020.2225 and the pollution hazard cannot be or has not been, corrected under the conditions in Minnesota Rules Part 7020.0535 applicable to interim permits;

3. The owner is proposing to construct or operate a new technology. An SDS permit is required for new technology operational methods while these operational methods are employed; or

4. The facility is one for which conditions or requirements other than those in Minnesota Rules, Parts 7020.2000 to 7020.2225 were assumed:

a. As a mitigation measure in an environmental impact statement; or

b. In obtaining a negative declaration in an environmental assessment worksheet.

(c) Unless required to obtain a permit under paragraphs (D)(2)(a) and (D)(2)(b) above, an interim permit for:

1. Facilities identified as a pollution hazard; or

2. An animal feedlot or a manure storage area with a capacity of 50 or more animal units in a non-shoreland area or ten or more animal units in shoreland prior to applying manure or process wastewater:

a. On land where the soil phosphorus test levels exceed the levels:

i. Fields in special protection areas or within 300 feet of a tile intake that have an average soil phosphorus test level exceeding 75 PPM Bray or 60 PPM Olsen; and

ii. Fields outside the special protection areas and more than 300 feet from open tile intakes that have an average soil phosphorus test level exceeding 150-PPM Bray or 120-PPM Olsen.

b. On land in special protection areas with slopes exceeding 6%; or

c. In a drinking water supply management area where the aquifer is designated vulnerable under Minnesota Rules Chapter 4720.

(3) *Other permit provisions.* Unless required to obtain a permit under paragraphs (D)(2)(a) through (D)(2)(c) above, a construction short-form permit for an animal feedlot or manure storage area proposing to construct or expand to a capacity of 50 animal units or more in a non-shoreland area or ten or more animal units in a shoreland area; however, if a facility is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 50 animal units or more in a non-shoreland area or ten or more animal units in a shoreland area the owner shall apply for an interim permit under item (D)(2)(c). An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

(4) *Manure transported into the county.* Manure from out of county sources may be used as a domestic fertilizer in county if applied at agronomic rates.

(5) *Environmental assessment worksheet.* Minnesota Rules, Chapter 4410 state that a mandatory EAW is required for:

(a) Construction of a new animal feedlot having 1,000 animal units or more by State Animal Unit standards;

(b) Expansion of an existing feedlot by 1,000 animal units or more by State Animal Unit standards;

(c) Expansion of existing feedlot by more than 500 animal units, by State Animal Units standards, in a sensitive area as defined in Minnesota Rules, Chapter 4410; or

(d) A petition requesting and EAW can be submitted to the EQB for a discretionary EAW for a feedlot, that meets the minimum requirements of Minnesota Rules, Part 4410.4600 Subpart 19, by interested parties obtaining 25 signatures for the request.

(6) *Maximum animal units.* No feedlot shall have more than 5,000 animal units. An existing animal feedlot or manure storage area located within shoreland may not expand to a capacity of 1,000 animal units or more. An existing animal feedlot or manure storage structure in a shoreland shall not locate any portion of the expanded animal feedlot or manure storage structure area closer to the ordinary high water level than any existing portion of the animal feedlot or the manure storage area.

(7) *Municipalities.* Existing feedlots located within 5,280 feet of an incorporated municipality shall be considered a permitted use. For the purposes of this provision, an existing feedlot shall not be considered substandard if the only deficiency is the feedlots improper setback from the municipality. Any feedlot that is located within 2,600 feet which is abandoned or which is discontinued for a period of five years may not be resumed. An expansion of 200 animal units or less is allowed over the lifetime of a feedlot regardless of ownership change within 5,280 feet of an incorporated municipality. Expansion greater than 200 animal units is allowed within 5,280 feet of an incorporated municipality after written notice to the affected city government and upon obtaining a conditional use permit or complying with the provisions in subsection (E) below (“The County Feedlot Site Inspection Team”).

(8) *Substandard use feedlots.*

(a) *Continuance.* A substandard feedlot may continue but additional livestock confinement buildings, pits, slurry stores, lagoon systems or earthen storage basins must comply with this ordinance.

(b) *Discontinued or abandoned.* Any feedlot which is abandoned or which is discontinued for a period of five years may not be resumed, and any future use or occupancy of the land shall conform to this ordinance.

(c) *Moving.* A building or structure moved to a different location on a single parcel of land shall be brought into conformance with this ordinance.

(d) *Damage or destruction.* When a substandard feedlot is destroyed by fire or other peril to the extent of 50% of its market value, as determined by the County Assessor, any subsequent use or occupancy of the land or premises shall conform to this ordinance.

(e) *Restoration and repair.* A substandard feedlot may be restored or repaired as follows:

1. To comply with state law and county ordinances;
2. If damaged to extent less than 50% of its market value as determined by the County Assessor; and
3. To effect repairs and necessary maintenance which are non-structural and incidental to the use or occupancy, provided such repairs do not constitute more than 50% of its market value as determined by the County Assessor.

(9) *Notice of application.*

(a) *Public notice.* Minnesota Rules, Part 7020.2000, subpart 4 provides for notification of application procedures. A person who applies to the MPCA or the County Feedlot Officer for a permit to construct or expand a feedlot resulting in a capacity of 500 animal units or more shall, not later than ten business days after the application is submitted, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot.

1. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include the following:

- a. The names of the owners or the legal name of the facility;
- b. The location of the facility by county, township, section and quarter section;
- c. Species of livestock and total animal units;
- d. Type of confinement buildings, lots and areas the animal feedlots; and
- e. The type of manure storage

2. Notification under this subsection (D)(9) is satisfied under an equal or greater notification requirement of a county conditional use permit. An applicant shall also give notice in the same manner to every township where the feedlot(s) will be located. An applicant shall also give notice by first class mail to every municipality within 5,000 feet of the perimeter of the proposed feedlot.

(b) *Government notification.* An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in paragraphs (D)(9)(b)1. and (D)(9)(b)2. below:

1. The County Feedlot Officer or the Commissioner at least 30 days prior to commencement of construction or expansion of an animal feedlot or manure storage area; and

2. All local zoning authorities, including county, town, and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction.

(10) *Construction short-form issuance.* The requirements and procedures for a construction short-form issuance shall be the same as described in subsection (C)(1) above (“Permit Requirements” and subsection (C)(3) above)(“Construction Short Form Issuance”).

(11) *Interim permit issuance.*

(a) The County Feedlot Officer may issue, deny, modify, impose conditions upon, or revoke interim permits for animal feedlots smaller than 1,000 animal units where animal manure is used as a domestic fertilizer and with a potential pollution hazard which will be mitigated by corrective or protective measures within 24 months of the date of the issuance of the interim permit.

(b) These permits shall be issued, denied, modified, have conditions imposed upon them, or revoked in conformance with the following requirements:

1. In order for the county to revoke an interim permit, a copy of the interim permit together with a written justification for revocation must be submitted to the Commissioner for review. The Commissioner shall, after receipt of the justification for revocation by the county, review the matter within 60 days to determine compliance with the provisions of applicable agency rules. The county must receive written approval of the interim permit revocation from the agency prior to taking action. Where a revocation has been approved by the agency, the applicant must be informed in writing by the County of the reasons for revocation and the applicant shall retain all rights of appeal set out in Minnesota Rules Part 7020.1700; and

2. In the case of a denial of an interim permit application by the county, the applicant shall be informed by the county in writing of the reasons for denial and shall be informed of applicable appeal procedures. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the agency to review the county’s action. Such a denial by a county shall be without prejudice to the applicant’s right to an appearance before the agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial. The agency shall approve, suspend, modify or reverse the denial of an interim permit if the matter has been appealed to the agency.

(12) *New residence.*

(a) New residences, when constructed on a parcel where no current residence exists, shall be set back at least 1,000 feet from an existing feedlot. A replacement residence (meaning the current residence shall be destroyed or permanently removed from the existing location) may reconstruct without variance if the replacement residence is set back greater than or equal to the current residence. (Reference [Article 1.09](#))

(b) New feedlots, when constructed on a parcel where no current feedlot exists, shall be set back at least 1,000 feet from an existing residence. A replacement feedlot, meaning the current feedlot was destroyed by an act of God, may reconstruct without variance if the replacement feedlot is constructed on the existing foundation, at the same square footage, at the same animal type, and at the same or less animal units.

(c) The Board of Adjustment may grant a variance from these requirements in compliance with M.S. § 394.27, as it may be amended from time to time, and this ordinance.

(13) *Setbacks.* The minimum setback requirements for existing feedlots or existing manure storage structures shall be the same as described in Table 6.4 Manure Storage Structures and Associated Feedlot Setbacks.

(E) *The County Feedlot Site Inspection Team.*

(1) *Intent.* Feedlot site locations are one of the most important decisions facing feedlot owners, neighbors and local governments. New feedlots of 50 animal units or more and existing feedlots proposing an expansion of 100 animal units or more or a change in operation as determined by the Feedlot Officer shall require a site inspection prior to issuance of any feedlot permits. To assist in the early and careful consideration of sites, a team approach to site inspection and selection is a desirable way to provide a wide range of information to ensure that permit applicants will select a site that is both economically and environmentally suitable. The expertise of a site ~~selection~~ inspection team is intended for the benefit and convenience of permit applicants and for the early notification to neighbors. ~~Recommendations-Conditions~~ of the County Feedlot Site inspection Team (“Feedlot Site inspection Team”) are intended to save time and money during the permitting process and to enhance goodwill between neighbors by alerting applicants to possible concerns of neighboring residents and communities.

(2) *Feedlot site inspection team.* The Feedlot Site Inspection Team (site team) shall consist of the following individuals or a designee from their office or agency:

- (a) County Feedlot Officer;
- (b) County Commissioner of the affected District;
- (c) County Engineer;
- (d) County ~~Environmental Health Director~~ Land and Water Resources Watershed Coordinator;
- (e) County Land and Water Resources Director
- ~~(f) County Waseca~~ Soil Water Conservation District Manager; and
- ~~(g)~~ Township Officer of the affected Township.

(3) *Jurisdiction.* The jurisdiction of the feedlot site inspection team shall include all lands in the county, excepting those located within incorporated cities.

(4) *Duties.* The Feedlot Site Inspection Team shall be required to conduct a site inspection of any proposed new feedlot of 50 animal units or more. Site inspection shall be conducted for an existing feedlot proposing an expansion of 100 animal units or more or a change in operation as determined by the Feedlot Officer. The Feedlot Officer shall establish a meeting date and time for an onsite inspection with the feedlot owner/operator within 30 days of notification of the feedlot owner/operator’s intent for any new construction or expansion when a site inspection is required. The County Feedlot Officer shall execute notification to the Feedlot Site Inspection Team.

(a) The Feedlot Officer shall, not later than ten days before the site inspection, provide notice by mail of the time and date of the site inspection to each property owner within one mile of the proposed feedlot.

(b) A minimum of four Feedlot Inspection Team members shall conduct the feedlot inspection.

1. The Feedlot Site Inspection Team shall provide to the owner/operator written ~~recommendations-conditions~~ regarding setbacks, locational concerns, drainage concerns, potential pollution hazard concerns, or the need for vegetative screening or any other technical information deemed necessary. The Feedlot Officer shall in writing list all ~~recommendations-conditions~~ of the Site Inspection Team on a document entitled “County Feedlot Site inspection Team ~~Recommendations~~ Conditions”. If during the process of a site inspection, a consensus cannot be obtained, amongst the site team members in attendance regarding the “site team ~~recommendation~~ conditions” the applicant shall be required to apply for a conditional use permit.

The Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect. A copy of this document shall be given to the owner/operator for review. The Feedlot Site Inspection Team ~~Recommendations-Conditions~~ shall be kept on file in the office of the County Feedlot Officer for public inspection and/or reproduction.

2. To obtain a construction short-form or interim permit from the county, the following procedures apply: The owner operator will have two options. The owner/operator may either implement all ~~recommendations-conditions~~ of the Feedlot Site Inspection Team as a condition of receiving a construction short-form or choose not to implement the ~~recommendationsconditions~~. Any owner/operator choosing not to comply with all ~~recommendations-conditions~~ of the Feedlot Site Inspection Team shall only be granted a construction short-form after receiving a conditional use permit from the County Board and complying with all other provisions of this ordinance and all conditions set forth in the conditional use permit.

3. If the owner/operator agrees to follow the site team ~~recommendationsconditions~~, rather than obtain a conditional use permit, the owner/operator shall sign the "County Feedlot Site Inspection Team ~~RecommendationsConditions~~" document, notarized by a notary public, acknowledging that the owner/operator understands the ~~recommendations-conditions~~ and will abide by the ~~recommendations-conditions~~ as a condition of being issued a construction short-form or an interim permit. Any construction short-form or interim Permit thereafter given to the owner/operator shall be conditioned upon compliance with all the ~~recommendations-conditions~~ of the site team. Any failure to comply with the site team ~~recommendations-conditions~~ shall be deemed a violation of this ordinance and the owner/operator shall be subject to any or all of the violation and enforcement procedures of § [7.04](#), Violations and Penalties and [Article 7](#) of this ordinance.

4. Any construction short-form or interim permit issued with site team ~~recommendations conditions~~ shall be binding on any future owner/operator of the same feedlot. Any new construction short-form or interim permit issued to the same or different owner/operator shall contain the written ~~recommendations-conditions~~ originally issued by the County Feedlot Site Inspection Team.

5. State permits: if the state issues a NPDES, SDS or interim permit, the following procedures shall be followed: The owner/operator shall either obtain a conditional use permit or agree to comply with the site team ~~recommendationsconditions~~. Any zoning permit issued by county relating to the NPDES, SDS or interim permit shall be conditioned on future compliance with the site team ~~recommendationsconditions~~. Failure by the owner/operator to comply with the ~~recommendations conditions~~ of the site team shall require the owner/operator to obtain a conditional use permit. Failure to obtain a conditional use permit shall be deemed a violation of this ordinance and the owner/operator shall be subject to any or all of the violation and enforcement procedures of subsection (J) below and Article 7 of this ordinance.

6. If a conditional use hearing is required, a copy of the written ~~recommendations-conditions~~ of the Feedlot Site Inspection team shall be submitted for review by the Planning Commission and the Board of Commissioners. The Planning Commission shall hold at least one public hearing on each application for a conditional use permit prior to any final decision of the County Board. Conditional use permit procedures shall be followed as defined in this ordinance.

7. Following the closing of the public hearing and the formulation of the Planning Commission's recommendations, the County Feedlot Officer shall report the findings and recommendations of the Planning Commission to the County Board at its next regularly scheduled meeting. The County Board shall approve, deny or return to the Planning Commission the conditional use permit application.

(F) *Manure application.*

(1) *Sufficient land.*

(a) The feedlot permit holder shall own or have sufficient additional land under lease or contract to meet the manure utilization requirements for spreading of manure produced in the feedlot. The Feedlot Officer shall retain copies of all written spreading agreements. No more than one manure spreading agreement shall be allowed on a parcel of land. The agreement shall be valid for a period of not less than three years and recorded with the Feedlot Officer. The agreement shall include a brief description and a map of the spreading area.

(b) Manure sold under a sales contract for land application of manure may be substituted for the additional land requirement for the feedlot subject to such additional standards, as the state shall require. Manure sold under a sales contract shall be subject to the requirements of this ordinance including all land application, storage standards, setback requirements and application rates.

(c) Upon termination of a written manure spreading agreement or manure sold under sales contract, a feedlot owner/operator shall provide the Feedlot Officer with written proof that sufficient new land is owned or under lease or contract to meet the manure utilization requirement for spreading of manure produced in the feedlot.

(2) *Commercial manure applicators.* All persons who own and/or operate a manure applicator for hire shall abide by all land application procedures established by this ordinance and any other applicable statute or rule.

(3) *Avoid water pollution.* When applying manure to land:

(a) Manure shall not be applied in such a manner as to allow manure to enter waters of the state during the process of applying manure;

(b) Manure application into road ditches is prohibited; and

(c) Manure shall not be applied in such a manner that will cause pollution of waters of the state due to runoff of liquid manure or runoff of precipitation or snowmelt containing manure.

(4) *Manure nutrient testing requirements.* Manure must be tested by the owner/operator for nitrogen and phosphorus content from all manure storage structures and stockpiling sites holding manure generated from more than 100 animal units according to the following terms.

(a) The manure must initially be tested at a frequency adequate to define the approximate range in nutrient content associated with different climatic conditions, manure storage locations, livestock types and livestock feed.

(b) Manure must be tested during subsequent years following significant changes in climatic conditions, manure storage and handling, livestock types or livestock feed.

(c) Ongoing manure nutrient testing must continue at a frequency of no less than once every four years.

(d) The nutrient analysis must be conducted using MPCA approved methods.

(5) *Nitrogen application-rate standards.* Manure application rates must be limited at all locations where manure is applied so that the estimated plant available nitrogen from all nitrogen sources does not exceed expected crop nitrogen uptake.

(a) Expected crop nitrogen uptake rates shall be based on rate tables provided by the Commissioner.

(b) Plant available nitrogen estimates may deviate up to 20% from MPCA estimates where warranted by site-specific conditions. Deviations by more than 20% of MPCA estimates of this section will require approval by the MPCA Commissioner or County Feedlot Officer.

(c) Nitrogen sources include commercial fertilizer nitrogen, soil organic matter nitrogen, irrigation water nitrogen, legumes grown during previous years and current and previous years manure applied during the current year and previous years.

(6) *Phosphorus application-rate standards.* The amount of phosphorus applied as a result of the land application of manure shall be limited to the following conditions.

(a) When surface applying manure without incorporating within 48 hours, the manure application rate must be limited so that the estimated plant available phosphorus provided by manure does not exceed five times the expected crop phosphorus uptake for any one-year period, unless otherwise authorized by the Commissioner or delegated County Feedlot Officer. Expected crop phosphorus uptake rates and plant available phosphorus from manure are to be based on tables provided by the Commissioner.

(b) Manure applied to land in special protection areas shall comply with the phosphorus requirement as described in subsection (F)(9) below entitled "Application requirements for land within special protection areas".

(7) *Manure Management Plan requirements.*

(a) A Manure Management Plan shall be included as part of the permit application whenever an owner or operator of a feedlot applies to the Commissioner or County Feedlot Officer for a construction short-form or an interim permit, or an NPDES/SDS permit for an operation with 100 or more animal units (AU), or when manure from a feedlot capable of holding 300 or more AU is applied for after January 1, 2006 by someone other than a certified animal waste technician.

(b) The Manure Management Plan must be reviewed by the feedlot owner or operator each year and adjusted for any changes in the amount of manure production, manure nutrient test results, crop rotations or other practices which affect the available nutrient amounts or crop nutrient needs on fields receiving manure.

(c) The Manure Management Plan shall be on file at the feedlot facility and made available to MPCA staff or County Feedlot Officer on request unless required to be submitted as part of the permit application.

(d) The Manure Management Plan shall contain:

1. A description of the manure storage/handling system;
2. Application methods and equipment and expected nitrogen losses during application;
3. Field locations and acreage available for applying manure;
4. Manure nutrient testing methods;
5. Planned manure application rates and assumptions used to determine these rates;
6. Total manure nitrogen and phosphorus rates to be applied on each field and for each crop in the rotation;
7. Expected first-, second- and third-year plant available nutrients from manure;
8. Expected months of application;

9. A description of protective measures to minimize the risk of off-field manure transport when applying manure on floodplains or soil within 300 feet of:

- a. Lakes;
- b. Streams including intermittent streams;
- c. Uncultivated wetlands;
- d. Surface tile intakes;
- e. Sinkholes without constructed diversions;
- f. Drainage ditches; and

g. Protective measures may be associated with, but are not limited to, soil and water conservation measures, timing of application, methods of application, manure rates and frequency of application.

10. For application onto frozen or snow covered soil the plan shall include the following information about the fields which may receive the manure:

- a. Field location;
- b. Soil slopes;
- c. Proximity of fields to surface waters;
- d. Proximity of fields to channels leading to surface waters;
- e. Expected months of application for each field; and
- f. Tillage and other conservation measures used to minimize risk of off-field manure transport.

11. When ownership of manure is to be transferred for application to fields not owned or leased by the producer, the facility, which produced the manure, shall include in a Manure Management Plan:

- a. The expected volume or weight of manure to be produced annually; and
- b. The manure nutrient content.

12. A description of how phosphorus from manure is to be managed to minimize continued increase of soil phosphorus levels when soil test P values are 21-PPM Bray P1 or 16-PPM Olsen;

13. A description of how phosphorus from manure is to be managed to minimize phosphorus transport to surface waters resulting from soil phosphorus buildup to levels in special protection areas: 75-PPM Bray P1 or 60-PPM Olsen; or in fields outside special protection areas: 150-PPM Bray P1 or 120-PPM Olsen;

14. Plans for soil nitrate testing in accordance with University of Minnesota Extension Service recommendations; and

15. Type of cover crop to be planted when manure is to be applied in June, July or August to fields that have been harvested and would otherwise not have active growing crops for the remainder of the growing season.

(8) *Record-keeping.*

(a) Records of manure application shall be kept on file by the manager of the cropland where the manure is applied:

1. For the most recent six years for manure application within 300 feet of lakes, streams, intermittent streams, public waters, wetlands and drainage ditches with side inlets or no berms; and

2. For the most recent three years on land not defined by the terms of subsection (F)(8)(a)1. above.

(b) Records shall contain the following information:

1. Field locations and actual acreage where manure is applied;
2. Volume or weight of manure applied on each field;
3. Manure test nitrogen and phosphorus content, as required under subsection (F)(4) above (“manure nutrient testing requirements”);
4. Dates of application;
5. Dates of incorporation when incorporating within ten days;
6. Expected plant available amounts of nitrogen and phosphorus released from manure, legumes and commercial fertilizers on each field which manure is applied;
7. A description of deviations from the manure management plan and reasons for the changes; and
8. Soil nutrient test results.

(c) Where manure is transferred for application to fields not owned or leased by the facility, which produced the manure, the facility, which produced the manure, shall meet the following requirements:

1. The manure records for the most recent three years shall be kept on file;
2. The manure records shall contain the following information:
  - a. The volumes or weight of manure delivered;
  - b. The nutrient content of the manure delivered; and
  - c. The name and address of the buyer of the manure.
3. A written copy of MPCA manure application requirements and the information listed in subsection (F)(8)(c)2. above shall be given by the provider of the manure to the purchaser or receiver of the manure.

(d) The manager of the cropland, which has received transferred manure, shall keep records of the information listed in subsection (F)(8)(b) above.

(9) *Application requirements for land within special protection areas.*

(a) Manure may not be applied to frozen or snow-covered land within 300 feet of all lakes, streams, public waters wetlands, drainage ditches and intermittent streams except where conditions as described in paragraph (F)(9)(c) below apply.

(b) Manure applied to unfrozen soils within 300 feet from a lake, stream, public waters, wetlands, intermittent stream, or drainage ditch with side inlets or no berm, shall meet either the terms of paragraph (F)(9)(b)1. or the terms of (F)(9)(b)2. listed below except where conditions as described in paragraph (F)(9)(c) below apply.

1. Maintain a non-manured buffer that:
  - a. Is not pastured;

- b. Is permanently-grassed; and
- c. Is a minimum of 100 feet wide along lakes and perennial streams and 50 feet wide along intermittent streams, public waters, wetlands and drainage ditches with side inlets or no berms.

2. Comply with all of the following practices:

- a. Manure shall not be applied within at least 25 feet of the water body or channel;
- b. Manure shall be injected or incorporated within 24 hours of being land applied and prior to rainfall; and
- c. Manure shall be applied at a rate which will not allow soil phosphorus levels to increase over any six-year period, unless soil testing indicates that soil phosphorus levels are below crop phosphorus needs.

(c) The terms and conditions described in subsections (F)(9)(a) and (F)(9)(b) above shall not apply:

- 1. In areas where the land slopes away from the water or channel; or
- 2. Where a drainage ditch does not have side inlets and has earthen berms that prevent runoff from the field into the ditch.

(10) *Aerial irrigation.* Manure applied by a traveling gun, center pivot or other irrigation equipment that allows liquid application of manure is prohibited within the county unless approved by the County Feedlot Officer in emergency situations.

(11) *Application near sinkholes, mines, quarries and wells.* Manure must not be applied to land within 50 feet of an active or inactive water supply well, sinkhole, mine or quarry, or other direct conduits to groundwater. Manure must be immediately incorporated within 24 hours when applied to land that slopes towards a sinkhole and is less than 300 feet from the sinkhole, unless otherwise authorized by the Commissioner; however, as an exception, no setbacks or immediate incorporation are necessary where diversions prevent surface runoff from entering the sinkhole.

(12) *Table 6.5 Required Setbacks for Land Application of Manure.*

<b>Table 6.5 Required Setbacks for Land Application of Manure</b>		
<b>Location</b>	<b>Surface Applied</b>	<b>Incorporation or Injection</b>
100-year floodplain	Prohibited	Allowed
Cemeteries	300 feet	200 feet
Field tile intake	300 feet	See *1
Municipal well	1,000 feet	1,000 feet
Municipality	500 feet	200 feet
Private well	200 feet	200 feet
Residence, neighboring residence	300 feet	200 feet
Road right-of-way	Prohibited	Prohibited
Source: State Pollution Control Agency		
*1Additional application requirements for land within 300 feet of open tile intakes. Manure must be injected or incorporated within 24 hours of being land applied and prior to rainfall when applied within 300 feet of open tile intakes, unless other MPCA approved water quality protection management practices are implemented in this 300 feet zone.		

(13) *Residences.* Manure may be applied closer to a residence, cemetery or municipality than prescribed by this ordinance if permission is granted by the resident or applicable governing body in the form of a written agreement filed with the County Feedlot Officer. Agreements shall not bind subsequent residents. When determining the distance between a residence and manure application, the distance shall be measured from the residence, not property lines, to manure application.

(14) *Treatment or disposal.* Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state and county rules.

(G) *Manure transportation and storage.*

(1) *Compliance with state and local standards.* All animal manure shall be stored and transported in conformance with Minnesota Rules, Chapter 7020 and this ordinance. Manure compost sites shall comply with Minnesota Rules, 7020.2150 for operational, record keeping and reporting requirements.

(2) *Potential pollution hazard prohibited.* No manure storage area shall be constructed, located or operated so as to create or maintain a potential pollution hazard unless a NPDES, SDS or an interim permit has been issued by the MPCA or County Feedlot Officer setting out the requirements for mitigating or abating the potential pollution hazard.

(3) *Vehicles, spreader.* All vehicles used to transport animal manure on township, county, state and interstate highways or through municipalities shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof. This shall not apply to animal manure being hauled to fields adjacent to feedlots or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

(4) *Utilization as domestic fertilizer.* Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than 18 months.

(5) *Stacking of manure on site.*

(a) *General requirements.*

1. Solid manure that is stacked for more than one year shall be stored on a concrete containment pad designed with a Water Containment and Diversion Plan approved by the Feedlot Officer as addressed in the site plan. Manure shall be stored or stockpiled in a location where natural forces of nature do not cause it, or leachate from it, to enter waters of the state.

2. Manure must not be placed on a stockpiling site unless a three-to-one horizontal-to-vertical ratio can be maintained or the manure has at least, a 15% solids content.

3. The use of rock quarries, gravel or sand pits, bedrock and mining excavation sites for stockpiling manure is prohibited.

4. The size of a short-term stockpile must not exceed a volume based on agronomic needs of the crops on 320 acres of fields and must not exceed the agronomic needs of the crops on the tract of land on which the stockpile is to be applied.

(b) *Short-term stockpile sites requirements.*

1. The manure must be removed from the site and land applied within one year of the date when the stockpile was initially established.

2. A vegetative cover must be established on the site for at least one full growing season prior to reuse as a short-term site, except for the following:

a. Sites located within the confines of a hoofed-animal open lot at a facility having the capacity to hold less than 100 animal units; and

b. Sites where manure is stockpiled for fewer than ten consecutive days and no more than six times per calendar year.

3. Location restrictions:

a. Pile must be placed at least 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, open tile intakes and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages.

b. Pile must be placed at least 300 feet of flow distance from any road ditch that flows to the features identified in (a) or 50 feet from any road ditch where item (a) does not apply.

c. Pile must be placed at least 100 feet from any private water supply or unused and unsealed well and located 200 feet from any private well with less than 50 feet of watertight casing and that is not cased through a confining layer at least ten (10) feet thick;

d. Pile must be at least 100 feet from field drain tile that is three feet or less from the soil surface.

e. Pile must have a two-foot separation to seasonal high water table.

f. Pile must be at least 300 feet from a residence.

4. Short-term stockpiles are prohibited:

a. On land with a greater than 6% slope;

b. On land with slopes between 2% and 6%, except where clean water diversions and erosion control practices are installed; and/or

c. On soils where the soil texture to a depth of five feet is coarser than a sandy loam as identified in the most recent USDA/NRCS soil survey manual.

5. Record-keeping: records shall be kept, by the feedlot owner/operator for a minimum of three years that contains the following information:

a. Location of pile;

b. Date pile was established;

c. Volume of manure stockpiled;

d. Nutrient analysis of the manure; and

e. When the stockpiled manure was land applied.

(c) *Permanent stockpile sites.* The animal feedlot owner/operator of a site containing a permanent stockpile site shall comply with Minnesota Rules, Part 7020.2125 subpart 4.

(6) *Run-off control structures.* All outside manure storage areas shall have run-off control structures to contain manure.

(7) *Storage design approval.*

(a) All plans for manure storage structures shall be reviewed and approved by the County Feedlot Officer.

(b) A copy of the manure storage structure design, signed by a registered engineer, shall be submitted to the County Feedlot Officer for review and approval. Plans for manure storage structures may also be reviewed by the SWCD, NRCS and/or MPCA.

(c) Construction of new open earthen or concrete manure slurry basin for swine manure is prohibited. Existing open-air basins for swine manure may be repaired or replaced. Open-air basins originally built for dairy manure shall not be used for swine manure. An initial perimeter tile water sample shall be taken from all new below ground manure storage areas by the owner/operator, at his or her expense. A lab appropriately certified to perform water analysis shall analyze the sample.

(d) The following tests shall be performed.

1. Total kjedahl nitrogen;
2. Nitrate nitrogen;
3. Nitrite nitrogen;
4. Chloride;
5. Sulfate;
6. Fecal coliform;
7. pH;
8. Temperature; and
9. Specific conductivity.

(e) Results of analysis shall be submitted to the County Feedlot Officer.

(f) All new manure storage structures shall have a minimum storage capacity of nine months.

(g) A perimeter fence shall be installed around any open earthen or concrete manure slurry basin.

1. Fencing shall be a minimum of five feet high and be impenetrable by children. Examples of such fencing would include, but not be limited to, cyclone fencing, slatted fencing with less than six-inch openings or solid fencing.

2. Fence shall be posted with signs every 100 feet stating danger.

(8) *Concrete pit requirements.* Liquid manure storage areas shall comply with Minnesota Rules, Part 7020.2100. Concrete storage over 20,000 gallons require a licensed engineered designed plan that meet or exceed the minimum requirements. Proposed concrete pits under 20,000 gallons of manure storage must document that the design meets or exceeds the requirements of the Agency.

(9) *Steel tanks.* Unlined steel tanks for underground manure storage shall be prohibited.

(10) *Odor control plan.* Odor control plans may be required as a condition of a construction short-form if the Feedlot Site Inspection Team determines that odor control technology is available and feasible.

(11) *Manure composting.* An owner/operator composting manure site shall comply with Minnesota Rules, Part 7020.2150.

(12) *Poultry barn floors.* An owner/operator proposing to build a poultry barn shall comply with Minnesota Rules, Part 7020.2120 for requirements of the barn floor.

(H) *General.*

(1) *Closure plan.* The landowner, owner and operator of any feedlot shall be responsible for the ongoing management of manure and the final closure of the feedlot within one year of ceasing operation. The closure shall include the following:

(a) Cleaning of the buildings and the emptying and proper disposal of manure from all manure storage structures;

(b) As soon as practicable after completing the requirements herein, the landowner, owner and operator of any feedlot shall reduce soil nitrogen by planting, growing and maintaining alfalfa, grasses or other perennial forage for at least five years;

(c) Within 60 days after final closure, submit a certified letter to the County Feedlot Officer stating that the animal feedlot or the manure storage area has been closed according to the requirements in this part. The letter must identify the location of the animal feedlot or manure storage area by county, township, section and quarter section; and

(d) The County Feedlot Officer shall conduct an onsite inspection of the feedlot to assure the closure was properly completed.

(2) *Disposal of animal carcasses.*

(a) *General.* All animal feedlot owner/operators shall submit a mortality plan on a form provided by the County Feedlot Officer. At no time shall feedlot-animal mortality be visible to the public from any public area or neighboring residence, except during a catastrophic death and notice has been given to the County Feedlot Officer and the State Board of Animal Health within 24 hours of occurrence. Board of Animal Health rules and recommendations shall prevail to this ordinance during catastrophic death loss events or unique situations where normal processing of livestock is not feasible and as new disposal techniques are adapted.

(b) *Dead animal containment (rendering pick-up structure).* Rendering pick-up structures shall meet the following minimum standards.

1. At all times structure shall be animal proof to prevent scavenging.

~~2. Sides shall be made of a solid material, with no more than one-quarter inch spacing between material.~~

~~3. Structure shall contain a roof made out of solid material, allowing no more than one-quarter inch spacing.~~ A rendering pick-up structure shall be exempt from having a roof if sidewalls are a minimum of six feet high.

~~4. Floor shall be made of a low permeability material.~~

~~5. Structure shall be located out of the road right-of-way.~~

~~6. Structure setback from streams, river, drainage ditch and lakes shall be a minimum of 300 feet.~~

(c) *Burial of animal mortality.* Written approval for burial of animal mortality may be required from the County Feedlot Officer. Burial of animal mortality is prohibited unless the County Feedlot Officer has given written approval of the site. Minimum burial requirements shall be met or exceeded.

1. Carcass must be buried at least three feet deep;

2. Carcass must be five feet above seasonal high water table;

3. Maximum of 2,000 pounds of carcass/burial pit/acre;

4. Prohibited in areas subject to surface water flooding; and

5. Must entirely cover each day's deposit with a layer of dirt.

(d) *Burning of animal mortality.* Burning of animal mortality is allowed only in MPCA approved incinerators.

(e) *Composting of animal mortality.* Composting of animal mortality shall comply with Minnesota Rules, Part 1721.0740, as follows:

1. Carcasses must be covered with litter at all times. The ratio of carbon to nitrogen in each compost pile must be between 15:1 and 35:1. Each pile must be turned completely at least once every 21 days to add essential oxygen to the composting material. The composting material must be kept moist to ensure proper bacterial growth. The compost pile temperature must reach a minimum of 130 degrees Fahrenheit during each of two heating cycles during the composting process. Flies, rodents, and other vermin must be controlled around composting sites. The finished product resulting from the composting of animal carcasses must not contain visible pieces of soft tissue

12. Composting ~~facility structure~~ must:

a. Be built on an impervious, ~~weight bearing pad that is large enough to allow equipment to maneuver;~~

b. Be covered with a roof to prevent excessive moisture on the composting material or if sawdust or other water-repelling material is used as bulking agent, a roof may not be require;

c. Be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment;

d. Be large enough to handle each day's normal mortality through the endpoint of the composting that consists of a minimum of two heat cycles; and

e. The composting structure shall have the following setbacks:

i. Residences (other than owner/operators): 300 feet;

ii. Public road (from the centerline): 125 feet;

iii. Rear and side yard: 40 feet; and

iv. Existing feedlot under separate ownership: 300 feet.

~~2. Compost process:~~

~~a. Mortality must be processed daily;~~

~~b. A base litter is required. A carbon to nitrogen ratio of 15:1 to 35:1 must be maintained;~~

~~c. The carcasses must be kept six inches from the edge and sealed with litter each day;~~

~~d. The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130°F for seven consecutive days. A minimum of two heat cycles shall be required;~~

~~e. The owner/operator shall have a written protocol for the operation containing at least the minimum steps of subsections (H)(2)(e)2.a. through (H)(2)(e)2.d. above. The owner/operator shall instruct and be responsible for all employees to follow the protocol;~~

~~f. Flies, rodents and vermin must be controlled so as not to be a health hazard to human or animal populations;~~

~~g. Carcasses and discarded animal parts may only be transported over public roads only in vehicles or containers that are leak proof and covered; and~~

~~h. Finished product must not contain visible pieces of soft tissue and must be land applied at agronomic rates.~~

(3) *Silage stacks.* Silage stacks sites must be located and constructed such that silage leachate runoff from the site does not discharge to waters of the state. Silage stacks, which are an accessory use of a feedlot, shall be setback 80 feet from rear and side yard boundaries and shall have a front yard setback of 125 feet from the centerline of all road(s). Silage stacks, which are not an accessory use, shall be required to obtain a conditional use permit. (Silage stacks include, but are not limited to, silage bunkers, silage pads and silage bags.)

(1) *Administration and enforcement.*

(1) *Feedlot Officer.* The County Board shall appoint a County Feedlot Officer to administer and discharge the duties of this feedlot ordinance.

(2) *Duties and powers.* The County Feedlot Officer shall have the following duties and powers:

- (a) Administer and enforce the County Feedlot Ordinance;
- (b) Review permits as set forth in this ordinance;
- (c) Assist feedlot owners/operators with the county permitting process including applications for a NPDES, SDS, construction short-form and interim permits;
- (d) Process applications to ensure compliance with county and state regulations;
- (e) Issue interim permits or construction short-forms;
- (f) When appropriate, forward applications for permits along with recommendations, to the MPCA;
- (g) Maintain records including all construction short-form, interim permits and land application of manure agreements;
- (h) Provide and maintain a public information bureau relative to this ordinance;
- (i) Educate the public and feedlot owner/operators concerning provisions of this ordinance;
- (j) Inspect feedlot operations to ensure compliance with the standards of this ordinance;
- (k) Receive and review application requests for action by the Board of Adjustment and/or the County Planning Commission and provide such information as necessary for action to be taken;
- (l) Revoke or suspend an interim permit after a hearing before the Feedlot Officer;
- (m) Maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption, including the days the exemption was claimed and the cumulative days used;
- (n) Submit an annual report to the Commissioner by April 1 of each year, in a format requested by the Commissioner;
- (o) Complete the required County Feedlot Officer training necessary to perform the duties described under this part;
- (p) Review and process complaints; and
- (q) Locate and register all animal feedlots that remain unregistered.

(3) *Complaint or emergency inspection.* In addition to the enforcement inspections, the County Feedlot Officer shall have the right to undertake inspections upon notice, at a reasonable time based

upon a signed written complaint, or the reasonable belief of the existence of a material violation of this ordinance.

(4) *Interference prohibited.* No person shall hinder or otherwise interfere with the County Feedlot Officer in the performance of duties and responsibilities required pursuant to this ordinance.

(5) *Access to premises.* Upon request of the County Feedlot Officer, the applicant, permittee, owner/operator or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this ordinance. Failure to provide reasonable access to the County Feedlot Officer constitutes grounds for revocation of registration, construction short-form or an interim permit.

(6) *Fees.* Application, permit or review and compliance inspection fees, and such other fees required by this ordinance shall be set by resolution of the County Board.

(7) *Bio-security.* The County Feedlot Officer may not enter a facility where confined farm animals are kept unless the officer follows a procedure and directive for bio-security measures that are identified by the Commissioner of the Department of Natural Resources and the Board of Animal Health. This subsection (I)(7) does not apply to emergency or exigent circumstances.

(8) *Written complaints.* The County Feedlot Officer will evaluate written or oral complaints made to the County Feedlot Officer, whether the complaining person is identified or anonymous, on a case-by-case basis.

(9) *Variances.*

(a) The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of this ordinance, including restrictions based on substandard feedlots or nonconformities.

(b) An expansion of an existing feedlot, which does not meet setback requirements as determined by this ordinance, is not permitted unless a setback variance is granted.

(J) *Violations and enforcement.*

(1) *Violations.* Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

(2) *Abandonment.* Owners and operators of feedlots shall have joint and severable liability for clean up, closure or emptying of abandoned feedlots.

(3) *Construction stop work orders.* Whenever any work is being done contrary to the provisions of this ordinance, the County Feedlot Officer may order the work stopped by written notice personally served upon the owner/operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the County Feedlot Officer.

(4) *Suspension and revocation.* Any person who fails to comply with the conditions set forth on the interim permit or construction short-form permit may be subject to suspension or revocation upon written notice personally served, or mailed a written notice to the last known address by first-class mail as documented upon the permit or registration, upon the owner/operator of the feedlot by the County Feedlot Officer or the MPCA. A feedlot permit may be suspended or revoked by the County Feedlot Officer. A hearing shall be held before the Feedlot Officer when considering a suspension or revocation. Within 60 days of suspension, the operator shall submit a plan to mitigate any problems identified by the County Feedlot Officer or the feedlot permit shall be revoked. After revocation, the operator may submit a new application for a feedlot permit and shall include a plan

to mitigate any problems identified by the County Feedlot Officer. Revocation is issued by the County Feedlot Officer. Any suspension or revocation decisions made by the County Feedlot Officer may be appealed to the Agency.

(5) *Injunctive relief and other remedies.* In the event of a violation of this ordinance, the county may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the county in a civil action in any court of competent jurisdiction or, at the discretion of the county, the costs may be certified to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installee or other responsible person either in addition to or separate from other enforcement actions.

(6) *Costs of enforcement.* In the event that the County Feedlot Officer is required to take action to abate a violation of this ordinance or undertake regular monitoring of a regulated feedlot to ensure compliance with the requirements of this ordinance the costs of the abatement action and/or monitoring may be certified to the County Auditor as a special tax against the real property.

(Ord. 97, passed 7-21-2009; Ord. 105, passed 8-2-2011; Ord. 147, passed 8-3-2021)