

## ARTICLE II. - LIVESTOCK MANURE MANAGEMENT

### DIVISION 1. - GENERALLY

#### Sec. 6-31. - Statutory authorization.

The livestock manure management ordinance, referred to in this article as "article," is adopted pursuant to the authorization and policies contained in Minn. Stat. Chapters 115 and 116 and Minnesota Rules, Chapter 7020, parts 7020.0100-7020.1900, and the planning and zoning enabling legislation in Minn. Stat. Chapter 394.

#### Sec. 6-32. - Policy.

- (a) An adequate supply of healthy livestock, poultry, and other animals is essential to the well-being of County citizens and the State. These domesticated animals provide our daily source of meat, milk, eggs, and fiber. Their efficient economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices.
- (b) Livestock, poultry, and other animals produce manure which may, when improperly stored, transported, or disposed, negatively affect the County's environment and must, therefore, be controlled.
- (c) This article has been promulgated to provide protection against pollution caused by manure from domesticated animals.
- (d) The rules of this article recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.
- (e) This article complies with the policy and purpose of the State in regard to the control of pollution as set forth in Minn. Stat. Chapters 115 and 116. Experience has shown that the environment, residential, and agricultural uses of land can be incompatible. The purpose of this article is to regulate the management of manure and the uses and development of land in the County which may adversely affect the health, safety, and general welfare of the public.

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

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

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

*Agriculture/agricultural use* means a use primarily related to the cultivation of crops, horticulture, viticulture, forestry, logging, livestock production, aquaculture, bee keeping, or other agricultural practices. The definition includes the sale of raw products but not processing or sale of processed goods.

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

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

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

*Best Management Practices* means the most effective and practicable means of erosion prevention and sediment control and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by State or designated area-wide planning agencies.

*Bluff* means a topographic feature such as a hill, cliff, or embankment meeting all of the following criteria:

- (1) The slope rises at least 15 feet from the toe of the bluff to the top of the bluff
- (2) The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent of greater.

*Bluff toe* means the lower point of a bluff where the slope averages less than 18 percent.

*Bluff top* means the higher point of a bluff where the slope averages less than 18 percent.

*Campground* means any area, whether privately or publicly owned, used on a daily, nightly, or longer basis for the placement of three (3) or more camping units for the purpose of people occupying the unit on an overnight basis.

*Certificate of compliance* means a letter sent before October 23, 2000, by the Minnesota Pollution Control Agency commissioner or the County feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.

*Change in operation* means an alteration of the permitted number of animal units, change of animal species, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

*Conditional use* means a use as defined in the Blue Earth County Zoning Ordinance, Chapter 24, as amended.

*Construction Short Form Permit* means a permit issued for an animal feedlot or manure storage area according to Minnesota Rules, Chapters 7020.0505 and 7020.0535, as amended.

*Corrective or protective measure* means a practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot or manure storage area to a level in conformity with Minnesota Rules, Chapter 7020, as amended.

*County feedlot permit* means a quadrennial permit from the County to the owner or operator of an animal feedlot stating that the feedlot meets the requirements of this article and complies with all other County and Minnesota Rules, Chapter 7020, as amended. A County feedlot permit is issued by the Blue Earth County Property and Environmental Resources Department upon:

- (1) Review and approval of a permit application and
- (2) Review of manure application records and
- (3) Review of the feedlot facility.

*Crown of a County ditch* means the top edge of the constructed channel or the crown of the leveled spoil bank, whichever is the greater, for a public drainage ditch as described in MN Statue 103E.021, as amended. A cross section drawing of the crown described in MN Statute is available in the Minnesota Public Drainage Manual, as amended.

*Crown of a private ditch* means the top edge of the constructed channel or the crown of the leveled spoil bank, whichever is the greater.

*Domestic fertilizer* means:

- (1) Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth or
- (2) Animal manure that is used as compost, soil conditioners, or specialized plant beds.

*Dwelling* means a building or its portion designed exclusively for residential occupancy. The term does not include hotels, motels, tents, tent trailers, travel trailers, or recreational vehicles.

*Earthen storage basin* means a manure storage area.

*Feedlot* refers to the definition of an animal feedlot.

*Feedlot officer* means an individual employed by the County and is responsible for administering this article.

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

*Floodplain* means the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

*Immediate incorporation* means the mechanical incorporation of manure into the soil within 24 hours of manure application.

*Interim permit* means a permit issued by the Minnesota Pollution Control Agency or the County feedlot officer in accordance with Minnesota Rules, Chapter 7020.0505 and 7020.0535, as amended.

*Liquid manure storage area* means an area where liquid animal manure and process wastewaters are stored or processed. For purposes of this definition, "liquid animal manure" is manure that does not meet the stockpile standard under Minnesota Rules, Chapter 7020.2125, as amended

*Manure storage area* means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to Minnesota Rules, Chapter 7020.2000, as amended, are not manure storage areas.

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

*New animal feedlot* means an animal feedlot or manure storage area:

- (1) Constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or
- (2) That existed previously and has been unused for five years or more.

*Non-conformity* means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

*Non-farm use* means any use which is not an agricultural use as defined in this chapter or which is not accessory to an agricultural use.

*Open lot* means an outdoor enclosure intended to confine livestock where manure will accumulate and vegetation cannot be maintained. For the purpose of this article, pastures shall not be considered open lots.

*Ordinary high water level* means the boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

*Pastures* means:

- (1) Areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season, except that vegetative cover is not required:
  - a. in the immediate vicinity of supplemental feeding or water devices;
  - b. in associated corrals and chutes where livestock are gathered for the purpose of sorting, providing veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal production practices; or
  - c. in associated livestock access lanes used to convey livestock to and from areas of the pasture; or
- (2) Agricultural land:
  - a. where livestock are allowed to forage during the winter,
  - b. that is used for cropping purposes in the growing season, and
  - c. where the concentration of animals is such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices.

*Pollution hazard* means an animal feedlot or manure storage area that:

- (1) Does not comply with the requirements of Minnesota Rules, Chapters 7020.2000 to 7020.2225, and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
- (2) Presents a potential or immediate source of pollution to waters of the State as determined by inspection by a County feedlot pollution control officer or agency staff taking into consideration the following:
  - a. the size of the animal feedlot or manure storage area,
  - b. the amount of pollutants reaching or that may reach waters of the State,
  - c. the location of the animal feedlot or manure storage area relative to waters of the State,
  - d. the means of conveyance of animal manure or process wastewater into waters of the State, and
  - e. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the State.

*Public waters* means any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15, and any lakes or wetlands listed in the State Department of Natural Resources Protected Waters Inventory.

*Regional flood* means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance/100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

*Sensitive water-supply well* means a well with less than 50 feet of watertight casing and which is not cased below a confining layer or confining materials of at least 10 feet in thickness.

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

- (1) One thousand feet from the ordinary high water level of a lake, pond, or flowage.
- (2) Three hundred feet from a river or stream or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

*State disposal system permit (SDS permit)* means a State permit that is processed in accordance with Minnesota Rules, Chapter 7001.

*Structure* means anything constructed or erected which requires permanent or temporary location on the ground and shall include advertising devices or other construction or erection with special function or form, except fences, well(s), and walks.

*Uncultivated wetland* means a wetland where the basin and/or surrounding area that abuts its boundary has not been planted with annually seeded crops.

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

*Variance* means a legal method to vary from strict enforcement of an ordinance for a specific property upon a showing of practical difficulty in complying with the official control of the ordinance pursuant to Minnesota Statutes, Chapter 394; or as amended.

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

*Wetland* means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have a predominance of hydric soils, be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and under normal circumstances, support a prevalence of hydrophytic vegetation as established in Minn. Stats. § 103G.005, Subd. 19.

#### Sec. 6-34. - Jurisdiction of article provisions.

The provisions of this article shall apply to all animal feedlots of ten animal units or more and to all areas of the County outside the incorporated limits of municipalities.

#### Sec. 6-35. - Compliance with article provisions.

The use of any land for the establishment, expansion, or management of an animal feedlot shall comply with the provisions of this article: Chapter 24, pertaining to zoning; Chapter 14, pertaining to shoreland; and the provisions of Minnesota Rules, Chapter 7020.

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

- (a) The County Property and Environmental Resources Department is responsible for the administration and enforcement of this article. The Board of Commissioners may establish by resolution application, permit, and such other fees necessary to fund the administration and enforcement of this article.
- (b) Any violation of the provisions of this article or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the approval of variances or conditional use permits, shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this article can occur regardless of whether or not a permit is required for a regulated activity pursuant to this article. A citation or complaint may be issued for each day that a party is in violation of the ordinance.

Sec. 6-37. - Interpretation.

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

Sec. 6-38. - Abrogation and greater restrictions.

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

Sec. 6-39. - Amendment.

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

- (1) *Proceedings.* Proceedings for amendment of this article shall be initiated as follows:
  - a. A recommendation of the County Planning Commission, and/or
  - b. By action of the Board of Commissioners.
- (2) *Notice of public hearing.* A notice of public hearing containing the date, time, and location of the hearing, as well as a description of the proposed amendment, shall be published in the official newspaper of the County at least ten days in advance of the public hearing.
- (3) *Public hearing.* The County Planning Commission shall hold a public hearing, as published in the official newspaper of the County, and shall make a report of its findings and recommendations on the proposed amendment to the Board of Commissioners and the zoning administrator within 60 days after the hearing. If no report or recommendation is transmitted by the County Planning Commission within 60 days after the hearing, the Board of Commissioners may take action without waiting for such recommendation. Upon the filing of such report or recommendation, the Board of Commissioners may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of Commissioners may adopt the amendment or any part in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Board of Commissioners concur with its passage.
- (4) *Recording.* Upon the adoption of any ordinance or other official control, including any maps or charts supplemented to or as a part thereof, the County auditor shall file a certified copy with the County recorder or registrar of titles for record. Ordinances, resolutions, maps, or regulations filed with the County recorder or registrar of titles pursuant to this article do not constitute encumbrances on real property.

Sec. 6-40. – Non-conformity use.

- (a) *Generally.* Any use or occupancy which does not conform to the provisions of this article is a non-conformity. A County feedlot permit is required for all non-conforming feedlots.
- (b) *Continued, restored, or abandoned.*
  - (1) A non-conformity may not be enlarged but may be continued in accordance with this section.
  - (2) Any non-conformity which is abandoned, or which is discontinued for a period of one year may not be resumed, and any future use or occupancy of the land shall conform to this article.
- (c) *Alteration or moving.*
  - (1) A non-conformity may be altered, provided that such alterations do not intensify or physically expand or extend the non-conformity.
  - (2) A non-conformity moved to a different location on a single parcel shall be brought into conformance with this article.

- (d) *Damage or destruction.* When a non-conformity is destroyed by fire or other peril to the extent of 50 percent of its market value as determined by the County Assessor, any subsequent use or occupancy of the land or premises shall conform to this article.
- (e) *Restoration and repair.* A non-conformity may be restored or repaired as follows:
  - (1) To comply with State law and County ordinances;
  - (2) If damaged to an extent less than 50 percent of its market value as determined by the County Assessor;
  - (3) To effect repairs and necessary maintenance which are non-structural and incidental to the use or occupancy, provided that such repairs do not constitute more than 50 percent of its market value as determined by the County assessor.

Sec. 6-41. – Variances

- (a) Variances may only be granted in accordance with the provisions of this article, Minn. Stat. Chapter 394 and Sec. 24-48 of the Blue Earth County Code.
- (b) A variance may not circumvent the general purposes and intent of this article.
- (c) A variance may not be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- (d) Conditions may be imposed in the granting of a variance to ensure compliance with all Federal, State, and County regulations.

Secs. 6-42 – 6-60. - Reserved.

**DIVISION 2. - PERMITTING PROCESS**

Sec. 6-61. - Blue Earth County Feedlot Permit and Registration

- (a) The landowner, feedlot owner, and operator of a proposed or existing feedlot facility are responsible and shall obtain a County feedlot permit prior to the commencement of a new feedlot or the expansion of an existing feedlot. The permit will specify that the feedlot operation conforms to the requirements of this article. Any use, arrangement, or construction in conflict with an authorized permit shall be deemed a violation of this article and shall be punishable as provided in this article.
- (b) No person shall operate an animal feedlot having 10 or more animal units without first obtaining a County feedlot permit when any of the following conditions exist:
  - (1) A new feedlot is proposed where a feedlot did not previously exist.
  - (2) A change in operation of an existing animal feedlot is proposed.
  - (3) A change in ownership, including the transfer of a feedlot operation from one member of a family to another member of the family.
  - (4) An inspection by Minnesota Pollution Control Agency staff or County feedlot officer reveals that the feedlot is creating a potential pollution hazard.
  - (5) Staff of Property and Environmental Resources or the MPCA have a reasonable basis to believe that a provision or provisions of this chapter are being violated.
- (c) All feedlots of 10 animal units or greater shall follow the registration requirements of Minnesota Rules, Chapter 7020.0350, as amended.
- (d) A new feedlot or the expansion of an existing feedlot shall not exceed a density of 3,000 animal units.
- (e) A minimum lot area of five acres is required for feedlots with 25 or fewer animal units and without liquid manure storage. A minimum lot area of ten acres is required for all feedlots with liquid manure storage areas and/or greater than 25 animal units.
- (f) No animal feedlot or manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.
- (g) Feedlot animal unit calculations shall be determined using the factors of the following table:

Animal Type	Animal Unit Factor	Animal Type	Animal Unit Factor
Dairy – mature cow over 1,000 lbs	1.4	Horse	1.0

Dairy – mature cow under 1,000 lbs	1.0	Sheep or Lamb	0.1
Dairy – heifer	0.7	Chickens – with liquid manure	0.033
Dairy – calf	0.2	Chickens – broilers 5 lbs. and over	0.005
Beef – slaughter steer/stock cow	1.0	Chicken – broiler under 5 lbs.	0.003
Beef – feeder cattle	0.7	Chickens – layers 5 lbs. and over	0.005
Beef – cow and calf pair	1.2	Chickens – layers under 5 lbs.	0.003
Beef - calf	0.2	Turkeys – over 5 lbs.	0.018
Veal – calf	0.2	Turkeys – under 5 lbs.	0.005
Swine – over 300 lbs.	0.4	Ducks – dry manure system	0.01
Swine – between 55 and 300 lbs.	0.3	Ducks – liquid manure system	0.01
Swine – under 55 lbs.	0.05	Other	% of 1,000 lb. animal

Sec. 6-62. - Information required.

In general, the following information is required for review prior to the issuance of a County feedlot permit:

- (1) An approved construction short form or interim permit application, as provided by the County.
- (2) A map or aerial photo indicating dimensions of feedlot showing all existing homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcropping, roads, wells, topographic contours, and surface water drainage within 1,500 feet of the feedlot.
- (3) Manure management plan when required by Minn. Rule 7020.2225, as amended.
- (4) A site plan showing the following information:
  - a. The locations and dimensions of all animal confinement buildings, including outside lots.
  - b. The locations and dimensions of any manure storage facilities, including those not located in a building.
  - c. The location of any well, active or abandoned, and its distance to the nearest confinement building or outside lot.
  - d. The drainage patterns on the site.
  - e. The location of livestock mortality storage.
  - f. Location of roads, driveways, and means of ingress and egress.
  - g. Location of all components of a septic system or holding tank.
- (5) Method/plan for disposal of dead animals shall be consistent with the State Board of Animal Health Regulations.
- (6) In some instances, because of site specific or operational considerations, the feedlot officer may require additional information.

Sec. 6-63. - Issuance of a feedlot permit.

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

Sec. 6-64. - Exceptions.

The following are exceptions to the requirements of this article:

- (1) Animal feedlots within the shoreland district shall be reviewed by the County feedlot officer to determine if a potential pollution hazard exists.
- (2) Temporary uses not exceeding 14 calendar days that involve 10 or more animal units shall be submitted to the planning agency for review. If approved by the planning agency, such use may be exempt.
- (3) Feedlots with fewer than 10 animal units provided such sites do not create a potential pollution hazard.
- (4) When an owner of a feedlot proposes a change in operation of the facility, the proposed change may proceed without conditional use permit review and approval provided:
  - a. There are no modifications to existing manure storage areas.

- b. There are no additional manure storage areas.
- c. There is no change in the animal species.

Sec. 6-65. - Feedlot permit review.

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

- (1) When a new application for a feedlot permit is received.
- (2) When a written complaint has been determined to be valid by the feedlot officer.
- (3) On a random basis of the permitted feedlots each year.
- (4) When a feedlot operator has received a written warning of a potential violation or a written notice of a violation of this article, the following shall apply:
  - a. The initial review shall verify whether all problems have been corrected and that the operation of the feedlot is in compliance with this article.
  - b. The feedlot officer may conduct subsequent reviews of the feedlot operation to ensure that corrective practices are being implemented.
- (5) Those feedlots that have been designated as having the highest potential to pollute may be subject to more frequent review.
- (6) A written review of the feedlot's operation and compliance with this article shall be completed by the feedlot officer each time an on-site review is conducted. The feedlot operator and owner shall be provided with a copy of the review by mailing to the address provided on the annual permit within 30 working days of the on-site visit.

Sec. 6-66. – Feedlot Conditional Use Permit Requirements

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

- (1) The proposed expansion or modification of an existing feedlot in the conservation district.
- (2) The proposed modification of an existing feedlot in the shoreland district to mitigate an existing pollution problem.
- (3) An earthen storage basin is proposed for the storage or treatment of animal waste.
- (4) A new feedlot exceeding 100 animal units.
- (5) The expansion of 100 animal units or more of an existing feedlot in the agricultural district.
- (6) When the Minnesota Pollution Control Agency issues a Construction Short Form Permit, an interim permit, a State Disposal System Permit, or a National Pollutant Discharge Elimination System Permit.
- (7) A new feedlot to be located or the expansion of an existing feedlot within one-half mile of a County, municipal, or State park.
- (8) A new feedlot within one-half mile of a municipal boundary is prohibited unless there is a written agreement from the affected municipality.
- (9) A new feedlot of 50 animal units or more or the expansion of an existing feedlot to a cumulative total of 50 animal units or more within two miles of a municipal border.
- (10) Other feedlots as determined by the feedlot officer.

Sec. 6-67. - Standards for conditional use permits.

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

- (1) Conditional use permits shall be in effect only as long as sufficient land specified for spreading manure is available and being used for such purposes as regulated otherwise by this article.
- (2) All feedlots shall be operated in a manner consistent with the Minnesota Rules, Chapter 7020, and this article.
- (3) The proposal shall meet the lot area requirements of this article.
- (4) The applicant must obtain a Blue Earth County feedlot permit before any animals are placed in the facility.

- (5) If construction is proposed, the applicant shall obtain a Blue Earth County Construction Permit before building begins and within one (1) year from the date the County Board of Commissioners approves the Conditional Use Permit. The permit shall be rendered invalid if application for a construction permit is not made within this one (1) year period. Time extensions for Conditional Use Permits must be obtained within one year of the initial approval by the County Board of Commissioners subsequent to a public hearing conducted by the Planning Commission.
- (6) The application of manure shall comply with standards set forth by the Minnesota Pollution Control Agency (MPCA) and the County. The applicant's manure management plan must be reviewed by the operator each year and updated each year and adjusted for any changes in the amount of manure production, manure nutrient test results, and transfer of manure ownership. Records of manure transfer shall be maintained as required by the MPCA. Manure Application Setback Standards for the fields on which the manure is applied shall be followed as required by the MPCA and the County.
- (7) The disposal of livestock mortality shall be consistent with Minnesota Board of Animal Health regulations and the requirements of this article.
- (8) Adequate measures shall be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.
- (9) According to Minn. Stat. § 116.0713, livestock production facilities are exempt from State ambient air quality standards while manure is being removed and for seven days after manure is removed from barns or manure storage facilities. Proper notification is required pursuant to Minn. Stat. § 116.0713.
- (10) All manure storage structures and earthen storage basins shall conform to Minnesota Pollution Control Agency design standards. All plans for manure storage structures and earthen manure storage basins shall be designed, and the plans signed, by a professional engineer licensed in the State of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority for the project.
- (11) Within 60 days of completion of any new or modified manure storage area, a professional engineer licensed in the State of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority shall provide the County feedlot officer with a signed construction report and certification that the manure storage structure or earthen manure storage basin was constructed to the standards of the approved plans.
- (12) That the applicant complies with the storm water control requirements established by the Minnesota Pollution Control Agency and Blue Earth County.
- (13) That Minnesota Pollution Control Agency construction erosion control Best Management Practices be followed until grass is established or the area is utilized as crop acreage.
- (14) If a shower, restroom, culinary, and/or laundry facilities are to be included with the proposal, a separate wastewater handling system must be designed and constructed to the requirements of Minnesota Rule, Chapter 7080, as amended.
- (15) When required by the Minnesota Department of Natural Resources, a Water Appropriations Permit shall be obtained by the applicant.
- (16) Following the approval of a conditional use permit (CUP) to establish a new feedlot, to modify an existing feedlot, or to restock an abandoned feedlot, the County feedlot permit shall become the operating permit.
- (17) The feedlot operator shall be responsible to maintain compliance with operating conditions listed on the conditional use permit which shall be made part of the feedlot permit by reference.

Secs. 6-68 – 6-90. - Reserved.

### **DIVISION 3. – FEEDLOT OPERATING REQUIREMENTS**

#### Sec. 6-91 – Livestock Mortality Disposal

- (1) Animal mortality boxes shall be located outside of the right-of-way and a minimum of 100 feet from DNR public waters, public drainage ditches, private drainage ditches, and open tile intakes.

- (2) All mortality disposal sites shall be operated at all times in a manner which prevents scavenging and controls vectors.

Sec. 6-92. – Feedlot Setbacks.

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

- (1) The setback requirements for a dwelling and a feedlot are reciprocal. The distance between a feedlot and a dwelling is measured from the nearest wall of any confinement building, the nearest edge of any manure storage structure, or the nearest fence line of any open confinement lot to the nearest wall of a dwelling. The feedlot-dwelling setback is established as follows:
  - a. Feedlots 10 to 50 animal units shall have a minimum setback of 500 feet.
  - b. Feedlots greater than 50 animal units shall have a minimum setback of 1,500 feet.
- (2) Feedlots must be setback 1,500 feet from churches.
- (3) Feedlots must be setback 2,640 feet from County parks.
- (4) Feedlots must be setback 2,640 feet from campgrounds.
- (5) Feedlots must be setback 1,500 feet from any residential zoning district boundary.
- (6) Feedlots must be setback 500 feet from Wildlife Management Areas, Aquatic Management Areas, Waterfowl Production Areas, or similar land uses.
- (7) Feedlots may not be located within the one percent (1%) chance flood area as shown on Federal Emergency Management Agency floodplain map.
- (8) Feedlots may not be located closer than 200 feet from a sensitive water-supply well. This includes abandoned wells that have not been sealed. Feedlots may not be located closer than 100 feet from all other wells.
- (9) Feedlots must be setback 100 feet from the crown of a County ditch, the crown of a private drainage ditch, and the center of a County tile line.
- (10) Feedlots must be setback 50 feet from property lines.
- (11) In the urban fringe overlay district, all new feedlots and the expansion of existing feedlots over 100 animal units must be setback from a municipality's corporate limits as set forth on the official map delineating the boundaries of that municipality's UFD urban fringe overlay district, as defined in Chapter 24 of the Blue Earth County Code.

Secs. 6-93 – 6-110. - Reserved.

**DIVISION 4. – MANURE MANAGEMENT**

Sec. 6-111 Manure management education

- (1) Manure management is a complex issue that is an important part of a feedlot's operation. The best plan for utilizing manure is a specific plan designed with the input of the feedlot operator. Without the feedlot operator's full cooperation and coordination, the implementation of any manure management plan is difficult.
- (2) Feedlot operators and commercial haulers must be aware of the many variables associated with manure management and shall be encouraged to use educational and technical sources to develop an individual manure management plan based upon current best management practices.
- (3) The County feedlot officer shall cooperate with State and Federal agencies and industry to make current manure management education publications and a list of independent consultants available to the feedlot operator when applying for a County feedlot permit.

Sec. 6-112 Land Application and Manure management requirements

The owner and the operator of any animal feedlot shall be responsible for the transportation, storage, stockpiling, and disposal of all animal manure generated in a manner consistent with the more restrictive provisions of this article and/or Minnesota Rule, Chapter 7020 sections 2010, 2100, 2125, and 2225, as amended.

- (a) Transportation of manure into the County: Any person located outside the jurisdiction of the County that transports manure into the County with the intent of storing or spreading such manure shall comply with all provisions of this article.
- (b) Standards for the transportation of manure: Animal manure hauled on Federal, State, or local highways, roads, or streets must be hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited in the right-of-way. Manure deposited on a public roadway must be removed and properly disposed of by the feedlot owner, feedlot operator, or hauler of the manure.
- (c) Manure storage: New concrete manure storage pits shall provide a minimum of nine months' storage capacity. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one year.
- (d) Land Application of Manure: Land application of manure shall comply with the regulations set forth in Minnesota Rules, Chapter 7020.2225, as amended.
- (e) Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with all applicable regulations.
- (f) Manure application setbacks for all feedlots.

The land application of manure shall be setback as follows:

Setback From the Following Physical Features/Structures	Spreading Without Incorporation	Injection or Incorporation Within 24 Hours	Irrigation
Streams or rivers	300 feet	50 feet	300 feet
Lakes	300 feet	50 feet	300 feet
Uncultivated Wetlands	300 feet	50 feet	300 feet
Public and private drainage ditches	300 feet	50 feet	300 feet
Surface tile inlets	300 feet	50 feet	300 feet
Water wells	200 feet	200 feet	200 feet
Sinkhole	300 feet	50 feet	300 feet
Residential dwellings	500 feet	300 feet	1,000 feet
Public roads (right-of-way line)	25 feet	No application into the ditch	300 feet
Floodplain	Prohibited	Allowed when above setbacks are met	Prohibited
Mines & Quarries	50 feet	50 feet	50 feet
Frozen soils 6% or greater slope	Prohibited	Prohibited	Prohibited

Secs. 6-113 – 6-130. - Reserved.

## **DIVISION 5. – FEEDLOT CLOSURE/ABANDONMENT**

### Sec. 6-131. - Owner and operator's responsibility.

Upon abandonment, termination, or non-renewal of any permit or certificate necessary to operate a feedlot or failure to operate the feedlot in any manner consistent with this article or with State and/or Federal regulations, the owner and operator of any feedlot shall remain responsible for all costs of closure, cleanup, or other costs necessary to bring the property into compliance with all Federal, State, and County regulations and to restore the property to a suitable use.

- (a) Within one year of ceasing operation, remove and land apply manure and manure contaminated soils from manure storage areas and animal holding areas. Closure shall include the removal of the sludge from the bottom of any manure storage areas and its disposal by proper land application or by other legally permissible method.

- (b) Prior to the abandonment of or discontinuation of an animal feedlot and/or manure storage structure, the owner shall notify in writing the Blue Earth County Property and Environmental Resources Office. Notification must be submitted seven days prior to commencement of abandonment.

Secs. 6-132 – 6-140. - Reserved.