

Lac qui Parle County Feedlot Ordinance

Adopted

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AMENDED

TUESDAY, MARCH 20, 2001

Foreword

Livestock producers represent a vital link to the economic vitality of Lac qui Parle County, Minnesota. The vision of the Task Force was to create a document that balances sound agronomic principles with social and environmental issues. This Feedlot Ordinance unites long-term agricultural goals with the public's concern for the preservation of a pleasant and sustainable environment.

Acknowledgments

Thank you to everyone for their professionalism, dedication and commitment in creating this Feedlot Ordinance.

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SECTION 1—STATUTORY AUTHORIZATION AND POLICY

SUBDIVISION 101: STATUTORY AUTHORIZATION

The Lac qui Parle County Feedlot Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 115 and 116 and the Planning, Development, Zoning Enabling Legislation in Minnesota Statutes, Chapter 394.

SUBDIVISION 102: POLICY

An efficient and profitable livestock industry is an economic benefit to Lac qui Parle County and to the State of Minnesota. It provides a value added opportunity to our crop based agriculture and creates service industries which provide employment and further economic activity. An efficient industry also produces high quality food and fiber for consumers at reasonable prices. The manure produced in livestock production have the potential, when improperly stored, transported or disposed, to contribute to air, surface water, and ground water pollution. When properly utilized such wastes contribute to soil fertility and structure and enhance efficient crop production. The following Ordinance has been promulgated to reduce risk of pollution of natural resources from feedlots.

This Ordinance addresses production sites as well as storage and land application. These rules comply with the policy and purpose of the State of Minnesota statutes regarding control of pollution. The goal of this Ordinance is to address economic and environmental needs as they specifically relate to necessary stipulations of livestock feedlots and established farmsteads and urban areas to optimize the general welfare of the citizens of Lac qui Parle County. All existing and future feedlots in Lac qui Parle County shall comply with the standards set forth within the Minnesota Pollution Control Agency (MPCA) Chapter 7020 rules and updates, and this Ordinance.

SECTION 2—GENERAL PROVISIONS AND DEFINITIONS

SUBDIVISION 201: TITLE

This Ordinance shall be known, cited and referred to as the "Lac qui Parle County Feedlot Ordinance" and shall be referred to herein as this or the Ordinance.

SUBDIVISION 202: JURISDICTION

The jurisdiction of this Ordinance shall include all lands in Lac qui Parle County, Minnesota, excepting those located within incorporated cities.

SUBDIVISION 203: ENFORCEMENT

Enforcement of the provisions of this Ordinance shall be as proscribed in Subdivision 701.4 of this Ordinance.

34 **SUBDIVISION 204: INTERPRETATION**

35 In their interpretation and application, the provisions of this Ordinance shall be held to be
36 minimum requirements and shall be liberally construed in favor of the County and shall not
37 be deemed a limitation or repeal of any other powers granted by State Statutes.

38 **SUBDIVISION 205: SEVERABILITY**

39 If any section, clause, provision, or portion is adjudged unconstitutional or invalid by court
40 or competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

41 **SUBDIVISION 206: ABROGATION AND GREATER RESTRICTIONS**

42 It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements,
43 covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions,
44 the provisions of this Ordinance shall prevail.

45 **SUBDIVISION 207: COMPLIANCE**

46 Any feedlot shall be in full compliance with the terms of this Ordinance and other applicable
47 regulations.

48 **SUBDIVISION 208: RULES**

49 For the purpose of this Ordinance, certain terms and words herein are interpreted as follows:

- 50 1. The word "person" includes a firm, association, organization, partnership, trust, company,
51 or corporation as well as an individual.
- 52 2. The word "shall" is mandatory and not discretionary, and the word "may" is permissive.
- 53 3. Words used in the past tense shall include the present and future; and words used in the
54 singular shall include the plural, and the plural the singular.
- 55 4. The term "used for" shall include the terms "arranged for," "designed for," "intended for,"
56 "maintained for," and "occupied for."
- 57 5. All distances, unless otherwise specified, shall be measured horizontally.

58 **SUBDIVISION 209: DEFINITIONS**

59 209.1 ***Agriculture.*** The use of land for agricultural purposes, including farming, dairying,
60 pasturage, agriculture, horticulture, floriculture and animal and poultry husbandry and
61 the necessary accessory uses for packing, treating or storing the produce; provided,
62 however, that the operation of any such accessory use shall be secondary to that of the
63 normal agricultural activities.

- 64 209.2 **Animal Manure.** Is poultry, livestock or other animal excreta, or a mixture of excreta
65 with feed, bedding and other materials.
- 66 209.3 **Agriculture Structure.** Any structure existing or erected and used principally for
67 agricultural purposes, with the exception of dwelling unit.
- 68 209.4 **Animal Unit.** A unit of measurement. For the purpose of this Ordinance any animal not
69 listed on the Animal Unit Equivalent chart of this Ordinance shall be defined as the
70 average weight of the animal divided by one thousand (1000) pound.

ANIMAL UNIT EQUIVALENT	
ANIMAL(S)	EQUIVALENT
A. Dairy Cattle	
Mature Cow (whether milked or dry) over 1,000 pounds	1.4 animal unit
Mature Cow (whether milked or dry) under 1,000 pounds	1.0 animal unit
Heifer	0.7 animal unit
Calf	0.2 animal unit
B. Beef Cattle	
Slaughter steer or stock cow	1.0 animal unit
Feeder cattle (stocker or backgrounding) or heifer	0.7 animal unit
Cow and calf pair	1.2 animal unit
Calf	0.2 animal unit
C. Swine	
Over 300 pounds	0.4 animal unit
Between 55 and 300 pounds	0.3 animal unit
Under 55 pounds (and separated from sow)	0.05 animal unit
D. Horses	
Horse	1.0 animal unit
E. Sheep	
Sheep or lamb	0.1 animal unit
F. Chickens	
Laying hen or broiler, if the facility has a liquid manure system	0.033 animal unit
Chicken over 5 pounds, if using a dry manure system	0.005 animal unit
Chicken under 5 pounds, if using a dry manure system	0.003 animal unit
G. Turkeys	
Over five pounds	0.018 animal unit

Under five pounds	0.005 animal unit
<i>H. Duck</i>	
Duck	0.01 animal unit
<i>I. Animals not listed in item A to H</i>	
Type 1: _____ Type 2: _____	Average weight of the animal in pounds divided by 1,000 pounds
(Animal Unit Amendment adopted on March 20, 2001)	

104 **Source:** Minnesota Pollution Control Agency

105 209.5 **Board of Adjustment.** A quasi-judicial body with power and duties as defined in Section
106 3 of the Ordinance.

107 209.6 **Conditional Use.** A land use or development as defined by Ordinance that would not
108 be appropriate generally but may be allowed with appropriate restrictions as provided by
109 official controls upon a finding that: 1.) Certain conditions as detailed in the Zoning
110 Ordinance exists; 2.) The use or development conforms as detailed in the Zoning
111 Ordinance exist; 3.) Is compatible with the existing neighborhood.

112 209.7 **County.** Lac qui Parle County

113 209.8 **County Board.** Lac qui Parle County Board of Commissioners.

114 209.9 **Dwelling.** Any building or part thereof designed or used exclusively for residential
115 purposes by one or more human beings.

116 209.10 **Earthen Storage Manure Basin.** Dike or excavated structure, often lined with clay
117 or synthetic liner, in which manure is stored. The basin is emptied at least once a
118 year. It is designed by a professional engineer or NRCS/SWCD Technician.

119 209.11 **Farm.** A tract of land, which is principally used for agricultural activities such as the
120 production of crops, animals. A farm may include agricultural dwellings and accessory
121 buildings and structures necessary to the operation of the farm and must meet the
122 definition of "farm" under Minnesota's Green Acres Law M.S.A., Chapter 273.111.

123 209.12 **Farmstead.** A development area designed and arranged to support farm activities. A
124 variety of structures, storage area, and other facilities, including adjacent windbreaks and
125 shelter belts, typically comprise a farmstead. The area may contain one or more Farm
126 Dwellings. A livestock Feedlot may be present within the defined area of a Farmstead,
127 but for the purpose of this Ordinance, Livestock Feedlots shall not be considered to be
128 part of a Farmstead. A Farmstead has boundaries which can be approximately defined
129 and differentiated from surrounding fields and pastures and the Administrator shall
130 determine such boundaries as necessary.

131 209.13 **Feedlot, Existing.** An existing feedlot which is currently in operation at the passage of
132 this Ordinance, or within the previous five (5) years.

133 209.14 **Feedlot, Livestock.** A lot or building or combination of lots and buildings intended
134 for the confined feeding, breeding, raising, or holding of animals and specifically
135 designed as a confinement area in which manure may accumulate, or where the
136 concentration of animals is such that a vegetative cover cannot be maintained within the
137 enclosure. For the purposes of this Ordinance, open lots used for feeding and rearing
138 of poultry (poultry ranges) shall be considered animal feedlots. Pastures shall not be
139 considered feedlots. The Administrator shall define the area covered by a feedlot.

140 209.15 **Feedlot, New.** An animal feedlot constructed and operated on a site where no animal
141 feedlot existed previously or where a preexisting animal feedlot has been abandoned or
142 unused for a period of five (5) years or more.

143 209.16 **Hardship.** As used in connection with the granting of a Variance means the property in
144 question cannot be put to a reasonable use if used under the conditions allowed by the
145 official controls; the plight of the landowner is due to circumstances unique to the
146 property not created by the landowner; and the Variance, if granted will not alter the
147 essential character of the locality. Economic considerations alone shall not constitute a
148 hardship if a reasonable use for the property exists under the terms of the Ordinance. No
149 Variance may be granted that would allow any use that is prohibited in the zoning district
150 in which the subject property is located.

151 209.17 **Incorporated.** When manure is surface mechanically applied and mechanically
152 incorporated within forty-eight (48) hours of application.

153 209.18 **Injected.** When manure is mechanically injected or tilled into the soil during the manure
154 application.

155 209.19 **MPCA.** Minnesota Pollution Control Agency.

156 209.20 **NRCS.** National Resources Conservation Service.

157 209.21 **Ordinary High Water Level (OHWL).** The boundary of public waters and wetlands, and
158 shall be an elevation delineating the highest water level which has been maintained for
159 a sufficient period of time to leave evidence upon the landscape, commonly that point
160 where the natural vegetation changes from predominantly aquatic to predominantly
161 terrestrial. For watercourses, the ordinary high water level is the elevation of the top of
162 the bank of the channel. For reservoirs and flowage, the OHWL is the operating
163 elevation of the normal summer pool.

164 209.22 **Owner.** Any individual, firm, association, syndicate, partnership, corporation, trust or
165 other legal entity having sufficient property interest in a property to commence and
166 maintain proceedings under this Ordinance, or the owner of record.

167 209.23 **Pastures.** Areas where grass or other growing plants are used for grazing and where the
168 concentration of animals is such that a vegetative cover is maintained during the growing
169 season except in the immediate vicinity of temporary supplemental feeding or watering
170 devices.

171 209.24 **Person.** Any individual, firm, partnership, corporation, company, association, joint stock
172 association or body politic; including any trustee, receiver, assignee, or other similar
173 representative thereof.

- 174 209.25 **Planning Commission.** A quasi-judicial body with powers and duties as defined in
175 Section 3 of the Ordinance.
- 176 209.26 **Public Water.** Any waters as defined in Minnesota Statutes, Section 103G.005,
177 Subdivisions 14 and 15. A body of water capable of substantial beneficial public use.
178 This shall be construed to mean, for the purposes of this Ordinance, any body of water
179 which has the potential to support any type of recreational pursuit or water supply
180 purpose. The term "protected water" is synonymous with the term "public water" for the
181 purpose of this Ordinance.
- 182 209.27 **Residence.** Is any dwelling which is currently occupied or has been occupied for a
183 period of sixty (60) days within five (5) years of the permit application.
- 184 209.28 **Road.** A public right-of-way affording primary access by pedestrians and vehicles to
185 abutting properties, whether designed as a street, highway, parkway, road, avenue,
186 boulevard, lane, service road, place or however otherwise designed. Acceptance of a
187 road for maintenance purposes by a unit of government is not necessary for designation
188 as a road.
- 189 209.29 **Road, Private.** An unplatted access to more than one lot or parcel, including leased or
190 rental properties where public access is limited.
- 191 209.30 **Setback.** The minimum horizontal distance between a structure, sewage treatment
192 system or other facility and an OHWL, top of a bluff, road, highway, property line or
193 other facility.
- 194 209.31 **Use.** The purpose for which land or premises or a building thereon is designated,
195 arranged or intended, or for which it is or may be occupied or maintained.
- 196 209.32 **Use, Agricultural.** Means that use of land for the production of food or fiber, their
197 storage on the farm, and/or the raising thereon of animals.
- 198 209.33 **Variance.** Any modification or variation of this Ordinance where it is determined that,
199 by reason of exceptional circumstances, the strict enforcement of this Ordinance would
200 cause unnecessary hardship.
- 201 209.35 **Waiver.** The intentional or voluntary written relinquishment of a landowner's
202 right under this Ordinance, which Waiver would negate the necessity of a Variance
203 hearing for any feedlot proposing to be built within two thousand (2000) feet from a
204 neighboring residence under this Ordinance. Such properly signed and notarized
205 Waiver would have the same effect as a decision of the Board of Adjustment.
- 206 209.34 **Waterway.** A natural or constructed channel that is shaped or graded and is established
207 in sustainable vegetation for the stable conveyance of run-off.
- 208 209.36 **Wetland(s).** A surface water feature classified as a wetland(s) in the United States
209 Fish and Wildlife Service Circular No. 39 (1971 edition), and refers to land which is
210 annually subject to periodic or continual inundation by water and commonly referred to
211 as a bog, swamp, marsh or slough.

SECTION 3—ADMINISTRATION

SUBDIVISION 301: FEEDLOT ADMINISTRATOR

214 301.1 **Appointment.** The County Board shall appoint a Feedlot Administrator, hereafter called
 215 the Administrator, who shall administer and enforce the provisions of this Ordinance. The
 216 County Board may authorize the Administrator to appoint such Assistant Feedlot
 217 Administrator(s) as are necessary and to designate their power and duties within the
 218 limits of the Ordinance.

219 301.2 **Powers and Duties.** The Administrator shall have the following powers and duties and
 220 may delegate them to the Assistant Administrator(s.)

221 1. To receive and review applications for permits and issue permits only if such permit
 222 request is in full conformance with the provisions of this Ordinance.

223 2. To receive and review application requests for action by the Board of Adjustment and/or
 224 the County Planning Commission and provide such information, data and testimony as
 225 may be necessary for action to be taken.

226 3. To make inspections to discover violations and check for compliance with this
 227 Ordinance. If violations of this Ordinance are discovered the Administrator shall notify
 228 the violator(s) and take such other steps as are necessary to correct the violation.

229 4. To maintain records of all actions taken pursuant to the provisions of this Ordinance.

230 5. To assist the public in complying with and understanding their responsibilities and rights
 231 under this Ordinance.

232 6. To identify and locate jurisdiction and zoning district boundaries and public waters by
 233 on-site investigation, interpretation of official maps and other appropriate methods.

234 SUBDIVISION 302: BOARD OF ADJUSTMENT

235 302.1 **Membership.** There is hereby created a Board of Adjustment consisting of three (3) to
 236 seven (7) members appointed by the County Board.

237 1. No elected officer of the County nor any employee of the County Board shall serve as
 238 a member of the Board of Adjustment.

239 2. Members shall be appointed to three year terms except that when the Board of
 240 Adjustment is first established. Terms shall be staggered so that no more than two (2)
 241 terms end at the same time.

242 3. Whenever a Board of Adjustment member leaves in the middle of a term, for any reason,
 243 a replacement member shall be appointed to complete the remaining portion of said term.

244 4. One member of the Board of Adjustment shall also be a member of the Planning
 245 Commission.

246 302.2 **Decisions.** All decisions of the Board of Adjustment shall require the affirmative vote
247 of a simple majority of the members present.

248 302.3 **Duties.** The Board of Adjustment shall have the following powers and duties:

- 249 1. The Board of Adjustment shall hear and act on requests for Variances from the provisions
250 of this Ordinance.
- 251 2. The Board of Adjustment shall hear and decide appeals from an order, requirement,
252 decision or determination made by the Administrator.
- 253 3. The County Board may assign additional duties and responsibilities to the Board of
254 Adjustment including but not restricted to:
- 255 A. The establishment of rules for the conduct of public hearings;
- 256 B. The authority to elect a Chairperson and Vice Chairperson from among its members.
- 257 4. The Board of Adjustment shall decide such other issues as are specifically defined in this
258 Ordinance.

259 **SUBDIVISION 303: PLANNING COMMISSION**

260 303.1 **Membership.** There is hereby created a Planning Commission consisting of not less than
261 five (5) or more than eleven (11) members appointed by the County Board. Two (2)
262 member(s) shall be appointed from each County Commissioner District. One (1) member
263 shall be appointed from the County Board.

- 264 1. No more than one (1) voting member of the Planning Commission shall be an officer or
265 employee of the county.
- 266 2. One (1) member of the Planning Commission shall also be a member of the Board of
267 Adjustment.
- 268 3. Members shall be appointed to three (3) year terms except when the Planning
269 Commission is first established, then terms shall be staggered.
- 270 4. Whenever a Planning Commission member leaves in the middle of a term, for any reason,
271 a replacement member shall be appointed to complete the remaining portion of said term.
- 272 5. No voting member of the Planning Commission shall have received, during the two (2)
273 years prior to appointment, any substantial portion of income from business operations
274 involving the development of land within the county for urban and urban related
275 purposes.

276 303.2 **Decisions.** All decision of the Planning Commission shall require the affirmative vote
277 of a simple majority of the members present.

278 303.3 **Duties.** The Planning Commission shall have the following powers and duties:

279 1. The Planning Commission shall make recommendations to the County Board on
280 Conditional Use Permits and plans.

281 2. The County Board may assign additional duties and responsibilities to the Planning
282 Commission including but not restricted to:

283 A. The establishment of rules for the conduct of public hearings;

284 B. The authority to elect a Chairperson and Secretary/Treasurer from among its
285 members;

286 C. The authority to order the issuance of some or all categories of Conditional Use
287 Permits in accordance with the rules that it has adopted for the conduct of business.

288 3. The Planning Commission shall decide such other issues as are specifically defined
289 in this Ordinance.

290 **SUBDIVISION 304: PERMITS**

291 No person shall operate and/or construct an animal feedlot with fifty (50) or more animal
292 units (ten (10) or more animal units within a Shoreland Management District) without
293 first obtaining a Certificate of Compliance, making application with the appropriate state
294 and/or local authorities and meeting the standards set forth in this Ordinance and that of
295 MPCA Chapter 7020 Rules and Updates. All other applications may be considered for
296 a Conditional Use Permit issued by the County.

297 304.1. **Certificate of Compliance.** The Administrator shall issue a Certificate of Compliance
298 for each activity requiring a permit as specified in the Ordinance. This certificate will
299 specify that the feedlot conforms to the requirements of this Ordinance. Any use,
300 arrangement, or construction at Variance with that authorization by permit shall be
301 deemed a violation of this Ordinance and shall be punishable as provided by this
302 Ordinance.

303 304.2 **Interim Permit.** The Administrator may issue an Interim Permit for a feedlot of three
304 hundred (300) or less animal units.

305 304.3 **Local, State and Federal Permits.** Prior to granting a permit, the Administrator shall
306 determine that the applicant has obtained all necessary federal, state and local permits.

307 304.4 **Validity.** A Certificate of Compliance will remain valid if there are no changes in the
308 operation and the operator is in compliance with the Ordinance and the current laws and
309 regulations. The owner of a proposed or existing animal feedlot of fifty (50) or more
310 animal units (ten (10) or more animal units within Shoreland Management Districts) shall
311 make an application to the MPCA for a Certificate of Compliance when any of the
312 following conditions exist:

1. A new feedlot is proposed where a feedlot did not previously exist;
2. Expansion of an existing feedlot or animal facility (increase animal units);
3. Remodeling or modification of an existing feedlot or animal facility;
4. A change in the operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure;
5. A change of ownership;
6. An existing feedlot is to be restocked after being abandoned for five (5) or more years.;
7. An inspection reveals that the feedlot is creating a potential pollution hazard;
8. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
9. Other actions as specified in the Ordinance.

SUBDIVISION 305: APPEALS

Appeals of decisions of the Administrator shall be heard by the Board of Adjustment provided that the person making the appeal files an application for a hearing within thirty (30) days after the decision to be appealed was delivered to the applicant by the Administrator. The following procedure shall be followed:

- 305.1 **Application.** The person making the appeal shall apply for a hearing before the Board of Adjustment on forms provided by the Administrator.
- 305.2 **Notice and Hearing.** The Board of Adjustment shall, within thirty (30) days after receipt of the completed application, schedule a hearing on the appeal.
 1. At least ten (10) days prior to the hearing a notice shall be published in the official county newspaper.
 2. The Board of Adjustment shall make their decision within ten (10) days of the public hearing and shall base their decision on the provisions of this Ordinance.

SUBDIVISION 306: VARIANCES

An application for a Variance may occur where the applicant determines that by reason of exceptional circumstances, strict enforcement of the provisions of this Ordinance would cause an unnecessary hardship.

- 306.1 **Application and Hearing Procedures.** The following application and hearing process shall be followed in applying for and deciding requests for a Variance.

- 343 1. A person desiring a Variance shall contact the Administrator and obtain, complete and
344 submit an application form for a Variance.
- 345 2. A public notice that a specific Variance will be considered at the next scheduled meeting
346 of the Board of Adjustment shall be placed in the official county newspaper at least ten
347 (10) days before the public hearing. In addition, the Administrator shall notify the
348 following of the time, place and purpose of the public hearing(s):
- 349 A. The applicant;
- 350 B. The Clerk and Chairperson of the Township in which the property is located;
- 351 C. The Clerk of any City within two (2) miles;
- 352 D. The owners of any lot(s) or parcel(s) of land affected within the separation setbacks
353 as defined by the provisions of this Ordinance;
- 354 E. The owner(s) of record within one-half (1/2) mile of the affected property.
- 355 3. Prior to granting a Variance, the Administrator shall determine that the applicant has
356 obtained all necessary local, state and federal permits.
- 357 4. The decision to approve or disapprove the granting of a Variance shall be made no later
358 than thirty (30) days from the date of the public hearing provided that an extension of
359 time may be granted with the written concurrence of the applicant.
- 360 5. The Board of Adjustment must find the following four conditions present and they must
361 be sustained with evidence presented by the applicant before a Variance can be approved:
- 362 A. The property cannot be put to a reasonable use under the conditions allowed by this
363 Ordinance;
- 364 B. The conditions causing the hardships are unique to the property and were not created
365 by the landowner;
- 366 C. The granting of the Variance will not essentially alter the character of the locality;
- 367 D. The granting of the Variance is consistent with the provisions of this Ordinance.
- 368 306.2 **Granting of Variances.** Variances may only be granted in accordance with Minnesota
369 Statutes, Chapter 394, as applicable. A Variance shall not circumvent the general
370 purposes and intent of this Ordinance. No Variance may be granted which would allow
371 any use that is prohibited in the zoning district in which the subject property is located.
372 Conditions may be imposed in the granting of a Variance to ensure compliance and to
373 protect adjacent properties and the public interest. In considering a Variance request, the
374 Board of Adjustment shall also consider if the property owner has reasonable use of the
375 land without the Variance, if the Variance is being requested solely on the basis of
376 economic considerations, and the characteristics of development on adjacent properties.

377 306.3 **Decisions.** The Board of Adjustment shall hear and decide requests for Variances in
378 accordance with the rules that it has adopted for the conduct of business.

379 **SUBDIVISION 307: CONDITIONAL USE PERMITS**

380 A Conditional Use Permit may only be issued for those conditional uses specifically
381 identified in this Ordinance.

382 307.1 **Application and Hearing Procedures.** The following application and hearing process
383 shall be followed in applying for and deciding requests for a Conditional Use Permit.

384 1. A person desiring a Conditional Use Permit shall contact the Administrator and obtain
385 an application form for a Conditional Use Permit. The following evaluation criteria and
386 conditions apply but are not limited to:

387 A. **Evaluation Criteria.** A thorough evaluation of the existing or proposed site shall
388 be conducted by the Feedlot Administrator and/or the Planning Commission, and
389 shall include but is not limited to an on site inspection, to ensure:

390 1. The prevention of possible pollution of public waters, both during and after
391 construction;

392 2. An adequate animal manure plan is present;

393 3. The Conditional Use Permit is consistent with the provisions of this Ordinance.

394 B. **Conditions Attached to Conditional Use Permits.** The Planning Commission upon
395 consideration of the criteria listed above and the purposes of this Ordinance, shall
396 attach such conditions to the issuance of the Conditional Use Permit as it deems
397 necessary to fulfill the purposes of this Ordinance. Such conditions may include, but
398 are not limited to the following:

399 1. Increased setbacks;

400 2. Limitations on the number of animal units;

401 3. Conditions that are consistent with the provisions of the Ordinance.

402 2. The application form is completed by the applicant and submitted together with all
403 required and necessary information to the Administrator for review and comment. When
404 the application has been completed and reviewed, the Administrator, at the direction of
405 the Planning Commission, shall schedule a public hearing. Notice shall be given in the
406 official county newspaper at least ten (10) days prior to the hearing. In addition, the
407 Administrator shall notify the following of the time, place and purpose of the public
408 hearing:

409 A. The applicant;

410 B. The Clerk and Chairperson of the Township in which the feedlot is located;

- 411 C. The Clerk of any City within two (2) miles of the feedlot;
- 412 D. Property owner(s) within one-half (1/2) of a mile of the feedlot and/or to the ten (10)
- 413 properties nearest to the affected property, whichever would provide notice to the
- 414 greatest number of owners.
- 415 3. Prior to approval or disapproval of a Conditional Use Permit the Planning Commission
- 416 shall determine that the proposed development and/or use meets the following criteria:
- 417 A. Is expressly identified in the Ordinance;
- 418 B. Conforms to the conditions enumerated in the Ordinance;
- 419 C. Is not injurious to the use and enjoyment of the uses already permitted in the area;
- 420 D. Does not impede the normal and orderly development and improvement of the
- 421 surrounding property;
- 422 E. Has or will have adequate utilities, access roads, drainage, and other necessary
- 423 facilities;
- 424 F. Reasonable measures will be taken to minimize offensive odor, fumes, dust and
- 425 noise so that none of these will constitute a public nuisance;
- 426 G. Prior to granting a Conditional Use Permit, the Administrator and the Planning
- 427 Commission shall determine that the applicant has obtained all necessary State and
- 428 Federal permits.
- 429 4. Based upon the testimony at the public hearings and the possible effect on the
- 430 surrounding area, the Planning Commission shall either recommend to approve,
- 431 recommend to approve with conditions, or recommend to disapprove the Conditional Use
- 432 Permit within ninety (90) days of receipt of a completed application, or within thirty (30)
- 433 days after the public hearing.
- 434 5. If granted, a copy of the Conditional Use Permit shall be filed with the County Recorder's
- 435 Office.
- 436 307.2 **Conditional Uses.** A Conditional Use permit shall be required for:
- 437 1. Any new feedlot with over one thousand (1000) animal units is proposed or an existing
- 438 feedlot is expanded to more than one thousand (1000) animal units, or where an existing
- 439 feed lot with up to one thousand (1000) animal units proposes to increase the number of
- 440 animal units;
- 441 2. Any expansion or modification of an existing feedlot within the Shoreland Management
- 442 District or bluff impact zone;

3. **Animal Units**

		51 to 400	401 to 1,000	1,001 and more
444	10 or more residents or a 445 municipality	3/4 mile	1 mile	1.5 miles

4. Any feedlot proposing the use of an earthen manure storage basin;

5. Any feedlot proposing to be built within three-fourth (3/4) mile from ten (10) or more residences or a municipality;

6. Any feedlot proposing to be built within three hundred (300) feet from all public and private drainage ditches;

7. Any non-farm dwelling proposing to be built within two thousand (2000) feet of an existing feedlot, unless it is to replace an existing dwelling;

8. Any feedlot requiring the Environmental Review Program Pursuant M.S. 116D.04 and 116D.045 and its administrative rules adopted by the Environmental Quality Board 4410.0200-4410.7800.

307.3 **Animal Manure Plan(s).** All Conditional Use Permits shall have animal manure plans consisting of the following:

1. Compliance with all standards established within the County Feedlot Ordinance;

2. Submission of any other additional information requested by the Administrator, Planning Commission, County Board or the MPCA;

3. Compliance with all MPCA animal manure requirements prior to the Planning Commission's consideration of the Conditional Use Permit application as specified in Section 403 of this Ordinance;

4. Operational and Maintenance Plan;

5. Approved Plans for Earthen Storage Basins (NRCS Practice Standards for Manure Storage Ponds and/or a registered professional engineer);

6. Construction inspection plan(s) and verification log(s).

SECTION 4—FEEDLOT STANDARDS

SUBDIVISION 401: FEEDLOT SETBACKS AND SEPARATIONS

In order to prevent pollution of surface and groundwater, protect valuable agricultural lands, promote sound agricultural practices, and prevent conflicts, this Ordinance shall regulate feedlot size and location.

401.1 Feedlot Setbacks. All setbacks of this Ordinance shall apply across county lines. The setback standards of the county where the feedlot is located shall apply. No new feedlot shall hereafter be erected within the following distances:

1. One-half (1/2) mile from a Public Park(s);
2. One-fourth (1/4) mile from Urban Expansion Management District;
3. New feedlots shall not be located within a Shoreland or Floodplain Management District;
4. One-half (1/2) mile from an FAA approved airport;
5. Two thousand (2000) feet from a building used as a church, synagogue, or place of worship with regular scheduled services;
6. One-fourth (1/4) mile from a cemetery governed by a cemetery association, local government, or congregation of worshipers;
7. Two thousand (2000) feet from the Lac qui Parle Valley High School Building.
8. Any feedlot proposing to be built within two thousand feet (2000) feet from a neighboring residence.

SUBDIVISION 402: WAIVERS

The Administrator may issue a Waiver negating the necessity of a Variance hearing for any feedlot proposing to be built within two thousand (2000) feet from a neighboring residence by the Board of Adjustment when all parties concerned have intentionally and/or voluntarily relinquished their rights as landowners under this Ordinance. This Waiver pertains only to the two thousand (2000) feet in Section 4 - Feedlot Standards, Subdivision 401.1 Feedlot Setbacks, Item # 8.

402.1 Waiver Application. The following process shall be followed in applying for a Waiver:

1. A person requesting a Waiver shall contact the Administrator and obtain a Waiver form.
2. Prior to granting the Waiver the Administrator shall determine that the Waiver has been properly signed by:

- 499 A. The Clerk and Chairperson of any Township in which the affected parcel is located;
- 500 B. The Clerk of any City within two (2) miles;
- 501 C. The owners of any lot(s) or parcel(s) of land affected within the separation setbacks
502 as only defined by the provision in Section 4 - Feedlot Standards, Subdivision 401.1
503 Feedlot Setbacks, Item # 8 of this Ordinance;
- 504 D. The owner(s) of record within five hundred (500) feet of the affected property.
- 505 3. The Waiver shall be signed by the applicant and the affected property owner and
506 notarized.
- 507 4. If issued, a copy of the Waiver shall be filed with the County Recorder's Office.
- 508 402.2 **Granting of Waivers.** Waivers may only be granted in accordance with the provisions
509 of this Ordinance, as applicable. A Waiver shall not circumvent the general purposes
510 and intent of this Ordinance. The granting of a Waiver shall have the same effect as a
511 decision by the Board of Adjustment.

512 **SUBDIVISIONS 403: ANIMAL MANURE STORAGE FACILITIES**

- 513 403.1 **Requirements.** All new liquid manure holding structures for animal manure shall have
514 a minimum storage capacity of six (6) months and shall meet the minimum construction
515 standards required by the MPCA.

516 **SUBDIVISIONS 404: ANIMAL MANURE EARTHEN STORAGE BASINS**

- 517 404.1 **Standards.** The standards for animal manure earthen storage basins and lagoons shall be
518 in compliance with:
- 519 1. Minimum MPCA requirements;
- 520 2. All earthen plans shall be prepared and approved by a registered professional engineer
521 or NRCS job authority approval;
- 522 3. Soils identified as having severe limitations due to seepage shall have a synthetic liner;
- 523 4. Temporary manure storage area such as daily scrape areas are not considered earthen
524 basins or concrete pits and shall be operated in a non-polluting manner.

525 **SUBDIVISION 405: ANIMAL MANURE APPLICATION AND UTILIZATION**

- 526 405.1 **Application.** All application of animal manure shall comply with all setbacks of this
527 Ordinance to minimize odor nuisance, potential point and non-point pollution.

- 499 A. The Clerk and Chairperson of any Township in which the affected parcel is located;
500 B. The Clerk of any City within two (2) miles;
501 C. The owners of any lot(s) or parcel(s) of land affected within the separation setbacks
502 as only defined by the provision in Section 4 - Feedlot Standards, Subdivision 401.1
503 Feedlot Setbacks, Item # 8 of this Ordinance;
504 D. The owner(s) of record within five hundred (500) feet of the affected property.
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523 4. Temporary manure storage area such as daily scrape areas are not considered earthen
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525 **SUBDIVISION 405: ANIMAL MANURE APPLICATION AND UTILIZATION**

526 405.1 **Application.** All application of animal manure shall comply with all setbacks of this
527 Ordinance to minimize odor nuisance, potential point and non-point pollution.

528 405.2 **Utilization/Acreage Requirements.** All utilization of animal manure as fertilizer shall be
529 applied in the most agronomically efficient manner. The required acreage for utilization
530 will be based on the minimum acreage necessary to distribute manure at a rate equal to the
531 estimated crop utilization of nitrogen on an annual basis. All applicants must provide:

- 532 1. Animal unit capacity of facilities;
- 533 2. Acreage available for spreading of manure (a spreading agreements shall be provided
534 when adequate acres are not available);
- 535 3. Typical crop rotation and annual acres of each crop;
- 536 4. System(s) used for the collection, storage and application of manure.

537 405.3 **Animal Manure Application and Utilization Setback Chart:**

538 **ANIMAL MANURE APPLICATION AND UTILIZATION SETBACKS**

539 Surface or 540 Irrigation Applied	Incorporated or Injected	Location
541 300 Feet	100 Feet OHWL	Watercourses, streams, rivers, lakes, wetlands and ditches
542 1,000 Feet	1,000 Feet	Municipal well
543 200 Feet	200 Feet	Private wells
544 500 Feet	200 Feet	Residential area (10 or more homes) or municipality
545 300 Feet	200 Feet	Residence, neighboring residence or cemeteries
546 500 Feet	100 Feet	Urban Expansion Management District
547 Prohibited	Yes	10 year floodplain
548 100 Feet	10 Feet	Field tile intake

549 405.4 **Exemption.** When the area topography slopes away from an adjacent watercourse, animal
550 manure may be exempted from the required setbacks upon written approval of the
551 Administrator and meeting minimum MPCA guidelines.

552 **SECTION 5—NONCONFORMITIES**

553 All nonconforming feedlots as of the date of this Ordinance may continue, but they will be
554 managed according to applicable local, state and federal statutes and this Ordinance for the
555 subjects of alterations and additions, repair after damage, discontinuance of use and
556 intensification of use.

557 **SUBDIVISION 501: CONSTRUCTION, ADDITIONS OR EXPANSIONS**

558 **501.1 General.** All construction, additions or expansions to the outside dimensions of existing
559 nonconforming feedlots within the setbacks as defined by this Ordinance must be authorized
560 by a Variance issued in conformance to the following:

561 1. The substitution of one nonconforming use for another nonconforming use on the
562 same property may be permitted only when such substituted use is of a same or more
563 restrictive classification provided the Board of Adjustment deems the proposed
564 use to be no more harmful than the existing nonconforming use. In permitting such
565 nonconforming use substitution, the Board of Adjustment may require appropriate
566 conditions in accordance with the provisions of this Ordinance. In no case shall such
567 nonconforming use substitution be construed to alter the intent of this Ordinance.

568 2. When a nonconforming use is discontinued or abandoned for thirty-six (36) consecutive
569 months the structure, or structure and premises in combination, shall not thereafter be
570 used except in conformance with this Ordinance. A reasonable interim between tenants
571 or ownership shall not be construed to mean discontinuance or abandonment.

572 3. No existing nonconforming structure or land use shall be allowed to expand unless
573 specifically authorized in this Ordinance.

574 4. Any nonconforming structure or premises devoted to a nonconforming use which is
575 destroyed or damaged by fire, flood, tornado or similar noncontrollable cause to an extent
576 of more than fifty (50) percent of its value shall, if rebuilt, comply fully with the
577 provisions of this Ordinance.

578 5. Modifications or expansion to existing feedlots located within a bluff impact zone or
579 shoreland of any river class or within three hundred (300) feet of any lake class is allowed
580 if they do not further encroach into the riparian setback or bluff impact zone.

581 **SECTION 6—AMENDMENTS**

582 This Ordinance may be amended whenever the public necessity and the general welfare
583 requires such amendment(s).

584 **SUBDIVISION 601: GENERAL PROVISIONS**

585 **601.1 Initiation of Proceedings to Amend This Ordinance.** Amendment proceedings may be
586 initiated by a petition of the owner(s) of property affected, or by the County Board.

587 **601.2 Amendment by County Board.** The County Board may amend the procedures, standards,
588 requirements, maps and other provisions of this Ordinance after holding such public hearings
589 as it deems necessary. At least one (1) public hearing shall be required with notice published
590 in the official newspaper at least ten (10) days before the public hearing. In addition, the
591 Board shall give written notice of any changes and/or amendments of the official control(s)
592 to the following:

593

- A. The governing bodies of all towns and all municipalities located within the county;
- B. The Clerk and Chairperson of any Township in which the affected parcel is located;
- C. Owners of record within one-half (1/2) mile of the affected property.

601.3 Amendment Initiated by Property Owners. Amendments initiated by property owners shall require at least one (1) public hearing with notice published in the official newspaper at least ten (10) days before the public hearing. The Administrator shall also give written notice to the following for amendments changing the zoning district of specific properties:

1. The property owners of record;
2. The owners of record of any lot or parcel within one-half (1/2) mile of the affected property;
3. The Clerk and Chairperson of any Township in which the affected parcel is located;
4. The Clerk of any City within one (1) mile of the affected parcel.

SECTION 7—VIOLATIONS, PENALTIES & ENFORCEMENT

SUBDIVISION 701: GENERAL PROVISIONS

701.1 Violations. Failure to comply with any provision of this Ordinance shall constitute a violation of the Ordinance punishable as specified in Subdivision 701.2 of this Ordinance. Violations include the making of a false statement in any document required to be submitted under the provisions of the Ordinance and failure to comply with any of the requirements of the Ordinance, including violations of conditions and safeguards established in connection with grants of Variances or Conditional Use Permits. Violations of this Ordinance may occur regardless of whether or not a permit is required for a regulated activity. Each day that a violation continues shall constitute a separate violation.

701.2 Penalties. Any person violating this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment or both as set by State Statutes. Each day that a violation continues shall constitute a separate offense. A Notice of Violation shall be delivered in person or by certified mail return receipt requested to the owner of the property thirty (30) days before a criminal prosecution may be commenced. If notice is given by certified mail return receipt requested, said notice is effective as of the date of mailing. For purposes of this Subdivision owner is defined as the owner of record. The address of mailing will be the address maintained at the County Auditor's Office.

701.3 Criminal and Civil Actions. A criminal or civil action may be commenced by the County simultaneously or separately.

701.4 Enforcement. This Ordinance shall be administered and enforced by the Administrator, who is hereby designated the enforcement officer.

628 701.5 **Processing Fees.** The County Board may adopt a schedule of fees to defray all or any
629 portion of the costs of administering the provisions of this Ordinance.

630 701.6 **Date of Effect.** This Ordinance shall be in full force and in effect from and after its
631 passage and approval date, as provided by law.

RESOLUTION FOR ADOPTING THE REVISED UPDATE OF THE LAC QUI PARLE COUNTY FEEDLOT ORDINANCE

WHEREAS, The Lac qui Parle County Feedlot Ordinance was adopted on April 17, 1980 pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 115 and 116 and the Planning Zoning enabling legislation in Minnesota Statutes, Chapter 394, and

WHEREAS, The Lac qui Parle County Board of Commissioners has requested the Planning and Zoning Board to review and update the current Feedlot Ordinance to the Minnesota Statutes Code in Chapters 115 and 116, and

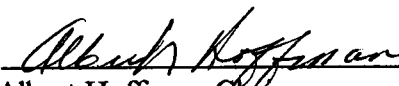
WHEREAS, The Lac qui Parle County Planning and Zoning Board considered the input from thirty-three individuals: eleven Lac qui Parle County livestock producers, three Township representatives, City Administrators from Dawson and Madison, Minnesota Pollution Control Agency, Soil Water Conservation District, University Minnesota Extension Service, Manure Management Extension Educator, Water Quality, County Commissioner, Arvid Gollnick; Lac qui Parle County Attorney, Roger Swenson; Feedlot Officer, Marlyn Hanson; Zoning Administrator, Darrel Ellefson; Environmental Assistant, Jennifer Ackerman; and the Planning and Zoning Board, including: Chairman, George Vick, Harold Sumner, Elwood Sather, Kermit Sather, Morris Hjelm, Harold Solem and Alfred Volkenant.

NOW, THEREFORE, BE IT RESOLVED, The Lac qui Parle County Board of Commissioners of Lac qui Parle County reviews the revised Feedlot Ordinance as was revised by said Feedlot Task Force and which was presented at a public hearing on January 28, 1997 for comment.

BE IT RESOLVED, That the Lac qui Parle County Commissioners adopt the revised Feedlot Ordinance as is the request of the Feedlot Task Force and the Planning and Zoning Board.

This 21st Day of August, 1997.

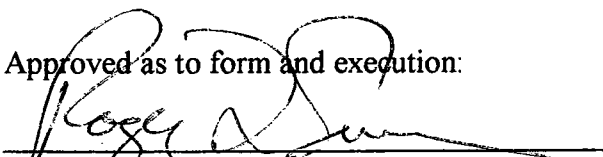
(seal)


Albert Hoffman, Chairperson
Lac qui Parle County Board of Commissioners

Attest:


Stan Bjorgan, Lac qui Parle County Auditor

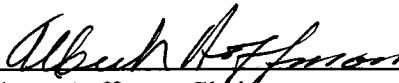
Approved as to form and execution:


Roger Swenson, Lac qui Parle County Attorney

This Feedlot Ordinance was passed and approved this 21st day of August, 1997.

Date:

8/21/97

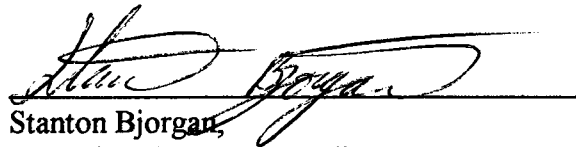


Albert Hoffman, Chairperson
Lac qui Parle County Board of Commissioners

Attest:

Date:

8/21/97



Stanton Bjorgan,
Lac qui Parle County Auditor

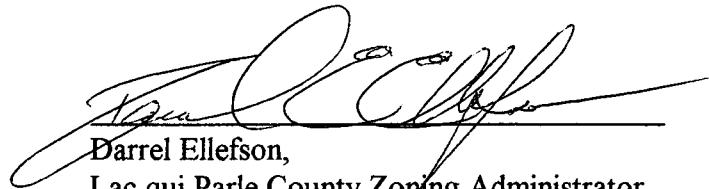
Published this

24th

day of

Sept

, 1997.



Darrel Ellefson,
Lac qui Parle County Zoning Administrator

STATE OF MINNESOTA)

Affidavit of Publication

) ss.

County of Lac qui Parle)

Richard Hail

, being duly sworn on oath says: that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as THE WESTERN GUARD, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed LqP County Feedlot Ordinance
Amendment

which is attached was cut from the columns of said newspaper, and was printed and published each week, for 2 successive weeks; it was first published on Wed, the 7 day of March, 20 01; and was thereafter printed and published on every Wed to and including Wed, the 14 day of March, 20 01; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

* abcdefghijklmnopqrstuvwxyz

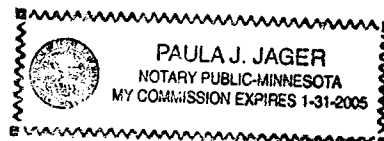
BY: Richard Hail

TITLE: Publisher

Subscribed and sworn to before me on

this 16 day of March, 20 01

Paul J. Jager
Notary Public




RATE INFORMATION

- | | |
|--|---------------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | 9 point - \$5.40/inch, .60/line |
| (2) Maximum rate allowed by law for the above matter | 8 point - \$5.40/inch, .54/line |
| (3) Rate actually charged for the above matter | 8 point - \$4.40/inch, .55/line |

MAY 04 2001

**PUBLIC NOTICE
LQP COUNTY FEEDLOT
ORDINANCE AMENDMENT**
The Lac qui Parle County Board of Commissioners wish to amend the current Lac qui Parle County Feedlot Ordinance to correlate with the State of Minnesota Feedlot rules by adopting the current MPCA animal unit guidelines.
A public hearing will be held on Tuesday, March 20, 2001, 1:00 p.m. at the Lac qui Parle County Courthouse, Commissioners' Room, Madison, MN at which time you may appear if you so desire either in person or by agent or attorney, in opposition to or support of the proposed amendment.
3/7, 3/14, 2001

DATE	TRANSACTION	AMOUNT	BALANCE		
3/1/'01	Balance forward		12.1C		
3/7/'01	INV #13116 2 WEEKS FEEDLOT ORDINANCE NOTICE	19.80	31.9C		
3/28/'01	INV #13504 FEEDLOT ORDINANCE NOTICE	11.00	42.9C		
		30.80			
					
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
30.80	12.10	0.00	0.00	0.00	\$42.90