

NOBLES COUNTY Feedlot Ordinance

Section 725 Statuary Authorization and Policy

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Revised 4/97

Developed By:

Nobles County Feedlot Advisory Group

725.1 Intent

An efficient and profitable livestock industry is an economic benefit to Nobles 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 wastes 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 statues regarding control of pollution as set forth in Chapters 115 and 116. 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 Nobles County. All existing and future feedlots in Nobles County shall comply with the minimum standards set forth within the Minnesota Pollution Control Agency (MPCA) Chapter 7020 rules and updates, and this Ordinance.

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725.2 Feedlot License Requirements

No person shall operate an animal feedlot without first obtaining a Certificate of Compliance and a Nobles County Feedlot License. A Nobles County Feedlot License shall be issued to all existing and new feedlots with greater than 10 animal units, who have applied for a license and meet the minimum standards set forth in this ordinance and that of MPCA Chapter 7020 rules and updates. All other applications may be considered for a Conditional Use Permit, issued by Nobles County.

The Nobles County Feedlot License will be valid for a period of five (5) years from issuance. In the event that the holder reapplies for a Certificate of Compliance from Nobles County or the Minnesota Pollution Control Agency, then the five year period shall run from the date of the reapplication. If there has been no change in the operation in the five year period and the operator is in compliance with the Nobles County ordinances and the various State laws and regulations that are in effect at the end of the five year period, then the license will

automatically be reissued for an additional five year period. The owner of a proposed or existing animal feedlot of greater than 10 animal units shall make an application to Nobles County or the Minnesota Pollution Control Agency for a Certificate of Compliance, and a Nobles County Feedlot License when any of the following conditions exist:

- (A) A new feedlot is proposed where a feedlot did not previously exist.
- (B) Expansion of an existing feedlot or animal facility (increase animal numbers).
- (C) Remodeling or modification of an existing feedlot or animal facility (no increase in animal numbers).
- (D) A change of ownership.
- (E) An existing feedlot is to be restocked after being abandoned for 5 or more years or the Certificate of Compliance has expired.
- (F) An inspection by Minnesota Pollution Control Agency (MPCA) staff or county feedlot officer reveals that the feedlot is creating a potential pollution hazard.
- (G) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.
- (H) A County Feedlot License has expired.

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725.3 Feedlot Licenses

Feedlots, which do not have a potential pollution hazard and meet the minimum requirements of this ordinance, shall be allowed and shall be issued a certificate of compliance and a Nobles County License by the County or the MPCA. All other feedlots may be considered for a Conditional Use Permit.

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725.4 Animal Feedlot Pollution Control Requirements

(A) General. No animal feedlot or manure storage area shall be constructed, located, or operated in a manner which will create or maintain a potential pollution hazard.

(B) Vehicles, Spreaders. All vehicles used to transport animal manure on township, county, state, and interstate highways or through municipalities 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.

- (C) Manure Storage Capacity. Manure storage capacity shall be for a minimum of six months when animal manure is utilized as domestic fertilizer. Animal manure packs or mounding within the animal feedlot shall not be considered as part of the storage capacity. Generally, this ordinance does not recommend animal manure packs and mounding within any feedlots, for a period longer than one year. If the operation is abandoned, the stored manure shall not be stored for more than one year.
- (D) Manure Utilization. Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state rules; MPCA Rules 7020, sub. 11 & 7020.1600 sub 2. a-c.
- (E) The Minimum Acreage Requirement For Manure Application. The Minimum acreage requirement for obtaining a feedlot license is 0.5 acres per animal unit.
- (F) Manure Application Rate: The actual acreage and application rate that a feedlot needs to maximize the fertility value, or to minimize the possibility of surface or groundwater contamination over time, can not be accurately calculated because of factors which vary greatly from year to year. These variable factors include: species, percent of time the feedlot is in use, average weight of the animals, composition of ration, feed wastage, soil type, ground slope, runoff barriers, nutrient levels in the soil, nutrient removal by crops, rainfall, temperature, added bedding, added water, storage methods, application time and methods, application rate and amount of tillage. The acreage needed could be as high as three (3) acres per animal unit per year.

Application rates should be consistent with Best Management Practices that are site specific as established by the State of Minnesota. Feedlots with less than 9 months of storage for manure should have land available (small grains, hay land, pasture, or set-aside) through the growing season for manure application. Manure application on frozen ground is not recommended.

It is the owner's responsibility that each operator become informed through personal, private, or public sources of the amounts and value of fertilizer elements in the manure from their feedlot(s) and formulate a multi-year plan on the best method(s) to utilize the manure in a manner which will maximize its economic value and minimize the potential for water pollution.

- (G) Owner's Duties. The owner or operator of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions herein.

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725.5 Animal Units

Animal Unit means a unit of measurement used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1000 pound slaughter steer or heifer. Table 1, lists some typical livestock animals and their Animal Units.

Table 1. Animal Units of Livestock.

<u>Animals</u>	<u>Animal Unit (A.U.)</u>	<u># of Heads Equivalent to 250 A.U.</u>
one mature dairy cow	1.4	179
one slaughter steer or heifer	1	250
one horse	1	250
one swine over 55#	0.4	625
one duck	0.2	1,250

one sheep	0.1	2,500
one swine under 55#	0.05	5,000
one turkey	0.018	13,889
one chicken	0.01	25,000
other animals	average weight of animal/1,000# = A.U.	

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725.6 Information Required for a Certificate of Compliance and a Feedlot License

- (A) A map or aerial photo indicating dimensions of feedlot, showing the location of all existing homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, wells, contour and surface water drainage within 1,000 feet of the feedlot or proposed feedlot, including waste storage areas.
- (B) A description of the animal types, the maximum number of animals of each type, which can be confined at the animal feedlot, the location of the animal feedlot, soil type, and hydrogeological conditions.
- (C) A method or plan for disposal of dead animals that shall be consistent with the Minnesota Board of Animal Health Regulations, Statute 35.82.
- (D) A manure management plans including manure handling and application techniques, acreage available for manure application, and plans for any proposed manure storage structure, if not part of a building. Any plans for concrete manure storage structures of 500,000 gallons capacity or larger, or any earthen storage basin or lagoons shall have been prepared or approved by a registered professional engineer or a qualified Natural Resource Service employee.
- (E) If the applicant does not own the minimum acreage to apply animal waste as required by this ordinance Section 725.4.E and F, then a signed land spreading agreement shall be provided.
- (F) Any other additional information requested by the County Feedlot Officer or MPCA needed for the completion of the application.

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725.7 Required Separation Distance for New Feedlots

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

- (A) All new feedlots will be prohibited within 100-year floodplain areas.
- (B) Feedlots shall be located, as stipulated in Minnesota Rules 4725.4450, from any public or private well.
- (C) No new feedlot shall be located within 1000 feet of the normal high water mark of a lake or within 300 feet of the normal high water mark of a stream or river.
- (D) No new feedlots shall be located within 300 feet of a public, county, judicial, or private drainage ditch.

- (E) All new or existing feedlots shall meet the Shoreland Standards outlined in the Nobles County Shoreland Ordinance Section 619.422 A and B.
- (F) Minimum Separation Distances. Table 2 outlines the separation distances:

Table 2. Minimum Separation Distances For New Feedlots

	ANIMAL UNITS				
	10 to 250	251 to 1000	1001 to 2,000	2,001 to 5,000	Greater than 5,000
Rural*	1/4 mile	3/8 mile	1/2 mile	3/4 mile	1 mile
Population Centers**	1 mile	1 mile	1 mile	1 1/2 mile	3 mile

*: Rural Residence, Commercial and Industrial Uses Within the Agricultural Preservation District

** : Includes Public Parks, Corporate limits of any city, R-1, R-2, B-2, or I-1 Districts and concentration of 10 or more residential lots.

Note: Increase the distance by 1.5 times if open liquid earthen manure storage is used and 1.2 times if open liquid containment tanks are used.

- (A) Property line. A minimum setback of 100 feet from the property line.
- (B) Setback from public right-of-way line. The minimum setback from the public right-of way line shall be 100 feet.
- (C) All feedlots will comply with the feedlot standards in Section 725, Subdivision 725.2 of Nobles County Zoning Ordinance.
- (D) Conditional use permits required. Conditional use permits may be required as established by this ordinance section 725.10.
- (E) All setbacks will be in accordance with Nobles County Zoning Ordinance 609.422 A&B.

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725.8 Required Separation Distances for Expansion of Existing Feedlots

- (A) The public road right-of-way. A minimum of 100 feet setback from the public right-of-way.
- (B) Property line. A minimum setback of 100 feet from the property line.
- (C) If an existing feedlot expands, the minimum separation distances shall be as outlined in Table 3.:

Table 3. Minimum Separation Distances For Expansion of Existing Feedlots.

	ANIMAL UNITS				
	10 to 250	251 to 1,000	1,001 to 2,000	2,001 to 5,000	Greater than 5,000
Rural*	1/4 mile	3/8 mile	1/2 mile	3/4 mile	1 mile
Population Centers**	1 mile	1 mile	1 mile	1 1/2 mile	3 miles

*: Rural Residence, Commercial and Industrial Uses within the Agricultural Preservation District

** : Includes Public Parks, Corporate limits of any city, R-1, R-2, B-1, B-2, or I-1 Districts and concentration of 10 or more residential lots.,

Note: Increase the distance by 1.5 times if open liquid earthen manure storage is used and 1.2 times if open liquid containment tanks are used.

- (A) All feedlots will comply with the feedlot standards in Section 725 of Nobles County Zoning Ordinance
- (B) Conditional use permits required. See Section 725.10 of this ordinance.
- (C) All setbacks will be in accordance with Nobles County Zoning Ordinance.

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725.9 Surface Manure Applications Setbacks

Separation distances from surface waters, waterways, and open tile intakes for manure surface applications are listed in the following table:

Table 4. Manure Application Setbacks

<u>Time of The Year</u>	<u>Minimum Separation (ft)</u>
November to April	300
May to October	200

(A) No animal manure shall be disposed of within the right-of-way of any public road or street.

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725.10 Conditional Use Permits

If an applicant cannot comply with rules and specifications established in this ordinance, then a conditional use permit may be applied for. The procedures for obtaining a conditional use permit will be the same as those established by Nobles County Zoning Ordinance Section 505. To apply for a conditional use permit, applicants should contact Nobles County Planning & Zoning Administrator.

(A) Conditional permit will be required when:

- (1) An existing feedlot is expanded over total operating 1000 animal units or a new feedlot is proposed over 1000 animal units.
- (2) Any new feedlot, which does not meet the shore land standards as specified in Nobles County Zoning Ordinance.
- (3) Any feedlot constructing a lagoon system, earthen storage basin, or any other open liquid containment tanks for the storage or treatment of animal waste.
- (4) Any new feedlot, which is proposed within 1/8 mile of an adjoining property line.
- (5) If sufficient land is not available to meet the minimum requirement for manure application of 1/2 acre per animal unit as regulated by this ordinance. This would include any manure spreading agreements specifically designed for spreading of animal manure on property not owned by feedlot owner/operator.
- (6) When separation distances cannot be met.
- (7) New facilities for the raising, breeding, housing, selling, training, or any other form of keeping

of animals for profit or pleasure may be permitted by Conditional Use Permit when lots one (1) acre or more in size in an R-1, R-2, B-1, B-2, or I-1 District providing:

- (a) The keeping of animals shall be limited to one (1) animal unit per occupant member of the household and not to exceed four (4) animal units per acre total. This shall not include dogs or cats when kept as house pets.

(8) New non-farm residences within one (1) mile of an existing livestock feedlot.

(B) Standards for Conditional Use Permits.

- (1) The County may impose in, addition to the standards and requirements set forth in this ordinance, additional conditions which the Planning Commission or County Board consider necessary to protect the health, safety, and welfare of the public. This may include the planting of trees or shrubs to be used as a windbreak, a grass filter strip, establishing of a buffer zone, collection of water samples, methods of manure application, and all other conditions deemed necessary.
- (2) All feedlots shall be operated in a manner consistent with the Certificate of Compliance and Nobles County Feedlot License.

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725.11 Environmental Reviews, pursuant to Minnesota Rules, Chapter 4410

- (1) The MPCA is the Responsible Government Unit for mandatory environmental reviews pursuant to the Environmental Quality Board (EQB), Minnesota Rules, Chapter 4410.

The EQB rules are the final source of information, which activate the environmental review of feedlots. A mandatory environmental review is activated by: a new facility or an expansion, totaling more than 1,000 animal units for partially confined feedlots; 2,000 animal units if the facility is a total confinement facility.

- (2) Discretionary Environmental Review. Any agency of government with an approval interest in the project has the authority pursuant to the EQB rules to order discretionary environmental review for any project.

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725.12 Standards for Earthen Basins, Lagoons, Concrete Pits, and other Containment Structures

- (A) The standards for these structures shall be in compliance with MPCA requirements.
- (B) The capacity of any earthen basin, lagoon, or concrete pit for manure storage or treatment should be in accordance with SCS or Midwest Planning Service guidelines, and have a minimum storage capacity of six (6) months plus a wastewater factor.
- (C) Temporary manure storage area such as daily scrape areas are not considered earthen basins or concrete pits, and shall be operated in a non-polluting manner.

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725.13 Feedlot Licenses with Potential Pollution Hazards

Non-Conforming Animal Feedlot. The MPCA or the County Feedlot Officer may make an on-site inspection of any of the county's feedlots, and:

- (A) If a problem does not exist the animal feedlot owner shall be notified.
- (B) If a potential pollution hazard is found to exist, the animal feedlot owner shall be notified. Upon the notification, the owner must, within five working days, respond to MPCA or the County Feedlot Officer with plans and a timetable for abatement.
- (C) Prior to issuing a Nobles County Feedlot License, the County Feedlot Officer or the MPCA shall issue 1 of 4 permits as follows:
 - (1) Certificate of Compliance; if:
 - The livestock operation does not create or maintain a potential pollution hazard, or
 - the potential pollution hazard has been corrected to meet MPCA requirements.
 - (2) Interim License; if:
 - a potential pollution hazard has been identified but has not been corrected. (An interim license is issued to cover the feedlot operation during the construction period, and will expire no later than 10 months after issuance.)
 - (3) State Animal Feedlot License; if:
 - An identified potential pollution hazard cannot be corrected within a 10 month period because the solution is not technically or economically feasible, or
 - the manure is not used as a domestic fertilizer.
 - (4) National Pollutant Discharge Elimination System (NPDES) Permit; if:
 - a livestock facility has the potential to discharge manure and/or polluted runoff to surface or ground waters. This permit is issued by the MPCA and contains requirements, conditions, and compliance schedules relating to the discharge of animals manure pollutants.

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725.14 Variance

- (A) Any person may apply for a variance from any requirements of Chapter 7020.0200 to 7020.1900 MPCA feedlot regulations. Such variances 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.
- (B) Any feedlot, other than ones which are prohibited by ordinance and other Nobles County ordinances, may request a variance or a conditional use permit as applicable, where rules do not apply.
- (C) Or, any feedlot where rules may create a unique hardship due to conditions not created by the feedlot operator or owner.

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Definition:

Waterway: A natural or constructed channel that is shaped or graded, and is established in sustainable vegetation for the stable conveyance of run-off.

This Ordinance is not intended to abrogate any easements, restrictions, or covenants, relating to the use of land or imposed on lands within the community by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

Effective Date

This Ordinance shall be full force and effect from and after _____.

A summary of this Ordinance Draft published in the Worthington Daily Globe

14 February 1995
18 February 1995

This Ordinance adopted by the Nobles County Board of Commissioners

21 March 1995

Board Chairperson

ATTEST:

Melvin J. Ruppert
County Coordinator, Nobles County, MN

**FEEDLOT FEES
AND ZONING PERMIT SCHEDULES**

NOBLES COUNTY FEEDLOT LICENSE

10 ~ 250 A.U.'s - \$15.00
250 ~ 1000 A.U.'s - \$50.00
1000 ~ 2000 A.U.'s - \$100.00
2000 ~ 5000 A.U.'s - \$300.00
More than 5000 A.U.'s - \$500.00

This license will be renewed every five (5) years at the above rate, unless there is an expansion that raises them to the next level of license fee.

CERTIFICATE OF COMPLIANCE

10 ~ 50 A.U.'s - \$15.00
50 ~ 100 A.U.'s - \$25.00
100 ~ 250 A.U.'s - \$50.00
250 ~ 500 A.U.'s - \$75.00
500 ~ 1000 A.U.'s - \$100.00
1000 ~ 2000 A.U.'s - \$175.00

2000 ~ 5000 A.U.'s - \$350.00
More than 5000 A.U.'s - \$700.00

* This will be a one-time charge unless there is an expansion, change in type of animals, or when a new building is constructed.

**CHANGE OF NAME OR OWNERSHIP OF
A CERTIFICATE OF COMPLIANCE
OR A NOBLES COUNTY FEEDLOT LICENSE**

\$10.00 Each

**LAND USE PERMIT FOR LIVESTOCK STRUCTURES
(Building Permits)**

\$50.00 to 8,000 sq.ft.
\$100.00 over 8,000 sq.ft.

CONDITIONAL USE PERMITS, REZONING, and PLATTING REQUESTS

Regular Scheduled Hearings - \$200.00 Special Hearings - \$600.00
Plus \$20.00 recording fee

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**Nobles County
Public Works**