

WRIGHT COUNTY
FEEDLOT ORDINANCE

AN ORDINANCE REGULATING THE PERMITTING, LOCATION, DEVELOPMENT, OPERATION, AND EXPANSION OF FEEDLOTS, FOR THE PURPOSE OF PROMOTING BEST FARM MANAGEMENT PRACTICES AND TO PROTECT THE NATURAL ENVIRONMENT, PUBLIC HEALTH AND SAFETY, AND GENERAL WELFARE OF WRIGHT COUNTY.

THE WRIGHT COUNTY BOARD DOES HEREBY ORDAIN:

SECTION 1 TITLE

This Ordinance shall be known, cited and referred to as the Wright County Feedlot Ordinance.

SECTION 2 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Sections 103B.301-103B.335; Minnesota Statutes, Section 116.07, Subd. 7; and Minnesota Pollution Control Agency Rules, Parts 7020.0100 - 7020.1900; and the county planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

SECTION 3 INTENT AND PURPOSE

The production of farm animals and other agricultural products is an important part of the history, environment, and economy of Wright County. Livestock, poultry, dairy products, and other agricultural commodities are produced within the County for consumption in Minnesota, the United States, and foreign countries. The continued health of the agricultural community and the production of these products is essential to the economic well being of the County and its residents.

The County also contains a wealth of natural resources including an abundance of surface and ground water. These resources must be protected from pollution to ensure the health of the public and to maintain safe, high quality water for recreational, residential, agricultural, and commercial use. The following regulations have been established to protect natural resources and the quality of life in Wright County while recognizing the importance of animal agriculture and the beneficial uses of animal manure in the production of agricultural crops.

It is the intent and purpose of this Ordinance to allow for the continued production of agricultural commodities and to maintain a healthy agricultural community within the County while ensuring that animal feedlots and animal wastes are properly managed to protect the health of the public and the County's natural resources.

Therefore, this Ordinance is adopted for the purpose of:

Being a delegated county pursuant to Minnesota Statutes § 116.07, Subd. 7 and Minnesota Rules Chapter 7020.

Establishing a procedure for the permitting of feedlots.

Regulating the location, development, operation and expansion of feedlots.

Promoting best farm management practices.

Protecting ground and surface water resources.

Minimizing environmental problems.

SECTION 4 GENERAL PROVISIONS

4.001 Jurisdiction

The jurisdiction of this Ordinance shall apply to all the areas of Wright County outside the incorporated limits of municipalities.

4.002 Scope

From and after the effective dates of this Ordinance and subsequent amendments, the use of all land and every building or portion of a building used for a feedlot or as part of a feedlot in Wright County shall be in conformity with the provisions of this Ordinance. Pre-existing structures which are not in conformity with the setback and area provisions of this Ordinance but were in conformity with the standards established by the Wright County Zoning Ordinance shall be allowed if a potential pollution hazard does not exist and the registration procedures in Sec. 7.001 are complied with.

A feedlot that is non-conforming because of excessive animal unit numbers, which exists at the time of adoption of this Ordinance, may be continued, provided that the number of animal units does not increase. Whenever a non-conforming feedlot has reduced its animal unit numbers over a period of more than one year to a lesser number of animal units, such animal unit numbers shall not thereafter be increased.

4.003 Application

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

4.004 Measurements

All stated and measured distance shall be taken to the nearest integral foot. If a fraction is one-half(1/2) foot or less, the integral foot next below shall be taken.

4.005 Compliance

The use of any land for the establishment, expansion, or management of an animal feedlot shall comply with the provisions of this Ordinance, the Wright County Zoning Ordinance, and the provisions of MN Pollution Control Agency rules, Chapter 7020.

SECTION 5 DEFINITIONS

5.001 For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word "shall" is mandatory, and not discretionary; the word "may" is permissive; the word "person" shall include individuals, businesses and corporations;
- B. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular;
- C. Words shall be given their common usage if not defined;
- D. The words "used for" shall include the phrases "arranged for," "intended for," "maintained for" and "occupied for";
- E. The masculine gender shall include the feminine and neuter;

- F. The word "Board" includes the "county commissioners," The "Board of County Commissioners" or any other word or words meaning the "Wright County Board of Commissioners."

5.002 Agency

The Minnesota Pollution Control Agency as established in Minnesota Statutes, Chapter 116.

5.003 Animal Manure

Poultry, livestock or other animal excreta or a mixture of excreta with feed, bedding or other materials.

5.004 Animal Unit

A unit of measure used to compare differences in the production of animal manures which has as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the definition and units of measure contained in Minnesota Rules Part 7020.0300, Subpart 5 shall apply.

5.005 Bluff

Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of a bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater;
- D. The slope drains toward the water body.

5.006 Bluff Impact Zone

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

5.007 Board

The Wright County Board of Commissioners.

5.008 Building

Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

5.009 Building, Agricultural

All buildings, other than dwellings, which are incidental to a farming operation.

5.010 Commissioner

The Commissioner of the Minnesota Pollution Agency whose duties are defined in Minnesota Statutes, Section 116.03.

5.011 Conditional Use Permit

A permit specifically and individually granted with provisions by the Planning Commission after recommendations thereon pursuant to the provisions of the Wright County Zoning Ordinance.

5.012 Construction Short Form Permit

A permit giving permission for construction or expansion of a feedlot or manure storage area when there is not a pollution hazard.

5.013 Domestic Fertilizer

An animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or animal manure that is used as compost, soil conditioners, or specialized plant beds.

5.014 Drainage Way

Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

5.015 Family

An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

5.016 Family, Immediate

Persons related by blood, marriage, or certified legal instrument.

5.017 Feedlot Administrator

A County employee appointed by the Board of Commissioners to administer the provisions of this ordinance. This employee shall have the same duties and powers as a Feedlot Officer as defined by MN State Rule 7020.

5.018 Feedlot, Animal

A lot or building or combination of 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. Pastures shall not be considered animal feedlots under these rules. Fish farms [aquaculture] shall be considered feedlots for the purposes of this Ordinance.

5.019 Feedlot, (New) Animal

An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.

5.020 Feedlot, Operator

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 animal feedlots, poultry lots or other animal lots.

5.021 Feedlot Permit

A document issued by the Agency or County which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants.

5.022 Feedlot, Runoff

The movement of water from a feedlot, either in the form of rainfall, snow melt, or as water from a waterway, ditch, Drainage way, etc. passing over a feedlot, carrying particles of manure into a body of water or to a channelized flow environment and thereby constituting a potential pollution hazard.

5.023 Flood

A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

5.024 Flood Frequency

The frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.

5.025 Flood Fringe

That portion of the flood plain outside of the floodway.

5.026 Flood Plain

Any area contained within the Flood Plain Overlay District, as defined by Section 611 of the Wright County Zoning Ordinance.

5.027 Holding Pond

A storage facility, usually earthen, where feedlot runoff and other diluted wastes are stored before final disposal. It is not designed for treatment of waste.

5.028 Immediately Incorporated

Manure or Process Wastewaters tilled into the soil within 24 hours of application and prior to rainfall.

5.029 Interim Permit

A permit expiring no later than two years from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

5.030 Lagoon, Animal

An impoundment made by excavation of earth fill and/or construction of an earthen berm for the biological treatment of animal or other agricultural waste.

5.031 Major Growth Areas

Areas adjacent to cities where a combination of uses in an urban or near-urban environment is likely to develop over the long term, as designated in the Wright County Land Use Plan.

5.032 Manure Storage Area

An area where animal manure or runoff containing animal manure is stored or placed until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

5.033 NRCS

The Natural Resource Conservation Service of the USDA, a federal agency.

5.034 Owner

Any person having possession, control or title to an animal feedlot.

5.035 Parcel

Is the same as a Lot of Record as defined by the Wright County Zoning Ordinance.

5.036 Pastures

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

5.037 Person

Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

5.038 Potential Pollution Hazard

A condition which indicates a potential for pollution of land and/or waters including, but not limited to:

- A. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface water or ground water of the

state in excess of applicable standards, including, but not limited to, Minnesota Rules, Chapter 7050 , during a rainstorm event of less magnitude than the 25 year, 24 hour event, or will violate any State or County rules or ordinances.

- B. An animal feedlot or manure storage area located within Shoreland area or Flood Plain.

5.039 Process Wastewaters

Waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

5.040 Shoreland

Any area contained within the Shoreland District under Section 612 of the Wright County Zoning Ordinance.

5.041 Special Protection Area

Land within 300 feet of all

- A. Protected waters and protected wetlands as identified on the Department of Natural Resources Protected Waters and Wetlands map for Wright County; and
- B. Intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways.

5.042 SWCD

The Wright Soil and Water Conservation District.

5.043 USDA

United States Department of Agriculture.

5.044 Waters of the State

All streams, lakes, 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 portions thereof.

5.045 Wetlands

A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 [1971 edition].

SECTION 6 ADMINISTRATION

6.001 Administrator

The Wright County Feedlot Ordinance shall be administered by the Wright County Planning and Zoning Office with the assistance of the Wright Soil and Water Conservation District. The Wright County Board of Commissioners shall appoint a County Feedlot Administrator to discharge the duties of this department under the Feedlot Ordinance.

6.002 Duties and Powers

The Wright County Feedlot Administrator shall have the following duties and powers:

- A. Administer and enforce the Wright County Feedlot Ordinance;
- B. Issue Construction Short Form Permits and Interim Permits;
- C. Receive and forward applications for State administered permits together with county recommendations to the Minnesota Pollution Control Agency;
- D. Supervise the keeping of all necessary records including those related to feedlot and manure management and construction of manure storage and runoff control structures and/or practices;
- E. Consult with SWCD, NRCS, MPCA and private consultants as necessary to ensure construction standards are followed on manure handling and runoff control structures;
- F. Maintain a record of all permits and registration material.
- G. Provide and maintain a public information bureau relative to this Ordinance;
- H. Educate the public and feedlot operators to issues of this Ordinance such as potential

feedlot pollution problems;

- I. Oversee the inspection of feedlot operations to ensure compliance with this Ordinance;
- J. Consult with other County departments, State and Federal agencies, and private consultants as needed to discharge these duties.
- K. Fulfill the requirements of a county feedlot pollution control officer as set out in Minnesota Rules Part 7020.1600, Subpart 2.

6.003 Administered by the County

The Wright County Feedlot Administrator shall review applications and process as follows:

- A. All permit applications shall be processed in accordance with Minnesota Rules Part 7020.1600, Subpart 4a.
- B. Applications for State administered feedlots shall be first submitted to the Wright County Feedlot Administrator. After review, the application and comments shall be forwarded to the Agency.
- C. No building permits directly related to the confined feeding, breeding, raising or holding of animals, or the handling or storage of manure shall be issued until a Construction Short Form Permit or interim permit, if required, has been issued by the Agency or Wright County.

6.004 Administered by the State

The County Feedlot Administrator shall forward to the Commissioner, with recommendations and comments, all animal feedlot permit applications which fall within one or more of the following categories:

- A. Animal feedlots that are required to obtain a permit under Minnesota Rules 7020.0405, Subpart 1A and B. This includes all feedlots of 1,000 animal units or more;
- B. Animal feedlots where manure is not used as a domestic fertilizer, or;
- C. Animal feedlots for which further technical review is desired by the County Feedlot Administrator.

6.005 Conditional Use Permit

The requirement for a Conditional Use Permit for any new animal feedlot or animal feedlot

expansion shall be as follows:

A. Zoning Districts

1. Any new animal feedlot or animal feedlot expansion which is required to register under this Ordinance, proposed in a general agricultural district shall require a Conditional Use Permit if the proposal causes the facility to meet or exceed 500 animal units.
2. No new animal feedlots or animal feedlot expansion which is required to register under this Ordinance will be allowed on land zoned agricultural / residential (A/R), urban/rural transition (R-1), suburban residential (R-2 & R-2a) or multiple family urban (R-3) districts.

B. Land Use Plan Districts

1. Any new animal feedlot or animal feedlot expansion which is required to register under this Ordinance proposed in a designated Agricultural district shall require a Conditional Use Permit if the proposal causes the facility to meet or exceed 500 animal units.
2. Any new animal feedlot or animal feedlot expansion which is required to register under this Ordinance proposed in a designated Agricultural / Residential district shall require a Conditional Use Permit with a maximum allowable 300 animal units for a new animal feedlot and 500 animal units for an expansion of an existing animal feedlot.
3. Any animal feedlot expansion which is required to register under this Ordinance proposed in a designated Residential, Residential Large Lot, Commercial or Industrial district shall require a Conditional Use Permit with a maximum allowable 200 animal units. No new animal feedlots which are required to register under this Ordinance, are allowed in these districts.
4. No new animal feedlots or animal feedlot expansions which are required to register under this Ordinance shall be allowed in major growth areas.

All Conditional Use Permit determinations must be reviewed against the district requirements of both the Wright County Zoning District maps and the Wright County Land Use Plan District maps. The more restrictive of the two shall apply for the determination.

6.006 Variances

- A. A variance from the setback and area requirements of this Ordinance and the Wright

County Zoning Ordinance may be granted when granting the variance would not result in adverse environmental effects and if the criteria for granting variances under Section 5.02.3 of the Wright County Zoning Ordinance can be met.

- B. Any person seeking a variance shall complete a Variance Application Form and submit it to the Zoning Administrator.
- C. The matter shall be referred to the Wright County Board of Adjustment for a public hearing. Notice of the public hearing shall be published in the official newspaper of the County at least ten days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two miles of the affected property. In unincorporated areas of the County, property owners of record within one quarter mile of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within 500 feet of the property in question shall be notified in writing of the public hearing on the request for a variance.
- D. The Board of Adjustment shall take action on the application within the time limits set out in Minnesota Statutes § 15.99. If the variance is granted, the Board may impose conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
- E. 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.
- F. No application for a variance shall be resubmitted for a period of one year from the date that the request is denied, except the Board of Adjustment may allow a new application, if new evidence or a change in circumstances warrant it.

SECTION 7 REGISTRATION AND PERMITS

7.001 Registration

Registration shall be required for all animal feedlots of 10 animal units or more on a four-year cycle following the guidelines contained in Minnesota Rules Part 7020.0350, Subpart 4.

Failure to register is not a violation pursuant to Section 13.001. Registration shall also be required for all animal feedlots of less than ten animal units if they are located in shoreland and if modification or expansion of said animal feedlot is proposed.

- A. A registration form shall be made available by the Feedlot Administrator and will include the information required under Minnesota Rules Part 7020.0350, Subpart 1.

- B. Any person owning or operating an existing animal feedlot without a current registration or feedlot permit from Wright County or the Agency shall register the feedlot operation with the Feedlot Administrator.
- C. A registered animal feedlot shall secure Wright County and/or State Permits when required under this Ordinance.

7.002 Permit Required

Any person owning or operating a proposed or existing animal feedlot having 10 animal units or more in a shoreland area, or 50 animal units or more anywhere else, shall make application to the Feedlot Administrator for a feedlot permit if 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; a change in operation includes:
 - 1. A change in the construction or operation of an animal feedlot that would significantly or adversely affect the storage, handling, utilization, or disposal of animal manure;
 - 2. An increase beyond the registered number of animal units;
 - 3. Any construction of a building or the expansion of a dirt or concrete lot that contains livestock;
 - 4. An increase in the number of animal units to ten or more which are confined at an unregistered animal feedlot;
- C. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- D. An inspection by Agency staff or the County Feedlot Administrator determines that the animal feedlot creates or maintains a potential pollution hazard, and the feedlot has not signed up for the 2005 to 2010 Open Lot Certification under Minnesota Rules Part 7020.2003, Subparts 4 through 6;

7.003 Shoreland Review Required

Any animal feedlot of ten animal units or less which is located within the Shoreland Zoning

District as designated under Section 612 of the Wright County Zoning Ordinance may be reviewed by the Wright County Feedlot Administrator to determine if a potential pollution hazard exists. The Feedlot Administrator may place conditions upon the operations of such animal feedlots to limit their impact on surface water quality.

7.004 Permit Application

A permit application shall include the following:

- A. Owner's and operator's name and address;
- B. Location, or proposed location, of the animal feedlot including quarter, section, range and township;
- C. Animal types and maximum number of animals of each type which will be confined at the feedlot;
- D. A scale drawing clearly indicating the dimensions of the feedlot and showing all existing homes, buildings, existing manure storage areas and/or structures, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads and wells within 1,000 feet of the proposed feedlot;
- E. Descriptions of the soil types, ground water elevations, topography, and drainage pattern of the site and surrounding area;
- F. Plans for buildings and structures as required by this ordinance and/or other County and State ordinances and regulations.
- G. A manure and waste management plan including:
 1. Manure handling and application techniques;
 2. Acreage available for manure application;
 3. Run-off potential;
 4. Plans for proposed manure storage or pollution abatement structures;
 5. Plans for the proper disposal of dead livestock;
- H. Leases or agreements allowing the applicant to dispose of manure on land other than his own.

- I. Application fees, permit fees and such other fees as established by resolution of the County Board.
- J. Any provision in this Ordinance which requires a conditional use permit shall be administered as required by Section 505 of the Wright County Zoning Ordinance.

7.005 Notice of Application

Persons applying for a new animal feedlot or animal feedlot expansion with a capacity of 500 animal units or more shall provide evidence of complying with the notice requirements contained in Minnesota Statute Section 116.07, Subd. 7a.

7.006 Duration of Construction Short Form Permits and Interim Permits

All Construction Short Form Permits and Interim Permits expire within twenty-four months of the date of issuance, and may be extended only under the provisions contained in Minnesota Rules Part 7020.0535, Subpart 5.

SECTION 8 MINIMUM STANDARDS

8.001 Minimum Area and Animal Density

A minimum area of four acres or such greater area required to meet all setbacks set forth by the Wright County Zoning and Feedlot Ordinances shall be required for animal feedlot operations. On lots larger than four acres in the A/R, R-1, R-2, R-2a, R-3, S-1, S-2, S-3 and W zoning districts, animals shall be allowed at a maximum density of one-half animal unit per acre. In the AG zoning district, animals shall be allowed at a maximum density of one-half animal unit per acre on parcels of four to ten acres. These restrictions shall not apply to normal farm operations existing prior to the adoption of this Ordinance or to farms in the AG zoning district on parcels over ten acres in size. Parcels in the A/R zoning district are limited to less than ten animal units regardless of parcel size. Parcel size in all districts is determined using all adjoining parcels under common ownership.

8.002 Additional Land

The animal feedlot owner shall own or have sufficient additional land under contract to meet the manure utilization requirement for spreading of manure produced in their feedlot. The County shall retain copies of all written agreements between the feedlot operators and lessors or any person who permits land application of manure. No land area may be subject to more than one such agreement.

8.003 Building, Holding Basin, Lagoon, and Manure Storage Area Setbacks

No permits shall be issued for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon or holding pond. This prohibition does not apply to repair or modification related to an environmental improvement of an existing lagoon or holding pond, nor does it apply to containment basins constructed to handle runoff only from existing animal feedlots, as necessary to correct a potential pollution hazard.

Livestock buildings, manure holding basins, lagoons, and manure storage areas shall be constructed, operated and maintained so as to minimize the aesthetic, health, odor and pollution concerns associated with neighboring properties and land uses. The following setbacks shall apply:

A. Property Lines

1. 100 feet - All buildings housing livestock, open feedlots and solid manure storage areas, including short term stockpiling sites.
2. 200 feet - liquid manure storage areas in compliance with Minnesota Rules, Part 7020.2100.

B. Neighboring Properties

1. Pre-Ordinance Feedlots

The modifications and/or expansion of existing animal feedlots and/or permanent manure storage areas that are located within 500 feet of an existing dwelling unit may be allowed, if they do not further encroach on the established setback. Existing feedlots that are within 1000 feet of an existing dwelling may not expand to more than 499 animal units, unless a Conditional Use Permit is obtained.

When an expansion requires a CUP the Planning Commission shall consider the impact on pre-existing dwelling units within 1000 feet and may require that the expansion meet the standards of a new feedlot.

2. Post-Ordinance Feedlots

- a. No permits for a new dwelling unit shall be issued within 500 feet of an existing registered and/or permitted animal feedlot or permanent manure storage area of ten to 499 animal units, nor within 1000 feet of an existing registered and/or permitted animal feedlot or permanent manure storage area of 500 or more animal units unless a variance is obtained under Section 6.006 of this Ordinance.

- b. No permits shall be issued for the construction and/or creation of a new animal feedlot or permanent manure storage area requiring registration and/or a permit of ten to 499 animal units that is located within 500 feet of an existing dwelling, nor for the construction and/or creation of a new animal feedlot or permanent manure storage area of 500 or more animal units within 1,000 feet of an existing dwelling unless a variance is obtained under Section 6.006 of this Ordinance.
 - c. An animal feedlot that currently does not need to register and is located within 500 feet of a dwelling owned by a person other than an immediate family member may not expand to such a number of animal units that would require registration and/or a permit.
- 3. Commercial or Industrial Activity - 500 feet from any area zoned B-1, B-2 or I-1 under the Wright County Zoning Ordinance.
 - 4. Owners and/or operators of an existing feedlot, a proposed feedlot, or a feedlot modification or expansion, and their immediate family, shall be exempt from the setback requirements set forth in this section, with respect to any dwellings or feedlot improvements owned by them. Section 8.003(a) regarding property line setbacks shall still be valid.

Minimum Standards - The standards set above are minimum standards that may be increased by the Planning Commission during the conditional use permit issuance process due to concerns or circumstances unique to a specific feedlot permit application.

Existing Operations - Animal feedlots in active operation prior to the adoption of this ordinance shall comply with the standards of this section whenever possible when a change in operation, animal numbers, or new livestock facility is proposed.

8.004 Wetland Setback

The provisions of this Section apply only to those areas which are not designated as Shoreland District under Section 612 of the Wright County Zoning Ordinance.

- A. No new animal feedlots or manure storage areas shall be located within 300 feet of any protected waters or wetlands identified on the Department of Natural Resources Protected Water and Wetlands map for Wright County.
- B. Modifications or expansions to existing animal feedlots or manure storage areas that are located within 300 feet of any protected waters or wetlands identified on the

Department of Natural Resources Protected Water and Wetlands map for Wright County are allowed as long as the expansion does not further encroach into the wetland or pose a potential pollution hazard.

- C. No new animal feedlot or manure storage areas shall be allowed within 100 feet of a wetland of types 3, 4, or 5 that does not appear on the Department of Natural Resources Protected Water and Wetlands map for Wright County.
- D. Modifications or expansions to existing animal feedlots or manure storage areas that are located within 100 feet of a wetland of types 3, 4 or 5 that does not appear on the Department of Natural Resources Protected Water and Wetlands map for Wright County are allowed as long as the expansion does not further encroach into the wetland or pose a potential pollution hazard.

8.005 Well Setback

- A. New animal feedlots or manure storage areas shall not be located within 100 feet of a private well.
- B. Modifications or expansions to existing animal feedlots or manure storage areas that are located within 100 feet of a private well are allowed if the expansion does not further encroach into the well setback.

8.006 Well Head Protection Areas

Feedlot and manure management practices may be further regulated within Well Head Protection Zones established by local units of government.

8.007 Shoreland

- A. New animal feedlots or manure storage areas shall not be located within any area classified as the Wright County Shoreland Zoning District under Section 612 of the Wright County Zoning Ordinance, nor in the bluff impact zones.
- B. Modifications or expansions to animal feedlots that existed as of October 16, 2000, and that are located within any area classified as the Wright County Shoreland District under section 612 of the Wright County Zoning Ordinance or within a bluff impact zone are allowed, if they do not further encroach into the Shoreland setback, do not further encroach on bluff impact zones, if all identified pollution hazards are corrected, and if they obtain a feedlot permit.

8.008 Municipality Setbacks

Any new animal feedlot or expansion of a post ordinance animal feedlot in excess of 50 animal units within one-half mile of a municipal border, excluding the Cities of Otsego and St. Michael, in a General Agriculture (AG) zoned district will require a conditional use permit with a maximum 300 animal unit limit.

Pre-ordinance animal feedlots within one-half mile of a municipal border, excluding the cities of Otsego and St. Michael, in a general agriculture (AG) zoned district may be allowed to expand up to 500 animal units if they do not further encroach on existing setbacks.

8.009 Disposal of Animal Carcasses

The animal feedlot owner shall provide a plan indicating the method to be used for the disposal of animal carcasses.

- A. The plan for dead animal disposal shall be consistent with the Minnesota Board of Animal Health Regulations Minnesota Rules Chapter 1719.
- B. The disposal plan shall include the name and location of any rendering service to be used and methods for protecting carcasses from scavengers.
- C. Animal carcasses either whole, partial or ground-up shall not be disposed of in the manure storage structure.

8.010 Coordination with Wright County Zoning Ordinance

All provisions of this Ordinance shall be coordinated with and referenced to the Wright County Zoning Ordinance to ensure the compatibility and comprehensive coverage of the requirements of both Ordinances.

SECTION 9 PROHIBITED LOCATIONS OF FEEDLOTS

No new animal feedlots shall be constructed within any 100 year Flood Plain.

SECTION 10 LAND APPLICATION OF MANURE

All land application of manure or Process Wastewater shall comply with Minnesota Rules Part 7020.2225.

SECTION 11 RESTRICTIONS ON LAND APPLICATION SITES

11.001 Soil Loss in Shoreland Areas

Land application of manure or Process Wastewater shall not be allowed on soils within shoreland that exceed allowable soil loss as set by the NRCS with assistance from the SWCD unless a conservation plan that will reduce soil loss to the allowable level is developed and is showing progress towards implementation within one year of issuance of a feedlot permit or interim permit.

11.002 Right of Way

Manure or process wastewater shall not be applied to the right-of-way of public roads.

11.003 Frozen Or Snow-Covered Soils

Manure or Process Wastewater shall not be applied to frozen or snow-covered soils in Special Protection Areas.

11.004 Lakes And Perennial Streams

A minimum distance of 300 feet shall be maintained between surface applications of manure or Process Wastewaters and all lakes and perennial streams on unfrozen soils. In cases when manure is injected or Immediately Incorporated, or if there is at least a 100 foot perennial buffer, the separation distance may be reduced to 100 feet on unfrozen soils.

11.005 Other Special Protection Areas

A minimum distance of 300 feet shall be maintained between surface applications of manure or Process Wastewaters and all other Special Protection Areas on unfrozen soils. In cases where manure is injected or Immediately Incorporated, or if there is at least a 50 foot perennial buffer, the separation distance may be reduced to 75 feet on unfrozen soils.

11.006 Flood Plain

Manure or Process Wastewater applications in the Flood Plain Overlay District as defined by Section 611 of the Wright County Zoning Ordinance shall maintain the following setbacks:

- A. No application to frozen or snow covered soils in the Flood Plain.
- B. Any application to unfrozen soils in the Flood Plain shall be Immediately Incorporated.

11.007 Drainage Ditches

If no potential pollution hazard exists, a minimum distance of one rod or 16.5 feet shall be maintained between surface applications of manure or process wastewater and drainage

ditches or grassed waterways unless classified as a wetland or protected water.

11.008 Private Wells

If no potential pollution hazard exists, a minimum distance of 100 feet shall be maintained between all applications of manure or process wastewater and any private water supply well.

11.009 Public Wells

If no potential pollution hazard exists, a minimum distance of 300 feet shall be maintained between all application of manure or process wastewater and any public water supply well.

11.010 Residences

Manure or process wastewater shall not be applied within 100 feet of a residence without injecting or immediate incorporation into the soil unless permission in the form of a written agreement is granted to spread closer by the resident. When determining the distance between a residence and manure application, the distance shall be measured from the residence, not property lines, to manure application.

11.011 Treatment or Disposal

Any manure or process wastewater not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable State rules.

11.012 Irrigation of Liquid Manure

The application of liquid manure or process wastewater by irrigation is prohibited unless a Liquid Manure Irrigation Plan for the feedlot has been submitted to and approved by the County Feedlot Administrator. The Liquid Manure Irrigation Plan must contain a description of the specific irrigation process proposed, amounts and frequency of application, analysis of the nutrient content of the manure or a proposed sampling schedule for the manure, a description of the land to be used, and a description of the methods to be used to limit aesthetic and odor problems with neighbors. The County Feedlot Administrator shall provide the SWCD and Planning and Zoning Department with Copies of Liquid Manure Irrigation Plans for review and comment before approval is given.

SECTION 12 MANURE STORAGE AND TRANSPORTATION

12.001 Compliance with State and Local Standards

All animal manure shall be stored and transported in conformance with Minnesota Pollution Control Agency Rules 7020 and the Wright County Feedlot Ordinance.

12.002 Potential Pollution Hazard Prohibited

No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a certificate of compliance or a permit has been issued by the MPCA.

12.003 Vehicles, Spreaders

All vehicles used to transport animal manure on public roads shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof.

12.004 Utilization as Domestic Fertilizer

Animal manure, where utilized as domestic fertilizer, shall not be stored for longer than one year.

12.005 Run-Off Control Structures

All manure storage areas shall have run-off control structures to contain the liquid if the storage area is located where a potential pollution hazard exists.

12.006 Storage Capacity

A manure utilization plan specifying storage capacity adequate for the type and quantity of manure generated by the animal feedlot shall be developed as part of the permit process.

12.007 Liquid Manure Storage Areas

All liquid manure storage areas must comply with the provisions of Minnesota Rules Part 7020.2100.

12.008 Steel Tanks

No steel tanks shall be used for underground manure storage.

SECTION 13 VIOLATIONS AND ENFORCEMENT

13.001 Violations

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any

document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

13.002 Enforcement

- A. Stop Work Orders. Whenever any construction or animal feedlot activities are being done contrary to the provisions of this Ordinance, the Wright County Feedlot Administrator, Environmental Health Officer, or Planning and Zoning Administrator may order the work stopped by written notice personally served upon the owner or operator of the feedlot. Such construction or animal feedlot activities shall cease and desist until subsequent authorization to proceed is received from the Wright County Feedlot Administrator, Environmental Health Officer, or Planning and Zoning Administrator.
- B. Revocation or Suspension. Whenever any animal feedlot is operated in violation of the conditions set forth on the permit, interim permit or certificate of compliance, said permit may be subject to revocation or suspension upon written notice personally served upon the owner or operator of the feedlot.
- C. Interference Prohibited. No person shall hinder or otherwise interfere with the Wright County Feedlot Administrator or his assistants in the performance of duties and responsibilities required pursuant to this Ordinance.
- D. Access to Premises. Upon the request of the Wright County Feedlot Administrator, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises for the purposes of administering and enforcing this Ordinance. Refusal to allow reasonable access to the Wright County Feedlot Administrator shall be deemed a violation of this Ordinance, whether or not any other specific violations are cited.
- E. Injunctive Relief and Other Remedies. In the event of a violation of this Ordinance, the Wright County Feedlot Administrator or the Planning and Zoning Administrator may request that the County Attorney institute appropriate actions or proceedings, including the seeking of injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for such enforcement action may be recovered by the County in a civil action in any court of competent jurisdiction. These remedies may be imposed upon the owner, operator, applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

13.003 Reporting of Spills and Accidental Discharges

Owners and operators of animal feedlots shall immediately report to the Wright County Feedlot Administrator any accidental discharge of animal manure from a lagoon or holding

pond.

SECTION 14 ABANDONMENT/ACCIDENTAL DISCHARGE

Owners and operators of animal feedlots shall have joint and several liability for clean-up, closure or remediation of abandoned animal feedlot sites as well as for the clean up or remediation of the effects of spills and accidental discharges. At the discretion of the county, such costs may be certified to the County Auditor as a special tax against the real property involved.

SECTION 15 EFFECTIVE DATE

This Ordinance was originally adopted on May 15, 1998 and was in full force and effect upon publication. This revised version of the Ordinance contains all amendments adopted through April 4, 2006 and is effective April 5, 2006.

Passed and approved this 4th day of April, 2006.

Chair
County Board of Commissioners

Attest:

County Coordinator