

REDWOOD COUNTY ZONING ORDINANCE
SECTION 17
FEEDLOT REGULATIONS

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SECTION 17 ANIMAL CONFINEMENT FEEDLOTS

SUBDIVISION 1. APPLICATION

1. The provisions of this Section apply in addition to and in conjunction with any and all other provisions contained within the Redwood County Zoning Ordinance, except to any extent expressly contradicted in this Section.
2. All existing and new feedlots in Redwood County shall comply with the minimum standards contained in Minnesota Rules Chapter 7020 and this Section.

SUBDIVISION 2. STANDARDS FOR ALL FEEDLOT OPERATIONS

1. Interpretation
 - A. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by State Statute.
2. Severability
 - A. If any section, clause, provision, or portion is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected that determination
3. Definitions

For purposes of this Section the following definitions shall apply:

- A. Animal Unit. An animal unit (A.U.) shall be determined as follows:
 - (1.) 1 mature dairy cow 1.4 A.U.
 - (2.) 1 slaughter steer or heifer 1.0 A.U.
 - (3.) 1 horse 1.0 A. U.
 - (4.) 1 swine over 55 pounds .4 A. U.
 - (5.) 1 duck .02 A.U.
 - (6.) 1 sheep .1 A.U.
 - (7.) 1 swine under 55 pounds .05 A.U.

- (8.) 1 turkey .018 A.U.
 - (9.) 1 chicken .01 A.U.
 - (10.) For other animals, the animal units shall be determined by application of the following formula: average weight (lbs.) of animal divided by 1,000.
- B. Site. A site is the land area upon which there is, is proposed to be, or within the previous five years has been, a feedlot, and the land immediately adjacent to that land held by the same landowner.
 - C. Feedlot. A feedlot is the outer perimeter of a building or structure or fenced lot or combination thereof intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or would accumulate unless removed or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.
 - D. Existing Feedlot. An existing, feedlot is a feedlot upon which more than 50 animal units were confined for production purposes at any time within the previous five years.
 - E. New Feedlot. A new feedlot is a site where
 - (1.) No feedlot existed previously, or
 - (2.) A pre-existing feedlot has been abandoned or unused for a period of five years or more.
 - F. Land Owner. A land owner includes any natural or legal person or business entity having or claiming an interest in the real property upon which a feedlot is situated or having a contractual or permissive right to establish and/or maintain a feedlot operation on the real property.
 - G. Manure. Manure means treated or untreated excreta of poultry, livestock, or other animal confined for production purposes or a mixture of such excreta with feed, bedding, or other materials, in any form.
 - H. Manure Storage Structure. A manure storage structure is any receptacle intended or used for the purpose of treating or storing manure, including but not limited to receptacles commonly referred to as lagoons, pits, and storage basins.

- I. Stockpile. A stockpile is an accumulation of manure not confined in a manure storage structure.
 - J. Incorporated. Manure is incorporated when it is applied to the land surface and is mechanically mixed into the soil within 24 hours after the application.
 - K. Injected. Manure is injected when it is mechanically inserted or tilled into the soil during manure application.
 - L. Irrigation. Manure is applied by irrigation when it is deliberately discharged into the air under pressure by use of equipment such as traveling guns, center pivots, etc.
 - M. Surface Spread. Manure is surface spread when it is applied to the land surface and is not mechanically incorporated into the soil within 24 hours after the application.
3. Presumptions / Burden of Proof
- A. There is a presumption that no feedlot existed previously on the site proposed for feedlot operation.
 - B. For a site to be considered an existing feedlot the land owner bears the burden of establishing, to the satisfaction of the Zoning Administrator and by a preponderance of the evidence, that more than 50 animal units were maintained at the proposed site at some time within the previous five years.
 - C. The land owner bears the burden of establishing, to the satisfaction of the Zoning Administrator and by a preponderance of the evidence, all facts regarding the number of animal units maintained on a particular site for any particular period of time relevant to determining the permitting requirements applicable to a particular site.
 - D. The Zoning Administrator shall determine the boundaries of an existing feedlot.
 - E. Any building, structure, or fenced lot located in excess of 400 feet from the nearest building, structure, or fenced lot, or combination thereof, intended for the confined feeding, breeding, raising, or holding of animals shall be considered a separate and independent site for the purpose of determining whether it constitutes an existing feedlot.

- F. Any proposed new or expanded feedlot(s) of a land owner proposed to be located adjacent to any existing feedlot(s) of that landowner shall be considered a single feedlot for the purpose of determining the required setbacks under Subd. 4 of this Section.
- 4. Measurements
 - A. All distances shall be taken to the nearest increment.
 - B. All distances, unless otherwise specified, shall be measured horizontally.
 - 5. Fencing
 - A. All uncovered manure storage structures shall be surrounded by metal, chain link, or wood fencing having a minimum height of six feet, with fencing of sufficient construction to exclude children and livestock.
 - B. This fencing shall be in place and maintained regardless of whether the manure storage structure is in use and until and unless the storage structure has been filled in as required in Section 16 Subd. 6 para. 14.
 - C. Uncovered manure storage structures in existence at the time of adoption of this ordinance shall have such fencing, in place no later than six months following adoption of this provision.
 - 6. Odors
 - A. The County believes that prolonged or objectionable odors resulting from the operation of a confinement feedlot and the related accumulation and disposal of manure can create an adverse impact on the environment and quality of life for the residents of the County. Any confinement feedlot operation, whether or not it is subject to a Conditional Use Permit, may be required to take responsible measures to minimize odors created in conjunction with the operation.

SUBDIVISION 3. CONDITIONAL USE PERMITS

1. When Required

A Conditional Use Permit shall be obtained by a landowner in accord with Section 25:

- A. Whenever any new feedlot of 100 animal units or more is proposed.

- B. Whenever any existing feedlot of 100 animal units or more not subject to a conditional use permit is expanded.
- C. Whenever any existing feedlot subject to a Conditional Use Permit is expanded to more than 200 animal units over the Conditional Use Permit level.
- D. Whenever the proposed expansion of an existing feedlot would result in the presence of 100 or more animal units on the site.
- E. Whenever any existing feedlot within the shoreland management district or bluff impact zone is expanded or modified, if the expansion or modification further encroaches into the existing ordinary high water level setback or further encroaches on the bluff impact zone.
- F. Whenever any existing or proposed feedlot operation proposes the construction of a manure storage structure.
- G. Whenever there is proposed to be a change in animal type at an existing feedlot.
- H. Whenever a Petition to require the land owner to obtain a Conditional Use Permit from The Redwood County Board of Commissioners following grants permit the procedure set forth in part C of this subdivision.

2. Standards for Conditional Use Permits

- A. Before a Conditional Use Permit Application may be considered, the applicant shall submit to the Redwood County Zoning Administrator:
 - (1.) A completed Redwood County Conditional Use Permit Application; and
 - (2.) Relevant spread area agreements and any documents regarding the sale or transfer of manure in lieu of spread area agreements; and
 - (3.) Manure storage structure and/or building design documents; and
 - (4.) A completed Minnesota Pollution Control Agency Feedlot Permit Application, including but not limited to any related and/or accompanying documents; and
 - (5.) the required application fee.

- B. The County may impose, in addition to the standards and requirements set forth elsewhere in this ordinance, additional conditions which the County Board considers appropriate to further any of the objectives identified or described in Section 25, Subd. 5 of this Ordinance. Such conditions may include, but are not limited to, the planting of trees or shrubs for use as a windbreak for the feedlot operation and restrictions on the days on which a manure storage structure may be disturbed or manure may be transferred, applied, incorporated, or injected.
 - C. All permitted feedlots shall be operated consistent with the regulations of the State of Minnesota and the Redwood County Zoning Ordinance
 - D. The Redwood County Board of Commissioners may require the applicant, or permit holder, to furnish and place in a dedicated account, to be administered by the County, an annual payment for reclamation purposes based upon the Animal Units involved.
 - E. A landowner with a Conditional Use Permit shall report any changes in spread agreements or spread areas to the Redwood County Zoning Administrator no more than thirty days after the change.
3. Petition to County Board to Require Conditional Use Permit

A majority of the property owners within a 1/2-mile radius of the geographic center of an existing feedlot may petition the County Board for an Order requiring the landowner to obtain a Conditional Use Permit.

- A. Contents of Petition
 - (1.) The Petition shall expressly identify the name and address of the landowner of the feedlot operation and shall provide an adequate description of the location of the operation.
 - (2.) The Petition shall expressly state the reason or reasons the landowner should be required to obtain a Conditional Use Permit and shall specifically identify the conditions sought to be imposed upon the landowner by the County Board.
 - (3.) The Petition shall include the printed or typed names and addresses of all property owners whose signatures appear on the Petition.
 - (4.) The Petition shall expressly identify one petitioner as the "contact petitioner," i.e., the person to be contacted by the Zoning Administrator with regard to proceedings on the Petition, and shall provide a telephone number for that person.

B. Filing Fee

- (1.) The Petition shall be accompanied by a filing fee equal to the fee then required for Conditional Use Permit applications
- (2.) The filing fee shall be handled by the Zoning Administrator in the same manner as a Conditional Use Permit application fee.

C. Consideration by Planning & Zoning Commission

- (1.) Upon a determination by the Zoning Administrator that the Petition does not comply with the requirements of this subdivision, the Petition shall be returned to the contact petitioner accompanied by notice regarding the specific deficiency(ies) of the Petition.
- (2.) Upon a determination by the Zoning Administrator that the Petition complies with the requirements of this subdivision, the Petition shall be placed upon the regular agenda of the Planning & Zoning Commission.
- (3.) No less than seven calendar days prior to the date of the Planning & Zoning Commission meeting at which the Petition is first scheduled to be considered, the Zoning Administrator shall provide the date of the Planning & Zoning Commission meeting to both the landowner and the contact petitioner informally, either by telephone, letter, or in person, at the Administrator's discretion. No formal notice or hearing on the Petition shall be required for consideration of the Petition. The Zoning Administrator's failure to provide notice shall not constitute a defect in the proceeding.
- (4.) The Planning & Zoning Commission shall evaluate the Petition based upon its contents and attachments. No testimony or statements need be allowed by the Commission; however, at the Commission's discretion testimony and/or statements may be offered and considered. Upon conclusion of its review, the Commission shall recommend that the County Board either accept or reject the Petition and/or may propose modifications in the conditions sought by the Petitioners. The Commission may, but is not required to, state the reason(s) for its recommendation.

D. Consideration by County Board

- (1.) After the Commission has made a recommendation, the Zoning Administrator shall have the Petition placed upon the regular agenda of the Redwood County Board of Commissioners for consideration.
- (2.) No less than three calendar days prior to the date of the Board Meeting at which the Petition is scheduled to be reviewed, the Zoning Administrator shall provide the date and time of that meeting to the land owner and the contact petitioner informally, either by telephone, letter, or in person, at the Administrator's discretion. No formal notice or hearing shall be required for consideration of the Petition. The Zoning Administrator's failure to provide notice shall not constitute a defect in the proceeding.
- (3.) The County Board shall evaluate the Petition based upon its contents and attachments and may consider the recommendation of the Planning & Zoning Commission and its stated reasons or modifications, if any. No testimony or statements need be allowed by the Board; however, at the Board's discretion testimony and/or statements may be offered and offered and considered.
- (4.) If the County Board grants the Petition, it shall issue an Order requiring the landowner to obtain a Conditional Use Permit for the feedlot. The landowner who is the subject of the Petition shall file a Conditional Use Permit application and the related fee with the Redwood County Zoning Administrator no more than forty-five calendar days after the date on which the landowner received written or actual notice of the Board's Order.
- (5.) If the County Board denies the Petition, the land owner shall not be required to file a Conditional Use Permit application.
- (6.) The prior denial of a Petition to County Board to Require Conditional Use Permit does not act as a bar to the filing or consideration of any future Petition regarding the feedlot.

E. Compliance

- (1.) A land owner's failure to apply for a Conditional Use Permit within forty-five days after the Board has granted a Petition to County Board to Require Conditional Use Permit may be addressed in any manner authorized for any other failure to obtain a required Conditional Use Permit.

- (2.) A land owner's failure to obtain a Conditional Use Permit within a reasonable time after the Board has granted a Petition to County Board to Require Conditional Use Permit may be addressed in any manner authorized for any other failure to obtain a required Conditional Use Permit.

SUBDIVISION 4. MINIMUM REQUIRED SETBACKS FOR FEEDLOTS

1. County Boundaries

The minimum required setbacks for feedlots imposed by this Subdivision apply without regard to county boundaries.

2. Existing Feedlots

- A. Existing feedlots are exempt from the minimum setback requirements of this Subdivision.
- B. Any expansion of an existing feedlot by 100 or more animal units must meet all new feedlot setback requirements of this Subdivision.
- C. Any expansion creating a feedlot of greater than 100 animal units must meet all new feedlot setback requirements of this Subdivision.
- D. Any construction of a manure storage structure in connection with an existing feedlot must meet all new feedlot setback requirements of this Subdivision.
- E. Compliance with setbacks for expansions shall not be required for any protected entity (those items identified in Subd. 4 Part C Subp. 1) which was not located within the setback at the time the feedlot was established.

3. New Feedlots

- A. A new feedlot shall comply with each and every one of the following minimum setback requirements:
 - (1.) Airport: A new feedlot may not be located less than 1/2 mile from an FAA approved airport.
 - (2.) Building used as church, synagogue, or place of worship: A new feedlot may not be located less than 1/2 mile from any building used as a church, synagogue, or place of worship with regularly scheduled services. A new feedlot designed for 400 or more animal units may not be located less than 3/4 mile from any building used

as a church, synagogue, or place of worship with regularly scheduled services.

- (3.) Casino: A new feedlot may not be located less than 1/2 mile from contiguous properties used on a continuous basis exclusively for casino purposes.
- (4.) Cemetery : A new feedlot may not be located less than 1/2 mile from a cemetery governed by a cemetery association, local government, or congregation of worshippers.
- (5.) Drainage ditch: A new feedlot may not be located within 300 feet of a County, Judicial, or private open drainage ditch.
- (6.) Dwelling or residential structure: A new feedlot may not be located within 1/4 mile of any dwelling or residential structure other than the land owner's or operator's.
- (7.) FloodPlain: A new feedlot may not be located within the 100 year floodplain area.
- (8.) Golf course: A new feedlot may not be located within 1/2 mile of a golf course. A new feedlot designed to contain 400 or more animal units may not be located within 3/4 mile of a golf course.
- (9.) Municipal border: A new feedlot may not be located within 1/2 mile from any residential structure located within a municipality. A new feedlot designed to contain 400 or more animal units may not be located less than 3/4 mile from any residential structure located within a municipality.
- (10.) Public park: A new feedlot may not be located within 1/2 mile of a public park. A new feedlot designed to contain 400 or more animal units may not be located within 3/4 mile of a public park.
- (11.) Steep slope: A new feedlot involving open lots or partial confinement buildings may not be located within 300 feet of a steep slope.
 - (a.) a "steep slope" is land having an average slope of 12 percent or more for a distance of 50 feet or more.
- (12.) Well: A new feedlot may not be located within 100 feet of any private well or within 1,000 feet of any municipal well.

- B. Any or all of these minimum setback requirements may be increased at the discretion of the County Board of Commissioners upon a factual determination that such an increase is appropriate to further any of the objectives identified or described in Section 25, Subdivision 5 of this Ordinance.

SUBDIVISION 5. MINIMUM SETBACKS: MANURE STOCKPILES & APPLICATION

1. Stockpiled manure shall not be permitted to escape the stockpile by run-off or any other means except deliberate, intentional, and lawful removal.
2. Manure may not be applied at any rate greater than the maximum recommended agronomic rate for the crop to be planted and the time of application, agronomic rates to be determined by either the Redwood County Extension Office or the Minnesota Pollution Control Agency.
3. The following minimum setbacks are required for all new and existing stockpiles and all manure placation:

Category	Stockpile	Surface Spread	Irrigation	Incorporated/ Injected
Open Ditch (Public or Private)	300 feet	300 feet	300 feet	100 feet
Surface Tile Inlet/Intake	300 feet	100 feet	100 feet	one rod
Lake	300 feet	300 feet	300 feet	100 feet
Public Road*	300 feet	25 feet	300 feet	10 feet
Residence **	300 feet	300 feet	1000 feet	300 feet
River of Stream	300 feet	300 feet	300 feet	50 feet
Ten Year Floodplain	prohibited	prohibited	prohibited	prohibited
Well (Municipal)	1000 feet	1000 feet	1000 feet	1000 feet
Well (Private)	200 feet	200 feet	200 feet	200 feet

* as measured from outer right of way boundary **other than land owner's or operator's

SUBDIVISION 6. ENFORCEMENT

Enforcement of this Section may occur:

1. By means of criminal prosecution pursuant to Section 28 of this Ordinance and/or
2. By means of actions or proceedings to prevent, restrain, correct, or abate such violations pursuant to Section 28, Subd. 2 of this Ordinance; and/or

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3. By revocation of the Conditional Use Permit pursuant to Section 25, Subd. 9 of this Ordinance, if the landowner is the holder of a Conditional Use Permit.