

SECTION 16 ANIMAL FEEDLOT AND MANURE MANAGEMENT

SUBDIVISION 1. PURPOSE

- A. An adequate supply of healthy livestock, domesticated fowl, and other animals is essential to the well-being of Le Sueur 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.
- B. Livestock, domesticated fowl, and other animals produce manure, which may, where improperly stored, transported, or disposed, negatively affect Le Sueur County's environment.
- C. The following regulations for the control of livestock, domesticated fowl, 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.
- D. These rules provide for a cooperative program between Le Sueur County and the MPCA (hereinafter Agency). Pollution control measures, where deemed necessary by the Agency, should be individually designed and developed to provide the site-specific controls needed for the operation in question. Therefore, a joint county-state program is desirable as it will ensure local involvement, minimal disruption to agricultural operations, and protect the environment from further degradation. These rules comply with the policy and purpose of the State of Minnesota in regard to the control of pollution set forth in Minnesota Statutes, Chapter 115, Water Pollution Control, and Chapter 116, Pollution Control Agency.

SUBDIVISION 2. ADOPTION BY REFERENCE OF STATE REGULATIONS

Pursuant to Minnesota Statutes, Section 394.25, Subdivision 8, the Board of County Commissioners hereby adopts by reference Minnesota Administrative Rules, Chapter 7020 Relating to Animal Feedlots as amended. Provisions of these rules shall be as much a part of this section as if they had been set out in full herein when adopted by this reference. To the extent this Ordinance contains more restrictive requirements, the more restrictive requirements shall apply.

SUBDIVISION 3. SCOPE AND APPLICABILITY

- A. The provisions of Minnesota Administrative Rules, Chapter 7020 govern the storage, transportation, disposal, and utilization of animal manure and the application for the issuance of permits for construction and operation of animal manure management, disposal, or utilization systems for the protection of the environment.

- B. From and after June 10, 2010, all proposed new animal feedlots or expansion of existing animal feedlots shall be in conformity with the provisions of this section and Minnesota Administrative Rules, Chapter 7020.
- C. No person shall permit or allow their land or property under their control to be used for any new animal feedlot or expansion of an existing animal feedlot within Le Sueur County unless in compliance with the provisions of this Section.
- D. All animal feedlots within Le Sueur County shall manage manure in compliance with this Section and Minnesota Administrative Rules, Chapter 7020.
- E. Animal Units Conversions:

(TABLE ON NEXT PAGE)

ANIMAL TYPE	ANIMAL UNIT
DAIRY	
Mature cow over 1,000 pounds (milked or dry)	1.4
Mature cow under 1,000 pounds (milked or dry)	1.0
Heifer	0.7
Calf	0.2
BEEF	
Slaughter steer/heifer or stock cow	1.0
Feeder cattle (stocker or backgrounding) or heifer	0.7
Cow/calf pair	1.2
Calf	0.2
SWINE	
Over 300 pounds	0.4
Between 55 to 300 pounds	0.3
Under 55 pounds	0.05
HORSE	
Horse	1.0
SHEEP	
Sheep or lamb	0.1
CHICKENS	
Laying hen or broiler, liquid manure	0.033
Laying hen or broiler, dry manure and over 5 pounds	0.005
Laying hen or broiler, dry manure and under 5 pounds	0.003
TURKEYS	
Over 5 pounds	0.018
Under 5 pounds	0.005
DUCKS	
Duck	0.01
Animals not listed above	Average weight divided by 1,000 pounds

F. Suitable Area Acreage shall be defined as the area remaining on a lot or parcel of land that is capable of sustaining animal units after land defined as bluffs, steep slopes, wetlands, and land below the ordinary high water level are subtracted.

1. **Recreational Residential (RR) and Urban/Rural Residential (R1) Districts;**
only dogs, cats, and animals customarily kept as pets will be allowed.

2. **Agricultural (A) District;** the following standards shall be applicable.

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 4.99 acres	Up to 10 AU
5 to 9.99 acres	10 to 100 AU (50 AU or more-required to be registered feedlots)
10 to 14.99 acres	101 to 2,000 AU
15 or more acres	2,001 to 3,000 AU

3. **Conservancy (C) District;** the following standards shall be applicable.

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49 acres	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	5 plus 1 additional animal unit for each additional acre owned to a maximum of 49 animal units

4. **Special Protection (SP) and Recreational Commercial (RC) Districts;** the following standards shall be applicable.

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	No more than 9 animal units

SUBDIVISION 4. EXEMPT FROM REGULATIONS

Nothing in this Section shall exempt any animal feedlot owner from conforming with all applicable state or federal regulations governing animal feedlot operations, or any other provisions of this section.

SUBDIVISION 5. PERMIT REQUIREMENTS

Applications for locating and operating an animal feedlot within Le Sueur County shall be governed by the following procedures:

- A. The owner of a proposed animal feedlot or existing animal feedlot shall apply for a Le Sueur County feedlot permit and shall be constructed and operated in accordance with the provisions of this Section and the requirements of Minnesota Administrative Rules, Chapter 7020 when the animal feedlot meets one of the following:
 - 1. Capable of housing fifty (50) or more animal units outside a shoreland district.
 - 2. Capable of housing ten (10) or more animal units within a shoreland district.
 - 3. Non-conforming.
- B. All animal feedlot operations permitted in Le Sueur County shall provide to the Department a manure management plan meeting the requirements of Minnesota Administrative Rules, Chapter 7020.
- C. Notice of application for livestock feedlot permit as regulated by Minnesota Statutes, Chapter 116.

SUBDIVISION 6. INSPECTIONS

A. COMPLIANCE INSPECTIONS

The Department shall conduct compliance inspections for county- permitted animal feedlots. The animal feedlot owner shall be informed of an inspection either by written request or telephone call. However, the Department need not comply with the notice requirement if the Department determines a public health threat or emergency makes such notice impractical.

B. BIOSECURITY

It shall be the responsibility of the Department and the animal feedlot owner to communicate any biosecurity guidelines for the animal feedlot. The guidelines can be submitted in either written or verbal form.

C. CONCRETE PIT INSPECTIONS

The Department shall be notified (via telephone, fax, or in person) by the animal feedlot owner at least three days prior to the backfilling of a concrete pit utilized for manure storage to allow for inspection.

D. CONCRETE PIT OR EARTHEN BASIN CLOSURE

1. The Department shall be notified (via telephone, electronically, or in person) by the animal feedlot owner at least three (3) days prior to the completion of the closure of a concrete pit or earthen basin that had previously been utilized for manure storage.
2. The Department shall inspect all concrete pits or earthen basins to verify removal of all manure and document manure application, meeting Minnesota Administrative Rules, Chapter 7020. Said documentation shall be provided to the Department.
3. All grading, excavating or filling activities shall comply with all applicable standards in this Ordinance.

SUBDIVISION 7. GENERAL REQUIREMENTS

The following requirements shall apply to all animal feedlots within Le Sueur County.

- A. No animal feedlot or manure storage structure shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.
- B. Transportation of manure shall be in accordance with Minnesota Administrative Rules, Chapter 7020.
- C. All newly constructed manure storage areas shall provide for a minimum of twelve (12) months storage.
- D. Disposal of animal mortalities shall be in compliance with Minnesota Administrative Rules, Chapter 1721, as amended from time to time.
- E. The animal feedlot owner shall allow the Department or assigned representative to inspect the site whenever necessary upon notification to the animal feedlot owner.
- F. A perimeter fence shall be installed around any open earthen or concrete manure slurry basin.
 1. Fencing shall be a minimum of five (5) feet high and be impenetrable by children.
 2. Fencing shall be posted with signs every one hundred (100) feet stating "DANGER."
- G. Emergency mitigation plans, as determined by the Department, shall be followed in such cases when emergency winter applications are necessary.

SUBDIVISION 8. CONDITIONAL USES

The following described animal feedlot operations, whether existing or proposed, shall require a conditional use permit issued by the County.

- A. Any new animal feedlot greater than three hundred (300) animal units or an expansion of an existing animal feedlot that exceeds three hundred (300) animal units to a total of three thousand (3,000) animal units in the Agricultural (A) District.
- B. Any expansion of an existing animal feedlot up to a total of five hundred (500) animal units in the Conservancy (C) District or the Special Protection (SP) District.
- C. Any expansion of an existing animal feedlot to a total of three hundred (300) animal units in the Recreational Residential (RR) District.
- D. Any new animal feedlot or expansion of an existing animal feedlot located within one (1) mile of a city boundary.
- E. When the Agency requires a National Pollutant Discharge Elimination System Permit (NPDES).
- F. Use of irrigation to spread manure.

SUBDIVISION 9. STANDARDS FOR CONDITIONAL USE PERMITS

- A. The County may impose, in addition to the standards and requirements set forth in this Section, additional conditions which the Board of County Commissioners considers necessary to protect the public health, safety, and general welfare.
- B. All animal feedlots shall prepare an odor management plan.
- C. All animal manure from the operation shall be utilized in accordance with the manure management plan requirements of Minnesota Administrative Rules, Chapter 7020. Additionally, all liquid manure shall be injected or incorporated within twenty four (24) hours.
- D. No animals may be brought into the facility until all conditions have been met.
- E. Upon abandonment, termination, or non-renewal of any permit necessary to operate the animal feedlot, or failure to operate the animal feedlot in any manner consistent with the federal, state, or county regulations, the landowner(s), owner(s), and operator of this animal feedlot shall remain responsible for all the costs of closure, cleanup, or other costs necessary to bring the property into compliance with all federal, state, and county regulations. Restoration of the property to a condition acceptable by the Board of County Commissioners, Department or the Agency, may be required.
- F. Applicant shall properly seal any abandoned wells on the site prior to construction.
- G. Applications for a conditional use permit must also provide information as required in this Ordinance.

3. **Recreational Commercial (RC) District and Recreational Residential (RR) District**

- a. Up to 100 AU 5 acres
- b. 101-300 AU 10 acres

SUBDIVISION 11. MANURE MANAGEMENT

A. Manure generated within Le Sueur County or originating outside the County and transported into the County for use as domestic fertilizer shall conform with the standards contained herein and with the rules or statutes of the State of Minnesota or federal government that apply to animal feedlots and/or manure management.

- 1. Any person located outside the jurisdiction of Le Sueur County that transports manure to Le Sueur County with the intent of spreading the manure within Le Sueur County shall:
 - a. Notify the Department of the location by township, range, section and quarter section prior to transportation of manure into Le Sueur County.
 - b. Within ninety (90) days of application, that person shall provide to the Department the required records based on the animal unit size of the animal feedlot.

B. Manure application setbacks from sensitive features shall conform to the setbacks listed in this Section.

- 1. **Winter Setbacks.** *(See following table.)*
- 2. **Non-Winter Setbacks.** *(See following table.)*
 - a. Surface application with NO incorporation within twenty four (24) hours.
 - b. Injection or incorporation within twenty four (24) hours AND phosphorus (P) management.
 - c. Injection or incorporation within twenty four (24) hours with NO phosphorus management.
 - d. Phosphorus (P) management means that the application rate and frequency over a six (6) year period will not result in soil P build-up where soil P already exceeds 21 ppm Bray or 16 ppm Olsen.
- 3. **Lakes, public waters, rivers and streams.** Setbacks may be reduced from three hundred (300) feet to one hundred (100) feet if permanent vegetative buffer of one hundred (100) feet wide is planted along the waters.
- 4. **Wetlands, drainage ditches, and intermittent streams.** Setbacks may be reduced from three hundred (300) feet to fifty (50) feet if permanent vegetative buffer of fifty (50) feet is planted along the waters.

Sensitive Feature	Winter Setbacks	Non-Winter Setbacks			Other Requirements
		a. Surface Application	b. Incorp + P Mgmt	c. Incorp. NO P Mgmt	
Perennial/Intermittent Stream	300'	300'	50'	300'	
Lakes and Wetlands	300'	300'	50'	300'	
Drainage Ditches	300'	300'	50'	300'	
Open Tile Intakes	300'	300'	25'	25'	
Slopes greater than six (6) percent	-	-	-	-	Permit may be needed
Road Ditches	-	-	-	-	No application into ditch
Flood Plain	-	-	-	-	Consider in mgmt plan
High Phosphorus Soils	-	-	-	-	Permit may be needed
High Water Table Soils	-	-	-	-	Consider in mgmt plan
Wells/Wellhead Protection	50'	50'	50'	50'	Permit may be needed
Sinkholes	50' down & 300' up	50' down & 300' up	50'	50'	
Mines and Quarries	50'	50'	50'	50'	

C. All manure stockpiled, composted, or land-applied shall conform to Minnesota Administrative Rules, Chapter 7020.

D. A feedlot permit is required for manure that is to be stored in Le Sueur County. Permitting must meet the requirements of Minnesota Administrative Rules, Chapter 7020.

1. The individual landowner or designated representative shall make application on forms provided by and to the Department ten (10) calendar days prior to stockpiling. The application shall include the following items:
 - a. Location of the stockpile. This shall include township, range, section, quarter section, parcel number, name of landowner, and field acreage.
 - b. An aerial map or sketch of the stockpile location. The map or sketch shall have labeled the location of the stockpile and any distinguishing physical features such as field road entrances, structures, tree lines, or road crossings.

- c. Any deviations from the above listed requirements shall be provided to the Department within twenty four (24) hours of the subsequent change.
2. The Department shall review the proposed stockpile location to determine if all state and county requirements have been met. The individual landowner or designated representative shall be notified (by telephone, fax, and/or letter) as to the county's approval of the stockpiling location.
3. The stockpiled manure shall be land-applied within twelve (12) months of establishment.
4. The manure shall be land-applied and records kept according to Minnesota Administrative Rules, Chapter 7020 and county land application setbacks to sensitive features.
5. The manure applicator and/or landowner shall notify the Department (by telephone) twenty four (24) hours prior to land application.
6. Within ninety (90) calendar days after land application and/or incorporation, the landowner or designated representative shall provide the following information to the Department:
 - a. The application and incorporation dates.
 - b. Amount of manure applied (total and amount per acre).
 - c. Name of commercial applicator, if applicable.

SUBDIVISION 12. SEVERABILITY

If a provision of Minnesota Administrative Rules, Chapter 7020 or the application of any person or circumstances held to be invalid, such invalidity shall not affect other provisions or parts of Minnesota Administrative Rules, Chapter 7020 or application of any other part, which can be given effect without application of the invalid provision. To this end the provisions of all parts and subparts herein and the various applications thereof are declared to be severable.

SUBDIVISION 13. VARIANCE

Any person may apply for a variance from any requirements of Minnesota Administrative Rules, Chapter 7020. Such variance shall be applied for and acted upon by the Agency in accordance with Minnesota Statutes, Section 116.07, Subdivision 5 and other applicable statutes and rules.

SUBDIVISION 14. NON-CONFORMING USE

- A. Any animal feedlot use or occupancy as of June 10, 2010 that does not conform to the provisions of the Ordinance, is a non-conforming use. A county feedlot permit is required for all non-conforming animal feedlots greater than ten (10) animal units located within Le Sueur County.

B. CONTINUED, RESTORED, OR ABANDONED

1. A non-conforming animal feedlot shall not be enlarged, but may be continued or restored in accordance with this Section.
2. Any non-conforming animal feedlot which is abandoned or which is discontinued for a period of one (1) year shall not be resumed, and any future use or occupancy of the land shall conform to this section.

C. ALTERATION OR MOVING

1. A non-conforming use or occupancy may be altered, provided such alterations do not intensify or physically expand or extend the non-conforming use.
2. A non-conforming structure moved to a different location on a single parcel of land shall be brought into conformance with this section.

D. DAMAGE AND DESTRUCTION

When a non-conforming animal feedlot is destroyed by fire or other peril to the extent of fifty (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 section.

E. RESTORATION AND REPAIR

1. A non-conforming animal feedlot may be restored or repaired as follows:
 - a. To comply with all county, state and federal guidelines.
 - b. If damage to less than fifty (50) percent of its market value, as determined by the County Assessor.
 - c. To effect repairs and necessary maintenance, which are non-structured and incidental to the use or occupancy, provided such repairs do not constitute more than fifty (50) percent of its market value, as determined by the County Assessor.

SUBDIVISION 15. FEES

Animal feedlot permit fees and other fees, as may be established by resolution of the Board of County Commissioners, shall be collected by the Department for deposit with the County and credited to a fund as directed by the Board of County Commissioners. All fees are payable when an application is filed.