

Section 9.11 – Feedlots

- A. Policy - An efficient and profitable livestock industry is an economic benefit to Todd 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 section has been promulgated to reduce risk of pollution of natural resources from feedlots.
- B. Todd County is an MPCA delegated Feedlot County.
- C. This section regulates feedlots as well as storage and land application of animal waste. All existing and future feedlots in Todd County shall comply with the standards set forth within the Minnesota Pollution Control Agency (MPCA) Chapter 7020 rules and updates, and this Ordinance.
- D. Within the agricultural preservation districts, the construction, expansion and operation of feedlots and other agricultural uses are permitted or permitted by conditional uses.
- E. There will be from time to time, sights, sounds and smells associated with the operation of farming. No property owner shall bring action(s) of Law, including without limitation claims for private nuisance under Minn. Stat § 561.01 and common law negligence, against any farming operation, because of such farming activities, as long as such farming activity is complying with local, County, State, and Federal permits, ordinances, rules, statutes, and other regulations which apply to and are enforceable against the farming operation. To the extent that such an action(s) of law nevertheless arises by a property owner against any farming operation, Todd County reserves its right to remain neutral and uninvolved.
- F. More restrictive standards. Minnesota Rules Chapter 7020 are hereby modified by the following more restrictive standards.
- G. The County Board may appoint a Feedlot Officer(s) as are necessary and to designate their power and duties within the limits of this section.
- H. A land use permit shall be required for all expansions of buildings of an existing feedlot that does not increase the animal unit numbers.
- I. A land use permit with a feedlot inspection is required for all expansions of buildings or lots that increase animal unit numbers of existing registered feedlots of more than 10 animal units but less than 300 animal units. An Interim Permit may be required to correct environment hazards on feedlots.
- J. Registration- An animal feedlot capable of holding ten (10) or more animal units, or a manure storage area capable of holding the manure produced by 10 or more animal units is required to register with the County every four (4) years.
- K. Conditional Use Permit - Expansion of animal unit numbers to existing feedlots located within 300 feet of any river class or within 1,000 feet of any lake class may be approved if they do not exceed 1,000 animal units and they do not further encroach into the riparian setback or bluff impact zone.

- L. The owner of a proposed or existing animal feedlot of over 300 animal units in the Agricultural District shall make an application to the County for a Construction Short Form Permit when any of the following conditions exist:
- (i) A new feedlot is proposed where a feedlot did not previously exist;
 - (ii) Expansion of an existing feedlot beyond registered animal units;
 - (iii) Any change in species on an existing animal feedlot or facility;
 - (iv) A feedlot is to be restocked after being abandoned for five (5) or more years;
 - (v) An inspection reveals that the feedlot is creating a potential pollution hazard and due process is observed by the authorized entity Department and provides the ability to correct the infraction as listed in MPCA regulations;
 - (vi) Application for conditional use permit;
 - (vii) A National Pollutant Discharge Elimination System (NPDES) permit application is required under State or Federal rules and regulations (over 1,000 animal units of manure is produced on the farm);
 - (viii) Other actions as specified in the Ordinance.
- M. Feedlot Setbacks and Separations – feedlot setbacks. All setbacks of this section shall apply within the county and shall not cross county lines. The setback standards of the county where the feedlot is located shall apply. The setback standards do not apply if there is either (1) a variance application to and an approval thereof from the county or (2) written approval from the representatives of each of the entities within the setback recorded on the affected property parcel numbers. Unless so excepted therefrom, no new feedlot shall hereafter be erected within the following distances:

Feedlot Setbacks – Non-Swine				
New Feedlot or Manure Storage Area	Animal Units	Municipal Limits or Municipal Growth Boundaries*	Public Drainage Ditch*	School, Church, Park, or Airport*
Tier I	10-100	Half (1/2) mile	300 feet	Quarter (1/4) mile
Tier II	101-300	One (1) mile	300 feet	Half (1/2) mile
Tier III	Over 300	One (1) mile	300 feet	Half (1/2) mile
* All setbacks are reciprocal in nature				

Feedlot Setback – Swine Only				
New Feedlot or Manure Storage Area in Animal Units	Setback distance from Municipal Limits or Municipal Growth Boundaries	Setback distance from Public Drainage Ditch	Setback distance from a School, Church, Park, or Airport	Setback Distance from a Swine Breeding Facility Greater Than or Equal to 1,000 Animal Units
Tier I 10 – 100 Animal Units	Half (1/2) Mile	300 Feet	Quarter (1/4) mile	Quarter (1/4) mile
Tier II 101 – 300 Animal Units	One (1) Mile	300 Feet	Half (1/2) Mile	Half (1/2) Mile
Tier III Over 300 Animal Units	One (1) Mile	300 Feet	Half (1/2) Mile	Three Quarter (3/4) Mile
<i>All setbacks are reciprocal</i> <i>All existing Swine Registered Feedlots are able to expand to any level Tier</i>				

- N. All application of animal waste shall comply with all setbacks of Minnesota Statutes Chapter 7020, to minimize odor nuisance, potential point and non-point pollution.
- O. Performance Standards:
- (i) All new liquid manure storage structures must have a minimum of twelve (12) months of storage capacity.
 - (ii) All expansions of feedlots with a liquid manure handling system must have a liquid storage capacity to accommodate the increase in animal units. The plans for this expansion must be provided to the Department prior to any construction taking place, and must be completed within two (2) years of the date that the permit was issued. This rule is not intended to be applied to any expansion that utilizes a solid manure handling system.
 - (iii) No open-air swine or poultry liquid manure storage basins will be allowed.
 - (iv) All liquid manure storage basins must be fenced to Natural Resources Conservation Service (NRCS) specifications.
 - (v) Manure application agreements must be for at least four years for all expansions or new construction.
 - (vi) All new manure storage structures (earthen basins, slurry stores, concrete manure storage, runoff ponds, sediment ponds or other similar structures) shall be a minimum of 300 feet from any property line (including a road right-of-way) unless the manure storage structure is being installed to mitigate a pollution

hazard and meeting the 300 foot setback is not feasible or is impractical. In no case shall a new manure storage structure be located within the minimum building setback for the zoning district where it is located.

- P. For parcels of land greater than 1 acre in shoreland or “R” zoning.
 - 1. Limited to up to 25 Chickens (no other fowl) and/ 20 rabbits.
 - 2. Shelter, fencing, cages must be provided – no free range animals.
 - 3. Roosters are prohibited.
 - 4. All litter must be garden applied and tilled or removed from property.
 - 5. Property owner must maintain a Livestock Registration with Todd County.
- Q. For parcels located in shoreland zoning that have historic feedlot use.
 - 1. Owner must maintain Livestock Registration with Todd County.
 - 2. May register for up to 9.9 AU maximum animal units on parcel.
 - 3. Todd County will require plans and specifications for review prior to approval of registration verifying setbacks, potential runoff, wetlands, etc.
 - 4. Final determination is made by Planning and Zoning Administrator.
- R. A violation of this section shall constitute a misdemeanor and be processed according to the procedures established in Article X.

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- D. Within the agricultural preservation districts, the construction, expansion and operation of feedlots and other agricultural uses are permitted or permitted by conditional uses.
- E. There will be from time to time, sights, sounds and smells associated with the operation of farming. No property owner shall bring action(s) of Law, including without limitation claims for private nuisance under Minn. Stat § 561.01 and common law negligence, against any farming operation, because of such farming activities, as long as such farming activity is complying with local, County, State, and Federal permits, ordinances, rules, statues, and other regulations which apply to and are enforceable against the farming operation. To the extent that such an action(s) of law nevertheless arises by a property owner against any farming operation, Todd County reserves its right to remain neutral and uninvolved.
- F. More restrictive standards Minnesota Rules Chapter 7020 are hereby modified by the following more restrictive standards.
- G. The County Board may appoint a Feedlot Officer(s) as are necessary and to designate their power and duties within the limits of this section.
- ~~H. A land use permit shall be required for all expansions of buildings of an existing feedlot that does not increase the animal unit numbers. Prior to issuance of a land use permit for a feedlot component, a feedlot inspection to verify compliance with MN 7020 shall be required. A land use permit is required in compliance with Section 5.07 of this Ordinance.~~
- ~~I. A land use permit with a feedlot inspection is required for all expansions of buildings or lots that increase animal unit numbers of existing registered feedlots of more than 10 animal units but less than 300 animal units. An Interim Permit may be required to correct environment hazards on feedlots.~~
- J-H. Registration- An animal feedlot capable of holding ten (10) or more animal units, or a manure storage area capable of holding the manure produced by 10 or more animal units is required to register with the County every four (4) years.
- K-I. Conditional Use Permit - Expansion of animal unit numbers to existing feedlots located within 300 feet of any river class or within 1,000 feet of any lake class may be approved if they do not exceed 1,000 animal units and they do not further encroach into the riparian setback or bluff impact zone.

L.J. The owner of a proposed or existing animal feedlot of over 300 animal units in the Agricultural District shall make an application to the County for a Construction Short Form Permit or Interim Permit, or provide a copy of an NPDES or SDS permit application, whichever is applicable, when any of the following conditions exist:

- (i) A new feedlot is proposed where a feedlot did not previously exist;
- ~~(ii) Expansion of an existing feedlot beyond registered animal units;~~
- ~~(iii) Any change in species on an existing animal feedlot or facility;~~
- ~~(iv)~~(ii) A feedlot is to be restocked after being abandoned for five (5) or more years;
- ~~(v)~~(iii) An inspection reveals that the feedlot is creating a potential pollution hazard and due process is observed by the authorized entity Department and provides the ability to correct the infraction as listed in MPCA regulations;
- ~~(vi)~~(iv) Application for conditional use permit;
- ~~(vii) A National Pollutant Discharge Elimination System (NPDES) permit application is required under State or Federal rules and regulations (over 1,000 animal units of manure is produced on the farm);~~
- ~~(viii)~~(v) Other actions as specified in the Ordinance.

M.K. Feedlot Setbacks and Separations – feedlot setbacks. All setbacks of this section shall apply within the county and shall not cross county lines. The setback standards of the county where the feedlot is located shall apply. The setback standards do not apply if there is either (1) a variance application to and an approval thereof from the county or (2) written approval from the representatives of each of the entities within the setback recorded on the affected property parcel numbers. Unless so excepted therefrom, no new feedlot shall hereafter be erected within the following distances:

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Tier III	Over 300	One (1) mile	300 feet	Half (1/2) mile
* All setbacks are reciprocal in nature				

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Tier II 101 – 300 Animal Units	One (1) Mile	300 Feet	Half (1/2) Mile	Half (1/2) Mile
Tier III Over 300 Animal Units	One (1) Mile	300 Feet	Half (1/2) Mile	Three Quarter (3/4) Mile
<i>All setbacks are reciprocal</i> <i>All existing Swine Registered Feedlots are able to expand to any level Tier</i>				

N.L. All application of animal waste shall comply with all setbacks of Minnesota Statutes Chapter 7020, to minimize odor nuisance, potential point and non-point pollution.

O.M. Performance Standards:

- (i) All new liquid manure storage ~~structures~~areas and capacity modifications to existing liquid manure storage areas must have a minimum of twelve (12) months of storage capacity.
- (ii) All expansions of feedlots with an existing liquid manure handling system must have a liquid storage capacity to accommodate the increase in animal units and provide no less than seven (7) months storage capacity. The plans for this expansion must be provided to the Department prior to any construction taking place and shall be completed prior to stocking of additional animal units, and must be completed within two (2) years of the date that the permit was issued. ~~This rule is not intended to be applied to any expansion that utilizes a solid manure handling system.~~
- (iii) No open-air swine or poultry liquid manure storage basins will be allowed.
- (iv) All new liquid manure storage ~~basins~~areas or modifications to existing liquid manure storage areas must be fenced to Natural Resources Conservation Service (NRCS) specifications.

~~(v) — Manure application agreements must be for at least four years for all expansions or new construction.~~

~~(vi)~~(v) All new manure storage structures (earthen basins, slurry stores, concrete manure storage, ~~runoff ponds~~, sediment ponds, stacking slabs, digestors, or other similar structures) shall be a minimum of 300 feet from any property line (including a road right-of-way) unless the manure storage structure is being installed to mitigate a pollution hazard and meeting the 300 foot setback is not feasible or is impractical. In no case shall a new manure storage structure be located within the minimum building setback for the zoning district where it is located.

~~P.N.~~For parcels of land greater than 1 acre in ~~S~~shoreland, Rural Townsite, or ~~“R”Residential-2~~ zoning.

1. Limited to up to 25 Chickens (no other fowl) and/or 20 rabbits.
2. Shelter, fencing, cages must be provided – no free range animals.
3. Roosters are prohibited.
4. All litter must be garden applied and tilled or removed from property.
5. Property owner must maintain a Livestock Registration with Todd County.

~~Q.O.~~For parcels located in shoreland zoning that have historic feedlot use.

1. Owner must maintain Livestock Registration with Todd County.
2. May register for up to 9.9 AU maximum animal units on a parcel.
- 2.3.Owner must maintain compliance with MN Chapter 7020 Rules.
- 3.4.Todd County will require plans and specifications for review prior to approval of registration verifying setbacks, potential runoff, wetlands, etc.
- 4.5.Final determination is made by Planning and Zoning Administrator.

~~R.P.~~A violation of this section shall constitute a misdemeanor and be processed according to the procedures established in Article X.

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