

ARTICLE 5 CONFINED FEEDLOT REGULATIONS

SECTION 1. INTENT

An adequate supply of healthy livestock, poultry, and other animals is essential to the well being of Goodhue County citizens and the State of Minnesota. 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 Goodhue County's environment. When animal manure adds to surface water, groundwater, long term air pollution or land pollution in the County, it must be controlled.

The following regulations for the control of livestock, poultry, and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. However, these rules recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.

These rules comply with the policy and purpose of the state of Minnesota in regard to the control of pollution as set forth in Minnesota Statutes, chapters 115 and 116. It has been our experience that residential and agricultural uses of land can be incompatible. These feedlot controls will regulate the uses and development of land in Goodhue County which may adversely affect the health, safety, and general welfare of the public.

No person shall permit or allow their land or property under their control to be used for any confined feedlots, and no animal manure from any confined feedlot shall be disposed of within the County of Goodhue, except at an operation which has been approved in accordance with the provisions of this Article.

All existing feedlots within Goodhue County shall comply with minimum standards set forth within MPCA Chapter 7020 rules of this Ordinance.

SECTION 2. ADOPTION BY REFERENCE OF STATE REGULATIONS

Pursuant to M.S.A. 394.25, Subdivision 8, the Goodhue County Board of Commissioners hereby adopts by reference Minnesota Rules, Chapter 7020, Rules for the Control of Pollution from Animal Feedlots. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

SECTION 3. EXEMPT FROM REGULATION

- Subd. 1 Any confined feeding operation of ten (10) animal units or less when in conformance with all provisions of this Ordinance shall be exempt from this Article.
- Subd. 2 Nothing in this Article shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.

SECTION 4. APPLICATION PROCEDURE

Applications for locating any confined feeding operation in Goodhue County shall be governed by the following procedures:

- Subd. 1 The owner of a proposed or existing animal feedlot for greater than ten (10) animal units shall make application to the Minnesota Pollution Control Agency for a permit.
- Subd. 2 Feedlot application forms may be obtained at the Goodhue County Land Use Management Office.
- Subd. 3 Feedlot permit applications shall be required when any of the following conditions exist:
 - A. A new animal feedlot is proposed.
 - B. A change in operation of an existing animal feedlot is proposed.
 - C. Ownership of an existing animal feedlot is changed.
 - D. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.
 - E. Feedlots that have been abandoned for five (5) or more years and are to be restocked.
 - F. An inspection by Minnesota Pollution Control Agency (MPCA) staff or county feedlot officer reveals that the animal feedlot creates or maintains a potential pollution hazard.

SECTION 5. GENERAL REQUIREMENTS

- Subd. 1 No animal feedlot or manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.

- Subd. 2. Vehicles, spreaders. All vehicles used to transport animal manure on county, state, and interstate highways or through municipalities shall be leakproof. Manure spreaders with endgates shall be in compliance with this provision provided the endgate works effectively to restrict leakage and the manure spreader is leakproof. This shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer. (MPCA 7020.0400 Subp. 2).
- Subd. 3. Manure storage. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one year and shall be applied at rates not exceeding local agricultural crop nutrient requirements except where allowed by permit. Local agricultural crop nutrient requirements can be obtained at local Natural Resources Conservation Services offices or local Minnesota Extension Service offices, (MPCA 7020.0400 Subp. 3).
- Subd. 4. Animal Manure. Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state rules. (MPCA 7020.0400 Subp. 4).
- Subd. 5. Owner's duties. The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions herein. (MPCA 7020.0400 Subp. 5).

SECTION 6. FEEDLOTS REQUIRING A CONDITIONAL USE PERMIT

- Subd. 1. Any of the following described animal feeding operations whether existing or proposed, shall require a conditional use permit issued by the County:
 - A. Any new or expanding feedlot that meets or exceeds five-hundred (500) animal units in an A-1 Zoning District.
 - B. Any new or expanding feedlot that meets or exceeds three-hundred (300) animal units in an A-2 Zoning District.
 - C. When the MPCA issues an Interim Permit or a NPDES Permit.
 - D. Any proposed lagoon system, earthen storage basin, or associated structure (pit) for the storage or treatment of animal wastes that exceeds 500,000 gallons.
 - E. Any animal feedlot when located outside of a farmyard.
- Subd. 2. All Conditional Use Permits shall have animal waste plans, including:
 - A. All requirements within Sections 5 and 6 of this Article.

- Subd. 3. Environmental Assessment Worksheet (E.A.W.). MPCA shall be the Regulatory Unit of Government responsible for all required E.A.W.'s.
- Subd. 4. Standards for Conditional Use Permits:
- A. The County may impose in addition to the standards and requirements set forth in this Article additional conditions which the Planning Commission or County Board consider necessary to protect the public health, safety, and welfare.
 - B. Conditional Use Permits shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes as regulated otherwise by this Article.
 - C. All feedlots shall be operated nuisance free in a manner consistent with the certificate of compliance.
 - D. The Goodhue County Board of Commissioners may require the applicant, or permit holder, to furnish and place in a dedicated account, an amount to be administered by the County for reclamation/liability purposes based upon the animal units involved.
 - E. The County shall review the impact of the feedlot and its effect on the neighborhood and environment. The review shall include, but not be limited to, the following conditions:
 - 1. The size of the operation and type of animal raised in the operation.
 - 2. The method of spreading or incorporating manure from the feedlot.
 - 3. The measures which will be taken to minimize odor at the feedlot site and during the disposal of manure.
 - 4. The method of disposal of dead, dying, or diseased animals.
 - F. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity. (Article 24, Sec. 5, Subd. 1).
 - G. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (Article 24, Sec. 5, Subd. 1).
 - H. Notification to property owners in adjacent counties will be made pursuant to Article 23 Section 3.

SECTION 7. INFORMATION REQUIRED FOR A CONDITIONAL USE PERMIT

The permit application shall include the following items:

- Subd. 1. A completed permit application form listing all owners and signed by at least one of the owners. The permit should include animal types, the maximum number of animal of each type which can be confined at the animal feedlot, the location of the animal feedlot, soil conditions, and hydro geological conditions including seasonal high water table. (MPCA 7020.0500 Subp. A).
- Subd. 2. A map or aerial photo indicating dimensions of feedlot showing all existing homes, buildings, lakes, ponds, water courses. (MPCA 7020.0500 Subp. B) wetlands, dry runs, rock out-croppings, roads, wells, contour and surface water drainage within ½ mile of the feedlot.
- Subd. 3. A plan indicating operational procedure, the location and specifics of proposed animal waste facilities. The quantity and type of effluent to be discharged from the site.
- Subd. 4. Method/plan for disposal of dead animals (shall be consistent with the Minnesota Board of Animal Health regulations).
- Subd. 5. Nutrient Management Plan which will include the location of all manure application sites, crop types, application rate in gallons/acre or tons/acre, and the resulting application rate of N, in pounds/acre. Manure application shall not exceed agronomic rates of N, levels beyond the soil capability of holding and utilizing them for crop use, for the prevention of leaching and potential non-point pollution problems, using best management practices or a plan approved by the Natural Resources Conservation Services of the Minnesota Extension Service. (MPCA 7020.0500 Subp. 2C).
- Subd. 6. Land spreading agreements shall be provided if the applicant does not own the minimum acreage as required in the nutrient management plan and that minimum must be under agreement throughout the lifetime of the permitted feedlot. Any shortage of minimum required acreage is cause for revocation of the permit and constitutes a violation of this Ordinance.
- Subd. 7. Any other additional information as contained in the application and requested by the County Feedlot Officer or MPCA.
- Subd. 8. Well Testing and Baseline data may be required.
- Subd. 9. Applications for Conditional Use Permits (Section 6) must also include information contained in Article 24, Conditional Uses, Section 2. Application.

SECTION 8. REQUIRED SETBACKS FOR NEW FEEDLOTS

New feedlots will meet the following setback requirements set forth in this Ordinance:

- Subd. 1. All new feedlots will be prohibited within 100 year floodplain areas.
- Subd. 2. No new feedlots shall be situated closer than 100 feet from any public or private well; this includes existing abandoned wells.
- Subd. 3. No new feedlot shall be within 1000 feet of the high water mark of a lake or within 300 feet of the high water mark of a stream or river.(MPCA 7020.0300 Supb. 21).
- Subd. 4. No new feedlot or portions thereof shall be constructed within 100 feet of an adjoining property line.
- Subd. 5. No new feedlot shall be within one-quarter (1/4) miles, if less than 300 animal units, or within one-half (1/2) miles if more than 300 animal units, of all residential districts.
- Subd. 6. New feedlots 300 to 2,000 animal units will not be allowed within 1/4 mile of a residence (dwelling) other than the operator's, except farmyards that existed prior to July 18, 1995.
- Subd. 7. Feedlots greater than 2,000 animal units will not be allowed within 1/2 mile of a residence (dwelling) other than the operator's except farmyards that existed prior to July 18, 1995.
- Subd. 8. Any or all setbacks may be adjusted at the discretion of the Goodhue County Planning Advisory Commission and or Board of Commissioners.
- Subd. 9. No new feedlots will be allowed within one mile of any municipality unless located within a farmyard that existed prior to July 18, 1995.

SECTION 9. SUGGESTED MANURE APPLICATION SETBACKS

See the following table for suggested manure application setbacks:

GOODHUE COUNTY MANURE APPLICATION SETBACKS

<u>CATEGORY</u>	<u>SURFACE OR IRRIGATION APPLIED</u>	<u>INCORPORATED OR INJECTED</u>
Lake, River Stream or Ditch	300 ft	100 feet (lake) 50 feet (river, stream or ditch).
Public Roads	25 feet (surface) 300 feet (irrigation) From Right of Way	10 feet from Right of Way
Area of 10 or More Residences	300 feet (surface only) 1000 feet (irrigation)	300 feet
Public and Private Wells	200 feet	200 feet
10 Year Floodplain	Prohibited	Prohibited
A Residence Other Than the Operator	300 feet (surface only) 1000 feet (irrigation)	300 feet

SECTION 10. STANDARDS FOR EARTHEN STORAGE BASINS & CONCRETE PITS (MPCA)

- Subd. 1. The standards for these structures shall be in compliance with MPCA requirements.
- Subd. 2. The sizing capacity of any manure storage or treatment area should be in accordance with NRCS or MPCA.

SECTION 11. FEEDLOT PERMITS WITH POTENTIAL POLLUTION HAZARDS

Non-Conforming Animal Feedlot. MPCA or the County Feedlot Officer shall make an on-site inspection of the feedlot.

- Subd. 1. If a problem does not exist the animal feedlot owner shall be notified.
- Subd. 2. If a potential pollution hazard is found to exist, the animal feedlot owner shall be notified. The owner must, within a reasonable time period, respond to MPCA or the County Feedlot Officer with plans for abatement and a timetable.
- Subd. 3. The County Feedlot Officer or the MPCA shall issue 1 of 4 permits listed as follows:

Certificate of Compliance -- If...

- the livestock operation does not create or maintain a potential pollution hazard or,
- the potential pollution hazard has been corrected to meet MPCA requirements.

Interim Permit -- If...

- a potential pollution hazard has been identified but has not been corrected.

(An interim permit is issued to cover the feedlot operation during the construction period, and will expire no later than 10 months after issuance).

State Animal Feedlot Permit -- If...

- an identified potential pollution hazard cannot be corrected within a 10 month period because the solution is not technically or economically feasible, or
- the manure is not used as a domestic fertilizer.

(this permit may allow up to 5 years and contains requirements, conditions and compliance schedules relating to the discharge of animal manure pollutants.)

National Pollutant Discharge Elimination System (NPDES) Permit -- If...

- a livestock facility has the potential to discharge manure and/or polluted runoff to surface or ground waters.

(this permit is issued by the MPCA and contains requirements, conditions and compliance schedules relating to the discharge of animal manure pollutants).