

**RED LAKE COUNTY  
ANIMAL FEEDLOT AND MANURE  
MANAGEMENT ORDINANCE  
2006**

**SECTION 1. PURPOSE**

The Red Lake County Animal Feedlot and Manure Management Ordinance is to support economic growth and development by accommodating a broad range of economically beneficial uses, including responsible livestock production activities. The regulations of this ordinance are intended to protect the public health, safety, and general welfare and to provide objective and predictable rules governing the location and management of feedlots. The regulations are intended to provide a reasonable degree of certainty for feedlot owners, as well as for property owners and residents located near feedlots. Other specific purposes of the regulations are to: protect the public health, safety, and general welfare; protect property values; avoid potential land-use conflicts associated with the encroachment of nonfarm land uses into active agricultural areas; control environmental and operational impacts sometimes associated with new or expanded feedlots; and establish standards that are objective and have a rational basis.

**SECTION 2. STATUTORY AUTHORIZATION AND POLICY**

**Subd. 1. Statutory Authorization.**

This Red Lake County Animal Feedlot and Manure Management Ordinance, 2006, hereinafter referred to as “Ordinance”, is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 115 and 116, and Minnesota Pollution Control Agency Rules, as well as the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

**Subd. 2. Policy.**

Livestock and Poultry are important to producers and consumers in Red Lake County. Animals provide meat, milk, eggs and related products for consumption in the United States and for export. Livestock production is an important source of income for farmers and agricultural businesses in the County. Efficient livestock production should be a concern of producers and consumers alike.

Livestock, poultry and other animals produce manure which may negatively affect Red Lake County’s environment. When animal manure adds to air, water or land pollution in the County, it is subject to control.

The following standards for the control of livestock, poultry and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. These standards recognize that animal manure provides beneficial qualities to the soil and plant production.

All feedlot owners and operators shall act as good neighbors when applying animal manure. The time of year, wind direction and neighboring dwellings should be considered when selecting appropriate time and place of application. All feedlots shall be operated in a manner consistent

with its permit and the standards set forth in this Ordinance and the policies set by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7020, as amended.

### **SECTION 3. GENERAL PROVISIONS AND DEFINITIONS**

#### **Subd. 1. Jurisdiction.**

The provisions of this Ordinance shall apply to all animal feedlots that exceed 10 animal units, A.U., as defined in this Ordinance, within the shoreland areas as defined in the Red Lake County Shoreland Management Ordinance of 1992, as amended, outside the incorporated limits of municipalities; and 50 animal units, A.U. to all other areas of Red Lake County outside the incorporated limits of municipalities.

#### **Subd. 2. Compliance.**

The use of any land for the establishment, expansion or management of an animal feedlot shall comply with the provisions of this Ordinance and the provisions of MPCA rules.

#### **Subd. 3. Administration and Enforcement.**

The Red Lake County Feedlot Officer is responsible for the administration and enforcement of this Ordinance. The Red Lake County Board of Commissioners may establish by resolution, application, permit and other such fees as they deem necessary.

Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute a misdemeanor, and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.

#### **Subd. 4. Interpretation.**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the public health, safety and welfare of the citizens of Red Lake County, by providing for the commonly approved animal husbandry practices used in the management of animal feedlots.

#### **Subd. 5. Severability.**

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

#### **Subd. 6. Abrogation and Greater Restrictions.**

It is not the intent of this Ordinance to repeal, abrogate, or impair any existing ordinances, rules or statute. However, when this Ordinance is inconsistent with any other ordinance, rule or statute, the ordinance, rule or statutes which impose the greater restriction shall prevail.

#### **Subd. 7. Amendment.**

This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Subdivision.

#### **Subd. 8. Definitions.**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. The word “person” or “feedlot operator” shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations. All definitions contained in this Ordinance are as adopted by the MPCA Rules, Section 7020.

### **Definitions:**

**Abandoned:** To cease a specific use of a property for a period of 12 consecutive months or more.

**Adjoining:** To be next to, nearby or sharing an edge or boundary. For purposes of this ordinance, parcels of land split by a road shall be considered adjoining.

**Agency:** Minnesota Pollution Control Agency

**Agricultural Best Management Practices (BMPs):** An Agricultural BMP is broadly defined as economically sound practices that are capable of minimizing nutrient contamination of surface and ground waters. Specific BMP practices are described in Minnesota Extension Service Bulletins AG-FO-6125, AG-FO-6127, and AG-FO-3553.

**Animal Feedlot:** 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. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots. Two or more animal feedlots under common ownership or operation are considered to be a single animal feedlot if they adjoin each other or if they use a common area or system for the utilization of waste.

**Animal Manure:** Poultry, livestock or other animal excreta, or a mixture of excreta with feed, bedding and other materials.

#### **Animal Unit:**

- A. Dairy cattle;
  - 1. One mature cow
    - a. over 1,000 pounds, 1.4 animal unit; or
    - b. under 1,000 pounds, 1.0 animal unit;
  - 2. One heifer, 0.7 animal unit; and
  - 3. One calf, 0.2 animal unit;
- B. beef cattle;
  - 1. One slaughter steer or stock cow, 1.0 animal unit;
  - 2. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
  - 3. One cow and calf pair, 1.2 animal unit; and
  - 4. One calf, 0.2 animal unit;
- C. One head of swine:
  - 1. over 300 pounds, 0.4 animal unit;

- 2. between 55 and 300 pounds, 0.3 animal unit; and
- 3. under 55 pounds, 0.05 animal unit;
- D. One horse, 1.0 animal unit;
- E. One sheep or lamb, 0.1 animal unit;
- F. chickens:
  - 1. One laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit;
  - 2. One chicken if the facility has a dry manure system:
    - a. over five pounds, 0.005 animal unit; or
    - b. under five pounds, 0.003 animal unit;
- G. One turkey:
  - 1. over five pounds, 0.018 animal unit; or
  - 2. under five pounds, 0.005 animal unit
- H. One duck, 0.01 animal unit; and
- I. for animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

**Board:** The word “Board” includes the “County Commissioners”, the “Board of County Commissioners” or any word or words meaning the “Red Lake County Board of Commissioners.”

**Buffer:** A strip of land intended to create physical separation between potentially incompatible uses of land.

**Building:** Any structure either temporary or permanent having a roof which may provide shelter or enclosure of person, animals, or property of any kind.

**Building Setback:** The minimum horizontal distance between the building and the right-of-way line.

**Certificate of Compliance:** A letter from the MPCA to the owner of an animal feedlot stating that the feedlot meets the agency standards, and that the livestock operation does not create or maintain a potential pollution hazard, or if a potential pollution hazard existed, it has been corrected to meet MPCA requirements.

**Change in Operation:** An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

**Conditional Use:** A use that because of special characteristics attendant to its operation, may be permitted in a district as a conditional use with site specific requirements as determined and approved by the Board, that protect the public health, safety, and welfare of the community.

**Corrective Action:** Any action required by the department to ensure compliance or conformance with this Ordinance and state regulations.

**County:** The term “County” as used in this Ordinance means Red Lake County, Minnesota.

**Covered Lagoon or Covered Basin:** An earthen constructed manure holding structure either totally covered with a minimum of six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire lagoon or earthen basin area, or a wooden, concrete, or glass-lined steel structure totally enclosing and covering the lagoon or earthen basin.

**Drainage Course:** A watercourse or indenture for the drainage of surface water.

**Drainage way:** A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

**Earthen Storage Basin:** For the purpose of this Ordinance, earthen storage basin is considered a manure storage area.

**Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable television, storm sewer or storm drainage ways, and gas lines

**Environmental Impact Worksheet or Statement:** That document that might be required under Minnesota Statutes, Chapter 116C and D.

**Existing Feedlot:** An existing feedlot which is currently in operation at the passage of this Ordinance, and/or having been registered or permitted within the last five years.

**Expansion of an Existing Feedlot:** Increasing production capacity by the addition of structures used to contain animals.

**Feedlot:** 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. For purposes of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules.

**Feedlot Operator/Owners:** An individual, corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

**Feedlot Permit:** A document issued by the agency that contains requirements, conditions, and compliance schedules relating to the discharge and management of animal manure pollutants. Feedlots and manure storage areas subject to permit requirements as stated in Part 7020.0405 shall be issued a NPDES/SDS, Minnesota Feedlot, or Manure Storage Area permit.

**Floodplain:** The area subject to inundation by a 100-year flood (regional flood) as designated and mapped by the Federal Emergency Management Agency.

**Incorporated:** When manure is surface mechanically applied and mechanically incorporated within 24 hours of application.

**Injected:** When manure is mechanically injected or tilled into the soil during the manure application.

**Interim Permit:** A permit issued by the agency that expires no longer than two years from the date of issue.

**Livestock Operations:** A lot or structure or combination of lots and structures intended for the breeding, raising, and holding of 11 or more animal units.

**Manure Storage Area or Facility:** Means an area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for the purposes of this Ordinance.

**Modification of an Existing Feedlot:** Conversion or remodeling of an existing structure used for livestock production. The conversion or remodeling will not result in increased production capacity.

**National Pollutant Discharge Elimination System (NPDES):** A permit issued by the MPCA for the purpose of regulating the discharge pollutants from point sources including concentrated animal feeding operations.

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

**Non-Farm Dwelling:** Any dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

**OFFSET:** The Odor From Feedlots Setback Estimation Tool developed by the University of Minnesota.

**OHWL:** Ordinary High Water Level as defined by Department of Natural Resources. The landward boundary of public waters and wetland which delineated the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. This is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation to the top of the bank of the channel.

**Owner:** An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

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

**Potential Pollution Hazard:** A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or flood plain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of water well.
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards, including, but not limited to, MN Rules Chapters 7050 and 7055, during a rainstorm event of less magnitude than the 25-year (4.9 inches), 24-hour event, or will violate any applicable state rules.

**Protected Waters:** Any waters of the state as defined in Minnesota Statutes, Section 105.37, subd. 14. However, no lake, pond, or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations.

**Public Nuisances:** A public nuisance is a thing, act, occupation, or use of property which:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or peace of any considerable numbers of the public.
2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way or waters used by the public.
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided (reference MS 609.74).

**Public Waters:** Any waters as defined in Minnesota Statutes, Chapter 103G.

**Receptor:** The nearest corner of a residence, public church or cemetery. This also includes significant topographical depressions which would not allow dispersion of air that lead to, or run next to receptors.

**Residence:** Is any dwelling which is currently occupied or has been occupied for a period of sixty (60) days within five (5) years of the permit application.

**Setback:** The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level, bluff line, road or highway, or property line.

**Setback or Setback Line:** The mean horizontal distance between the property line or street right-of-way, or street easement and the line of the structure or the allowable building line as defined by the yard regulations of this code.

**Shoreland:** The land located within the following distances from public waters (a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; (b) 300 feet from a river or stream, or the landward extent of a flood plain designated by Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**Slope:** The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

**Transfer of Property:** The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

**Variance:** A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship.

**Waters of the State:** All streams, lakes, ponds, 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.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

#### **SECTION 4. ADOPTION BY REFERENCE OF STATE REGULATIONS**

Pursuant Minnesota Statutes, the Red Lake County Board of Commissioners hereby adopts by reference Minnesota Pollution Control Agency Rules, Chapter 7020 Rules for the Control of Pollution from Animal Feedlots, as amended.

#### **SECTION 5. ADMINISTRATION**

1. The Red Lake County Animal Feedlot and Manure Management Ordinance shall be administered by the Red Lake County Soil & Water Conservation District. The Red Lake County Board of County Commissioners appointed a County Feedlot Officer to discharge the duties of this Ordinance.
2. Duties and Powers.
  - A. The Red Lake County Feedlot Officer shall have the following duties and powers:



- a. Administer and enforce the Red Lake County Animal Feedlot and Manure Management Ordinance.
- b. 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.
- c. Consult with Red Lake County Extension Service, NRCS, MPCA, and private consultants as necessary to ensure construction standards are followed on manure handling and runoff control structures.
- d. Educate the public and feedlot operators to issues of this Ordinance such as potential feedlot pollution problems.
- e. Oversee the inspection of feedlot operations to insure compliance with the standards of this Ordinance.
- f. Review Conditional Use Permits of feedlots greater than 500 animal units once within the first two years of operation to ensure compliance with this Ordinance. Further review will occur at the discretion of the MPCA.
- g. Consult with other County departments, state and federal agencies, and private consultants as needed to discharge these duties.
- j. Investigate possible violations and complaints.
- k. Administer the animal feedlots and manure storage areas registration program.
- l. Locate and register all animal feedlots and manure storage areas that remain unregistered.
- m. Distribute permit application and registration forms to owners required to make application for a permit.
- n. Review permit applications and issue construction short-form and interim permits when required, with assistance from MPCA.
- o. Inspect all animal feedlots and manure storage areas in accordance with the approved feedlot program work plan.
- p. Provide assistance to owners in completing permit applications.
- q. Maintain a record of all correspondence and material relating to permit applications, inspections, and complaints.
- r. Maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption, including the days the exemption was claimed and the cumulative days used.

- s. Submit an annual report to the Minnesota Pollution Control Agency by February 1 of each year, in the format requested by MPCA, that includes the following:
    - 1. All newly acquired and updated registration information required.
    - 2. Inspection summary information from the previous year.
    - 3. Permitting summary information from the previous year, including information regarding permits for facilities with fewer than 1,000 animal units that are Concentrated Animal Feeding Operations (CAFOs) under Code of Federal Regulations, title 40, part 122, appendix B(b).
    - 4. Complaint and complaint response summary information from the previous year.
    - 5. Outreach and education summary information from the previous year.
    - 6. Summary of the progress toward achieving the goals identified in the approved feedlot program work plan and, if applicable, proposed adjustments to the goals or plans to meet the goals in the approved feedlot program work plan.
  - t. Complete the required county feedlot officer training necessary to perform the duties described under this part assigned to the county feedlot officer.
  - u. Forward to Minnesota Pollution Control Agency permit applications, inspection reports, and all other applicable documents for the facilities identified in Minnesota Rules part 7020.1600, subpart 4, item B.
3. Fees. Application fees, permit fees, inspection fees, and such other fees required by this Ordinance shall be set by resolution of the County Board.

## **SECTION 6. GENERAL REQUIREMENTS**

- 1. The provisions of parts of Minnesota Rules Chapter 7020 govern the storage, transportation, disposal, and utilization of animal manure and the application for issuance of permits for construction and operation of animal manure management and disposal or utilization systems for the protection of the environment.
- 2. From and after the date of adoption of this Ordinance and subsequent amendments, all proposed new feedlots or expansion of existing feedlots shall be in conformity with the provisions of this Ordinance and Minnesota Rules Chapter 7020.
- 3. 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 feedlot within Red Lake County unless in compliance with the provisions of this Ordinance and all pertinent sections of this Ordinance.

4. All feedlots within Red Lake County shall manage animal manure in compliance with this Ordinance.
5. Nothing in this Ordinance shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.
6. Animal feedlots as defined by the Minnesota Pollution Control Agency, must meet the following standards:
  - A. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins.
  - B. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback, or encroach on bluff impact zones.
  - C. An interim permit, or animal feedlot permit, when required by parts 7020.0100 to 7020.1900, must be obtained by the owner or operator of an animal feedlot.
7. No animal feedlot or manure storage area shall be constructed, located, or operated so as to knowingly create or maintain a potential pollution hazard.
8. A new feedlot, or the expansion of an existing feedlot, shall not exceed a density of 5000 animal units.
9. The owner(s) and operator(s) of any animal feedlot are responsible to provide measures to assure that water runoff from feedlot site will be of a quality equal or better, and a rate and volume equal to or less, than prior to development of the feedlot.
10. All methods of disposal of dead, dying, or diseased animals shall comply with Minnesota Board of Animal Health regulations.
11. The feedlot owner or operator shall allow the County Feedlot Officer or assigned representee to inspect the site upon reasonable notification.
12. A feedlot owner or operator shall be required to maintain sufficient acreage for land application of manure as regulated by MPCA. If for any reason, a land application agreement is terminated, another parcel of land equal size is to be obtained. If for any reason, there is not sufficient acreage, the affected operation shall seek an alternative method of handling its manure and shall obtain approval by the MPCA and Red Lake County prior to implementing the alternative method.
13. The feedlot owner is responsible to properly seal any abandoned wells within the feedlot site.

14. All new feedlots shall comply with applicable setback and separation requirements. The feedlot owner or operator's dwelling is exempt from requirement.
15. All existing feedlots as of the date of this Ordinance may continue, but they will be managed according to applicable local, state, and federal statutes and this Ordinance for the subjects of: alterations and additions, repairs after damage, expansions, and discontinuance of use.
16. Red Lake County requires bio-filters on all hog barn facilities. Bio-filters will be constructed based on animal units and facility size.
17. An odor management plan for all new feedlots of 500 animal units or more or expansion of existing feedlots to 500 animal units or more shall be submitted to the County Feedlot Officer for review and approval. The odor management plan shall contain as a minimum the following:
  - A. The method(s) of managing odor leaving the feedlot.
  - B. The provision(s) to manage odors emanating from liquid manure storage facility.
  - C. Best Management Practices (BMPs) for peak odor periods such as spreading and agitation of stored manure.
  - D. Intent to notify neighbors at times of manure application.
18. The owner/operator of a feedlot shall be responsible for extraordinary maintenance and restoration of all county/township roads leading to the feedlot that may be damaged due to activities involving the feedlot unless the owner/operator can prove that the feedlot operation was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of the Road Authority and to the Road Authority's satisfaction.
19. The County Board may, by resolution, require all unpermitted feedlots within environmentally sensitive areas to apply for, obtain, and operate according to the requirements of a Conditional Use Permit. These areas may include, but are not limited to: shoreland areas, specific watersheds or sub-watersheds, or areas determined by the County Board to be sensitive to ground or surface water pollution. The resolution adopting these requirements must state the reason or reasons for declaring the area an environmentally sensitive area and shall include legally sufficient findings of fact. A public meeting for the purpose of receiving comment on the proposed resolution shall take place prior to the adoption of the resolution. Owners of all known feedlots and local governments within the areas shall receive written notice of the intention of the County Board to take such action at least 10 calendar days prior to the public comment meetings.

## **SECTION 7. PERMITS**

No person shall operate a new feedlot without first obtaining the necessary permit(s) from Red Lake County. Minnesota Pollution Control Agency will assist Red Lake County with each permitting process.

### **1. Registration Required:**

Registration shall be required for all feedlots located in Red Lake County. A registration form can be obtained from the Red Lake County Feedlot Officer, who is located at the Red Lake County SWCD office. Feedlot registrations need to be updated every four years.

### **2. Interim Permit Required:**

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an Interim Permit valid for ten (10) months may be issued if:

- A. there is demonstrated compliance with this Ordinance, manure is used as a domestic fertilizer, and the potential pollution hazard will be mitigated within ten (10) months, or
- B. the feedlot permit application includes a manure storage structure, or
- C. a new feedlot is proposed where a potential pollution hazard is identified, or
- D. an existing feedlot that is not currently permitted is seeking to become permitted and is a potential pollution hazard.

An Interim Permit may be extended up to an additional ten (10) months if there is demonstrated progress towards mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

### **3. Construction Short-Form Permit Required:**

- A. The Construction Short-Form permit covers owners and operators of animal feedlots and manure storage areas having a capacity of 300 to 999 animal units who are constructing or expanding their facility.
- B. Feedlot or manure storage area is constructed and operated in accordance with the technical standards in Minnesota Rule, Chapter 7020.2000 to 7020.2225.
- C. The existing facility does not presently have a “pollution hazard”.
- D. The capacity of the proposed facility will not meet or exceed the Large Concentrated Animal Feeding Operation threshold.

Construction Short-Form permits expire after 24 months but may be extended for one 24-month period if construction has not been completed. This extension is to be requested 90 days prior to the expiration date of the permit.

4. Conditional Use Permit Required:

- A. Feedlots meeting one or more of the following criteria must apply for and receive a Conditional Use Permit from the Red Lake County Feedlot Officer and have the permit approved by the Red Lake County Board of Commissioners:
  - a. Any new feedlot greater than 500 animal units or any expansion of an existing feedlot from 500 animal units to a total of 5000 animal units.
  - b. Any change in ownership, following adoption of this Ordinance, of an existing feedlot that exceeds 500 animal units which is not currently permitted by a conditional use permit.
  - c. Any expansion or modification to an existing feedlot within the shoreland management or floodplain area or shoreland bluff impact zone; as long as expansion or modification does not further encroach into the shoreland, floodplain, or bluff impact zone.
  - d. Any expansion of any existing feedlot within one mile of a city boundary.
  - e. Any feedlot that requires a NPDES Permit.
  - f. Any feedlot requiring an Environmental Assessment Worksheet (EAW). MPCA, with assistance from the county feedlot officer, shall be the Regulatory Unit of Government responsible for all required EAW's.
  - g. Whenever any existing or proposed feedlot operation of 500 animal units or more proposes the construction of an above ground manure storage structure.
  - h. Whenever there is proposed to be a change in animal type at an existing feedlot greater than 500 animal units.
  - i. Manure from out of county sources, produced from 500 a.u. or more is transported into Red Lake County. An approved manure management plan from the producer is required as part of the Conditional Use Permit application.
- B. If, in connection with an application for any permit or variance under this Ordinance, a separate permit is required by a state or federal agency, there may be a delay in action on the application pending receipt of the approved permit.

Conditional Use Permit Application.

- A. Persons requesting a conditional use permit for an animal feedlot shall submit the following information as part of the application:
  - 1. Owners and operators name and address.
  - 2. Proposed location of the feedlot and any waste storage structures.

3. Animal types and maximum number of animals of each type that will be confined at the feedlot.
4. Descriptions of the geological conditions, soil types, groundwater elevations, topography, and drainage pattern(s) of the site and surrounding area.
5. A site plan at a sufficient scale depicting the location of all watercourses, ditches, residences, roads, and buildings within 5,280 feet of the proposed feedlot or waste storage structure.
6. A site plan at a sufficient scale depicting the location of all tile intakes within 300 feet of the proposed feedlot or waste storage structure.
7. A facility operation and manure and waste management plan including:
  - a. Manure handling and application techniques including transfer and application equipment, planned times of manure transfer, planned periods of land application, incorporation techniques, crop types and resulting application rate of nitrogen (N) or phosphorous (P) as may apply. The plan may be reviewed by NRCS, SWCD, the County Extension Service, and by any watershed district within the jurisdiction.
  - b. Planned manure storage system.
  - c. Method and techniques for the disposal of dead animals.
  - d. Leases or agreements allowing the applicant to dispose of manure on land not owned by the applicant.
  - e. How the odor will be managed during waste storage, waste transfer, land application and building ventilation (Odor Management Plan).
  - f. Approved DNR Water Appropriation Permit, if needed.
  - g. A written statement that applicant has not had a feedlot permit revoked by MPCA within the past five years.
  - h. Provisions addressing general facility management and neighbor relation issues described as follows:
    - a. Minimizing visibility of the production site.
    - b. Any concerns relating to the distance and direction of neighbors and communities from the site.

- c. Locating the facilities to accommodate land application of manure.
- d. Maintenance of facilities.
- e. Education of area residents regarding proposed expansion or modification plans. Area residents shall be all property owners and residents within one-quarter mile of the affected property or the 10 nearest property owners and residents, whichever is greater.
- f. Evaluation of current or proposed farm sites for potential environmental hazards.
- g. Responding to complaints of citizens and governmental entities relating to the operation of the facility.
- i. Such additional information as contained in the application or as requested by the County Feedlot Officer, the County Board of Commissioners, or MPCA.
- j. Approved permits required by other state and federal agencies.
- k. Any environmental impact statements (EIS) or environmental assessment worksheets (EAW) that may be required by the County or other federal and state agencies.
- l. All building plans, blueprints, and engineers' designs for proposed new construction.

#### Conditional Use Permit Procedures

##### Procedures:

- A. Applicants for conditional use permits must fill out and submit to the Red Lake County Feedlot Officer a conditional use application form. Applications must be received at least 25 days before the scheduled county board hearing.
- B. After determining the application is complete, the Red Lake County Feedlot Officer must forward the application and supporting documentation to the Red Lake County Board of Commissioners for their review in a public hearing.
- C. The Red Lake County Board of Commissioners must hold a public hearing on the proposal. Notice of the public hearing must be published in the official newspaper at least ten (10) days before the hearing. Notice of the hearing must also be provided to the governing bodies of all townships and municipalities within one (1) mile of the subject property. In unincorporated areas of the county, property owners of record within one quarter (1/4) mile of the subject property, or the ten (10) properties nearest the subject property, whichever is the greatest number of



property owners, must be notified in writing of the public hearing. In incorporated areas of the county, property owners of record within 500 feet of the subject property must be notified in writing of the public hearing.

- D. The applicant or their authorized representative must appear before the Red Lake County Board of Commissioners to answer questions concerning the proposed conditional use.
- E. The report of the Red Lake County Board of Commissioners shall be placed on the agenda at its next regular meeting.
- F. Following consideration of the application, the Red Lake County Board of Commissioners must act to approve the application, approve the application with conditions, or deny the application. Decisions must be based on the Conditional Use Permit Findings and on the Standards for Conditional Use Permits.
- G. In granting approval of a conditional use permit, the Red Lake County Board of Commissioners may impose conditions it considers necessary to avoid or mitigate adverse land-use impacts associated with the proposed use and protect the public health, safety, and welfare. Any conditions imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to the impact of the proposed use.
- H. A written copy of the Red Lake County Board of Commissioners decision, including an explanation of the basis for the decision, must be provided to the applicant.
- I. An amended conditional use permit application will be processed in the same manner as a new conditional use permit.
- J. No application for a denied conditional use permit may be resubmitted for a period of 6 months from the date of denial.
- K. In the event that the applicant violates any of the conditions set forth in the approved conditional use permit, the Red Lake County Board of Commissioners is authorized to revoke the conditional use permit, following the same procedure as required for considering a new conditional use permit request.

#### Conditional Use Permit Findings

- A. The proposed conditional use permit shall not be approved unless the following findings are applicable.
  - 1. The general requirements of this section have been met and can be adhered to.
  - 2. All other applicable requirements of this Ordinance have been met.

3. Any required feedlot permit from MPCA has been obtained pursuant to Minnesota Rules Chapter 7020.

#### Standards for Conditional Use Permits

- A. The County may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the County Feedlot Officer or County Board considers necessary including conditions relating to any of the management practices and other items required to be submitted with the application.
  - B. Any change involving structural alterations, enlargement, or similar change not specifically permitted in the conditional use permit shall be considered only as part of a new application for a conditional use permit, unless the county feedlot officer determines the change to be inconsequential, following which the existing Conditional Use Permit may be amended.
  - C. The County Board shall deny a Conditional Use Permit for a feedlot if it determines that the proposed feedlot may have the potential for significant effect to:
    1. the environment; or
    2. the protection of the public health, safety, and general welfare of the public; or
    3. the County's promotion of the orderly development and/or maintenance, of agricultural, residential, recreational, public, commercial and industrial areas; or
    4. the compatibility of different land uses and the most appropriate use of land throughout the county, or
    5. conserving the value of property.
5. **Shoreland Review Required.** Any animal feedlot of 10 animal units or less which is located within the shoreland area shall be reviewed by the Red Lake County Feedlot Officer and the Red Lake County Shoreland Officer to determine if a potential pollution hazard exists. The County Feedlot Officer may place conditions upon the operations of such feedlots to limit their impact on surface water quality.
  6. **State Feedlot Permit Required (NPDES/ SDS):**
    - A. A feedlot meeting the requirements in Minnesota Rules Chapter 7020 shall apply for a feedlot permit.
    - B. An application for a permit must contain the following:
      - i. The names and addresses of the owners and the signature of at least one of the owners.
      - ii. The legal name and business address of the facility, if different than the owner.

- iii. The location of the facility by county, township, section, and quarter section.
  - iv. A list of all animal types, and the maximum number of animals of each animal type that can be confined within each lot, building, or area at the animal feedlot.
  - v. A list of all existing and proposed manure storage areas, including plans and specifications as required in Minnesota Rules Chapter 7020 for proposed liquid manure storage areas and permanent stockpile sites.
  - vi. The total number of animal units the facilities will be capable of holding after completing construction or expansion.
  - vii. The soil type or texture and depth to saturated soils at the facility as identified in the USDA Soil Survey or a site-specific soils investigation.
  - viii. An aerial photograph showing the location of all wells, buildings, surface tile intakes, rivers, and watercourses within 300 feet of the proposed facility.
  - ix. The number of acres available for land application of manure.
  - x. A manure management plan if applying for an SDS or NPDES permit or as required by Minnesota Rules Chapter 7020 for certain interim permits.
  - xi. If applicable, a description of all conditions that make the facility a pollution hazard and a description of the corrective and protective measures proposed to correct the pollution hazard.
  - xii. If applying for an NPDES permit, a supplemental federal application form.
- C. In addition to the requirements of item B, a permit application for an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more must contain:
- i. An air emission plan that includes:
    - a. Methods and practices that will be used to minimize air emissions resulting from animal feedlot or manure storage area operations including manure storage area start-up practices, loading, and manure removal.
    - b. Measures to be used to mitigate air emissions in the event of an exceedance of the state ambient hydrogen sulfide standard.

- c. A complaint response protocol describing the procedures the owner will use to respond to complaints directed at the facility, including:
      - 1. A list of each potential odor source at the facility.
      - 2. A determination of the odor sources most likely to generate significant amounts of odors.
      - 3. A list of anticipated odor control strategies for addressing each of the significant odor sources.
    - ii. An emergency response plan that includes a description of the procedures that will:
      - a. Contain, minimize, and manage an unauthorized discharge.
      - b. Provide notification to the proper authorities.
      - c. Mitigate any adverse effects of an unauthorized discharge.
- D. In addition to the requirements of items B and C, an owner proposing to construct or expand an animal feedlot or a manure storage area shall also submit certification and documentation that the owner has notified the county feedlot officer of the proposed new or expanded animal feedlot or manure storage area, or that no such local controls exist.
- E. In addition to the requirements of items B to D, an owner proposing to construct or expand an animal feedlot with the capacity of 500 animal units or more or a manure storage area with the capacity to hold the manure produced by 500 animal units or more shall also certify and document that the notification requirements in Minnesota Rules Chapter 7020 have been met.
- F. The owner of an animal feedlot or a manure storage area shall submit additional information relating to the facility design, construction, or operation as requested by the Red Lake County Board of Commissioners or County Feedlot Officer to evaluate compliance applicable federal and state rules.

## **SECTION 8. SETBACK AND SEPERATION REQUIREMENTS**

In order to prevent pollution of surface and ground water, protect valuable agricultural lands, promote sound agricultural practices, and prevent conflicts, this Section shall regulate feedlot setbacks. All setbacks in this Section shall apply across county lines. The setback standards of the county where the feedlot is located shall apply. In cases where two setbacks may apply, the setback with the greatest distance shall apply.

1. Feedlot setbacks do not apply to the applicant's own residence or a residence on the farm where the feedlot facility is located.
2. New construction shall comply with the standards set forth.
3. The separation distance standards in this section are intended to help protect the public from the odor impacts of feedlots.
4. The minimum required setbacks shall apply to all new feedlots as well as new construction and expansion of this use listed. New residences built to replace an existing residence on the same site are exempted. No new feedlots or manure storage structures shall be constructed within the following distances:

### New Animal Feedlot & Manure Storage Structure Setbacks and Separations

<b>USE</b>	<b>51 - 500 animal units</b>	<b>501 - 1000 animal units</b>	<b>1001 - 5000 animal units</b>
Dwellings or residential Structures	¼ mile	½ mile	½ mile
Religious facility	½ mile	½ mile	½ mile
Cemetery	¼ mile	¼ mile	¼ mile
Wetland (type 3-8) & Drainage ditch	300 feet	300 feet	300 feet
River / stream	300 feet	300 feet	300 feet
Golf course	½ mile	½ mile	½ mile
Public park	½ mile	½ mile	½ mile
Steep slope	300 feet	300 feet	300 feet
Private well	300 feet	300 feet	300 feet
Municipal well	1 mile	1 mile	1 mile
Municipality	1 mile	1 mile	1 miles
FAA approved airport	¼ mile	½ mile	½ mile
Public buildings	¼ mile	½ mile	1 mile
Feedlot 501-1000 a.u.	¼ mile	¼ mile	½ mile
Feedlot 1001-5000 a.u.	½ mile	½ mile	½ mile
Flood plain / Shoreland	Prohibited	Prohibited	Prohibited
Rural residential subdivision	½ mile	½ mile	1 mile

5. Calculation of Setback and Separation Distance. Setback and separation distances shall be measured and rounded to the nearest foot as follows:
  - A. Cemetery, golf course, public park, airport, dwelling, religious facility and public building – a straight line measured from the closest point of the site to the closest point of an existing or proposed feedlot, manure storage structure, or lagoon.
  - B. Feedlots – a straight line measured from the closest point of an existing or proposed feedlot to the closest point of another feedlot, manure storage structure, or lagoon.
  - C. Municipalities – a straight line measured from the closest corporate boundary to the closest point of an existing or proposed feedlot, manure storage structure, or lagoon.
  - D. Ditch, river, stream – a straight line measured from the ordinary high water level to the closest point of an existing or proposed feedlot, manure storage structure or lagoon.

## **SECTION 9. MANURE LAND APPLICATION AND STOCKPILE STANDARDS AND SETBACKS**

Manure is a valuable fertilizer resource in the production of crops, but when handled improperly manure can contribute pathogens, nutrients, and biological oxygen demanding materials to surface water and negatively impact water quality.

1. Manure Management and Application Standards.
  - A. Manure application rates shall be based upon soil type, crop requirements, and crop yield goals utilizing the following procedure:
    - i. Calculate the Nitrogen, Phosphorus, and Potassium (NPK) concentration of manure based upon the current official guidelines developed for use by the NRCS, MPCA, and the Minnesota Extension Service.
    - ii. Utilize Minnesota Extension Service fertilizer recommendations or standards to determine crop NPK needs.
    - iii. Develop the livestock waste utilization plan based on this information.

- B. Sampling and testing manure for its actual nutrient concentration is encouraged in place of estimated nitrogen and phosphorus values. Extension Service results or a laboratory analysis may be used for manure concentration values.
- C. Manure shall be applied by injection or surface application unless otherwise specified. Liquid manure must be injected.
- D. Application of manure to frozen or snow covered soils shall be applied to slopes less than six percent. If sufficient land area with slopes less than six percent is unavailable then manure shall be applied to lands that are managed to control runoff and erosion with soil and water conservation practices.
- E. Manure shall not be applied directly into gullies or grass waterways

2. Manure Stockpile Standards.

- A. Stockpiled manure shall not be permitted to escape the stockpile by runoff or any other means except deliberate, intentional, and lawful removal.
- B. Manure may not be applied at any rate greater than the maximum recommended agronomic rate for the crop to be planted and the time of application, agronomic rates to be determined by the Red Lake County Extension Office.
- C. The following minimum setbacks are required for all new and existing stockpiles and all manure application:

<b>Use</b>	<b>Stockpile</b>	<b>Surface Spread</b>	<b>Incorporated/Injected</b>
School, park, religious Facility	¼ mile	500 feet	500 feet
Watercourses, streams, rivers, and wetlands	300 feet	300 feet	300 feet
Public / Private Ditch	300 feet	300 feet	100 feet from the berm
Surface Tile Inlet/Intake	300 feet	300 feet	100 feet
Public road	300 feet	300 feet	100 feet
Residence	¼ mile	300 feet	300 feet



River or stream	300 feet	300 feet	300 feet
Ten-year flood plain	Prohibited	Prohibited	Prohibited
Well (municipal)	¼ mile	1000 feet	1000 feet
Well (private)	300 feet	300 feet	300 feet
Municipality/rural Residential subdivision	¼ mile	500 feet	300 feet

D. Runoff from manure stockpile sites must not be allowed to enter the waters of the State. Runoff controls such as grass filter strips or earthen berms must be installed if a runoff condition exists.

3. Other Feedlot and Manure Management Provisions.

A. Upon request by the County Feedlot Officer, a feedlot owner or operator may be required to provide a manure management report. At a minimum, the report shall include the following:

- i. Aerial photos of fields used for spreading.
- ii. Rate of manure application rate based on: cropping plans, manure nutrient analysis, and soil sampling.
- iii. Total manure produced and total amount of manure that was land applied.
- iv. Any changes in easement or other agreement to utilize land for spreading manure.

**SECTION 10. STANDARDS FOR MANURE STORAGE STRUCTURES**

- 1. All manure storage structures shall conform to MPCA design requirements. All plans for manure storage structures shall be designed, and the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Natural Resource Conservation Service. A copy of the manure storage structure design, signed by a registered engineer, shall be submitted to the County Feedlot Officer.
- 2. Construction reports and final as-built report shall be signed by an engineer registered in the State of Minnesota or staff of the United States Department of Agriculture Natural Conservation Service and submitted to the County Feedlot Officer. Signed reports are to certify that the manure storage structure was constructed in accordance to MPCA

approved plans and specifications. A copy of such signed reports shall be submitted to the County Feedlot Officer.

3. If soils are identified as having severe limitations due to seepage the plans shall include a synthetic liner as required by NRCS.
4. A perimeter fence shall be installed around any open earthen or concrete manure slurry basin.
  - A. Fencing shall be a minimum of five feet high and be impenetrable by children.
  - B. All fencing shall be posted with signs every 100 feet stating, "danger keep out."
5. Ladders or other forms of access to above grade liquid manure storage structures shall be controlled to prevent unauthorized access.
6. All outside manure stockpiling sites shall be located away from water runoff from surrounding areas. Manure stockpiling sites must meet MPCA technical standards.

## **SECTION 11. STANDARD FOR COMMERCIAL MANURE PUMPING AND LAND APPLICATION**

1. Commercial animal manure pumping and land applicators are person(s) who pump and land apply animal manures for hire. All commercial manure pumpers and applicators conducting business in Red Lake County must be registered with the Red Lake County Soil & Water Conservation District. The following conditions apply:
  - A. Written request for registration includes company name, owners name, contact person's name and address, and a description of commercial land application procedures used.
  - B. Incorporation of manure on non-frozen soils must occur within 24 hours of application.
  - C. All conditions of this Ordinance and the feedlot owners' feedlot permit(s) are followed.
  - D. Failure to follow all conditions of this Ordinance shall result in suspension of registration and the right to commercially apply manure in the County and/or punishment under Section 14 of this Ordinance.
  - E. Registration shall be renewed annually.

2. Upon receipt of required registration material, the Red Lake County Soil & Water Conservation District shall issue notification of registration and notification of Red Lake County regulations that govern application of manure within the County.
3. Unless otherwise provided by the County Board of Commissioners, the registration year for commercial manure pumpers' registration shall be from January 1 through December 31. Registration renewal shall consist of a written request for renewal.

The commercial manure pumper will indemnify, defend and hold harmless the County Board of Commissioner, the County Feedlot Officer, their agents, elected officials and employees from all claims, damages, losses, liabilities, costs, expenses and lawsuits, whatsoever, arising out of any act or omission on the part of the pumper or its contractors, agents, servants or employees in the performance of, or in relations to, any of the work or services to be performed or furnished by the pumper under the terms of this Ordinance.

The commercial manure pumper and the vehicles used in collecting and transporting manure within Red Lake County must comply with all state and local laws and vehicle safety regulations.

## **SECTION 12. MANURE STORAGE AND TRANSPORTATION**

1. All animal manure shall be stored and transported in conformance with Minnesota Pollution Control Agency Rules 7020 and the Red Lake County Animal Feedlot and Manure Management Ordinance.
2. All new manure storage structures, or expansion of existing manure storage structures shall comply with this Ordinance.
3. Any plans for manure storage structures shall have been prepared or approved by a registered professional engineer or a U.S. Department of Agriculture Natural Resource Conservation Service employee.
4. Any variation from the manure management plan for utilization of manure must be approved by the County Feedlot Officer.
5. The owner and operator of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with applicable Minnesota Rules and as required by this Ordinance.
6. All vehicles used to transport animal manure on township, county, and state 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. This shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways.

7. No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a permit has been issued by the MPCA.
8. Animal manure, where utilized as domestic fertilizer, shall not be stored for longer than 12 months.
9. A Manure Management Plan as required by this Ordinance shall provide for 12 months of storage and utilization capacity for new or expanding feedlots.
10. All manure storage areas shall have runoff control structures to contain the liquid if the storage area is located where a potential pollution hazard exists.
11. 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 Conditional Use Permit process.
12. All proposed cement manure storage structures shall have been prepared or approved by an engineer licensed by the State of Minnesota or a qualified NRCS employee. A report from an engineer licensed by the State of Minnesota or a qualified NRCS employee must be submitted to and approved by the MPCA prior to the construction of the basin.
13. The following additional standards apply to liquid manure pumping for the protection of environmental quality and public health and safety:
  - A. All manure pumping hoses shall be setback a minimum of 1000 feet from public and 300 feet from private wells, excluding wells on the property where manure is pumped from that need to be passed for removal of manure.
  - B. All manure pumping hoses shall be setback a minimum of 500 feet from residences, businesses, churches, or public buildings, excluding the residence of the owner/operator.
  - C. An owner/operator shall provide written notification to all residential sites abutting a right-of-way where a manure pumping hose is to be located within five to 45 calendar days prior to placing the hose. The notification shall include the proposed timetable for the manure pumping and the name and phone number of a contact person. Exception will be made if written waiver of notification is granted by the residential property owner.
  - D. All tile intakes within 100 feet of manure pumping hoses and any additional tile intakes that could receive spilled manure must be sealed during times of manure pumping by capping, plugging, sand bagging, or other approved method.
  - E. An owner/operator of a manure pumping hose shall make reasonable accommodations to allow access to property.

- F. Manure pumping hoses that are proposed to cross over any public or private drainage ditch, creek, river, stream, or other waterway must meet the following standards:
  - i. All hoses shall be completely impermeable and shall be doubly contained with a sheath, sleeve, or similar object that covers the entire width of the waterway, and goes over the berm of the waterway (if present) on both sides.
  - ii. No hose couplings shall be allowed on any section of hose within 100 feet of a waterway crossing.
  - iii. Any waterway proposed to be crossed must be crossed by using the shortest route possible.
  - iv. An owner/operator must receive approval from the Minnesota Pollution Control Agency and the Red Lake County Feedlot Officer before crossing a waterway.
  
- 14. All new feedlots of 100 animal units or more or expansion of existing feedlots to 100 animal units or more shall submit to the County Feedlot Officer a Nutrient Management Plan which will include the location and area of all manure application sites, crop types, application method and the resulting application rate of nitrogen (N) and phosphorous (P). Manure application shall not exceed agronomic rates of N.

### **SECTION 13. AG WASTE MANAGEMENT SYSTEM OPERATION AND MAINTENANCE PLAN**

Landowners / livestock producers are responsible for maintaining the conservation practice to assure that it continues to serve the purpose for which it was intended. The practice must be inspected periodically to enable proper operation and maintenance. To assist the landowner / livestock producer in making these inspections, the following requirements have been prepared:

- I. All Components of the system:
  - A. Inspect embankments, water course channels and ridges, level spreaders and filter strips, and hold pond inlets regularly, especially following heavy rains and spring runoff. Repair damage as soon as conditions allow with compacted earth fill, reshaping, staked stock, reseeding and/or mulch as needed.
  - B. Control brush, weed, and tree growth. Use herbicides that do no harm to the grass sod, or mow and clip where possible.
  - C. Control domestic animals, gophers, moles, badgers, woodchucks or other animals. They may burrow in the embankment, diversion dikes and level spreaders creating holes that will cause wash out.

- D. Uncontrolled grazing should not be permitted on the embankment side slopes, grassed waterways, vegetated diversions, and the filter strips.

## II. Waste Storage Structures and Holding ponds:

Never enter confined spaces such as reception and storage pits and tanks, pumping sumps, etc. without first testing for poisonous gases, establishing and maintaining positive ventilation to the space at all times and using spotters and personal safety lines for each person entering the confined area.

- A. Empty holding ponds and storage structures according to the waste utilization plan schedule.
- B. Agitate holding ponds only at the designated locations. Never agitate lined holding ponds except at the points specifically designed for agitation.
- C. On runoff storage ponds, maintain the water level below the marker indicating sufficient storage remains to contain the runoff from a single design storm event.
- D. Maintain the holding pond embankment at the original height, width, and cross section as shown on the construction plan.
- E. Maintain a thick vegetative cover of grass on the embankment top and the exterior side slopes and interior side slopes above the water storage “full” (pump-out marker) elevation.
- F. Keep holding pond inlets free from debris and sediments.
- G. Upon abandonment of one year, termination or non-renewal of any permit or certificate necessary to operate a feedlot, or failure to operate the feedlot in any manner consistent with this Ordinance or with State and Federal regulations, the landowner, and the owner and operator of any feedlot shall remain responsible for all cost of closure, cleanup or other costs necessary to bring the property into compliance with all Federal, State, and County regulations, and to restore the property to a suitable use.

## III. Other practices and appurtenances:

- A. Maintain all fences in good condition; repairing broken wires, gates and posts to insure that the safety intent of the fencing is not compromised.
- B. Maintain all mechanical diversions (concrete and/or treated plank) as originally installed.
- C. Maintain commercially manufactured manure delivery systems (ram pumps, liquid pumps, gutter scrapers, etc.) in good operating condition according to manufacturer’s specifications and recommendations.

D. Shall provide personal flotation devise and/or life saving pole in the immediate vicinity.

IV. Call the Red Lake County Feedlot Officer, your consulting engineer or the Minnesota Pollution Control Agency for guidance if you see:

A. Evidence of holding pond leakage such as:

1. Seepage along the toe of the embankments (standing water, particularly “polluted” water; soft, spongy wet areas; growth of water loving vegetation).
2. Failure of the holding pond to fill up (water level remains constant over extended time periods or raises after significant rains and then drops).
3. A sudden drop in water level.

B. Evidence of significant waterway or diversion channel erosion.

V. Applicant’s Agreement:

I hereby certify that I understand and will comply with all provisions established in the Waste Utilization and the Operation and Maintenance Plan as prescribed.

SIGNATURE OF APPLICANT: \_\_\_\_\_

DATE: \_\_\_\_\_

## **SECTION 14. VIOLATIONS AND ENFORCEMENT**

1. Any person 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 and, upon conviction thereof, shall be punished by a fine and/or imprisonment. Each day that a violation continues shall constitute a separate offense.
2. Whenever any work is being done contrary to the provisions of this Ordinance, the Red Lake County Feedlot Officer may order the work stopped by written notice personally serviced upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the Red Lake County Feedlot Officer and/or MPCA.
3. Any person who fails to comply with the conditions set forth on the Conditional Use Permit, may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot.
4. No person shall hinder or otherwise interfere with the Red Lake County Feedlot Officer or other designated staff in the performance of duties and responsibilities required pursuant to this Ordinance.
5. Upon request of the Red Lake County Feedlot Officer, the applicant, permittee, or any other person shall allow access at any reasonable time to the affected premises for the purposes of regulating enforcing this Ordinance. Refusal to allow access to the Red Lake County Feedlot Officer shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

## **SECTION 15. VARIANCE**

The Red Lake County Board of Commissioners may grant a variance upon application and only in accordance with Minnesota Statutes, Chapter 394. Any person may make an application to the Board of Commissioners for a variance from the literal provisions of this ordinance in instances where their strict enforcement would cause unnecessary hardship because of circumstances unique to the individual property under consideration and where the hardship is not solely economic. No variance application will be accepted from landowners or on property on which there are existing violations or delinquent property taxes.

Notice of time, place and purpose of any public hearings shall be published in the official newspaper of the county at least ten (10) days before the hearing. Written notice of public hearings regarding the application for variances, shall be sent to all property owners of record within five hundred (500) feet of the affected property or to the ten (10) nearest properties, whichever, would provide notice to the greatest number of owners. Written notice shall be given to the affected Township Board of Supervisors, and the municipal council within two (2) miles of the affected property.



### **Variance Criteria:**

A variance may not circumvent the general purposes and intent of this ordinance. In no case shall a variance be granted which the board determines will:

1. allow any use that is prohibited in this ordinance in which the subject property is located; or
2. restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties; or
3. result in incompatible land uses that would be detrimental to the protection of ground and surface water quality; or
4. not be in keeping with the ordinances or water plan objectives of the County or which will increase or cause danger to life or property; or
5. be inconsistent with the preservation of natural land forms, vegetation or wetlands of the County; or
6. result from the circumstances created by the landowner; or
7. not be changed from a previously denied application.

### **Findings of Fact:**

In ruling on a variance request, the Red Lake County Board of Commissioners must make written findings of facts upon the following considerations and Minnesota Statutes, Chapter 394.27, Subd.7:

1. The property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. The need for the variance is not justified by economic considerations alone.

### **Conditions:**

Conditions, as deemed appropriate by the Red Lake County Board of Commissioners, may be attached to enforce the general purpose and intent of this Ordinance.

### **Appeal of Decisions:**

The decision of the Red Lake County Board of Commissioners shall not be final. Any person having an interest affected by this Ordinance or any decision made relating to it shall have the

right to appeal to District Court on question of law and fact within thirty (30) days from the date of recording with the County Recorder. No work may proceed or other permits issued until this appeal period has expired.

**Lapse of Variance:**

A variance must be used within one year of the date the variance appeal period expires.

**SECTION 16. AMENDMENT**

This Ordinance may be amended whenever the public necessity and the general welfare requires such amendment by following the procedures specified in this Section. The County Board of Commissioners may amend the procedures, standards, requirements, charts, and other provisions of this Ordinance after holding such public hearings as it deems necessary. At least one (1) public hearing shall be required with notice published in the official county newspaper at least ten (10) days before the public hearing. In addition, the Board shall give written notice of any changes and/ or amendments of the official control(s) to the following:

1. The governing bodies of all towns and all municipalities located within the county.

DEAD ANIMAL DISPOSAL PLAN

I, \_\_\_\_\_, will dispose of my livestock or poultry carcasses by one of the following (circle the appropriate letter)

- A. Bury – with a minimum of 3 feet of cover and 5 feet above the Seasonal High Water Table.
- B. Incinerate – with a MPCA approved incinerator.
- C. Rendering through the Dead Animal Collection Project
- D. Compost – constructed and operated as specified by the USDA Cooperative Extension Service.

\_\_\_\_\_  
Signature of Livestock Producer

## CONSTRUCTION INSPECTION PLAN

The Construction Inspection shall contain the following minimum criteria:

1. Contractor or landowner to contact Engineer prior to the start of construction.
2. Review plans and specification requirements with contractor. All plans shall conform to MPCA design requirements. All plans shall be designed, and the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Natural Resource Conservation Service. A copy of the design, signed by a registered engineer, shall be submitted to the County Feedlot Officer.
3. During construction, I will inspect the following:
  - a. Moisture content of earth fill material.
  - b. Compaction of earth embankment.
  - c. Basin bottom and slope material after it is cut and placed to grade, but before it is scarified and re-compacted.
  - d. Final elevations, grades and dimensions.
4. Construction reports and final as-built report shall be signed by an engineer registered in the State of Minnesota or staff of the United States Department of Agriculture Natural Conservation Service and submitted to the County Feedlot Officer. Signed reports are to certify that the structure was constructed in accordance to MPCA approved plans and specifications. A copy of such signed reports shall be submitted to the County Feedlot Officer.

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Project Engineer Signature

ADDITIONAL MANURE DISPOSAL  
AREA APPLICATION

The undersigned landowner agrees to allow manure from \_\_\_\_\_  
\_\_\_\_\_’s livestock feedlot to be spread on \_\_\_\_\_  
acres of his/her land in compliance with his/her Waste Utilization Plan.

This land is located in the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_,  
Range \_\_\_\_\_, \_\_\_\_\_ County, Minnesota.

\_\_\_\_\_  
Signature of Landowner/Tenant

Address and Phone Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommended by the Red Lake County Soil & Water Conservation District, Red Lake County, Minnesota, this 12<sup>th</sup> day of December, 2006.

Chairperson: David Miller, Chairperson  
Red Lake County Soil & Water Conservation District

Passed and approved by the Board of Commissioners, Red Lake County, Minnesota, this 12<sup>th</sup> day of December, 2006.

Chairperson: Ronald Weiss, Chairperson  
Red Lake County Board of Commissioners

Attest:

Robert Schmitz  
Robert Schmitz, Red Lake County Auditor

I, Robert Schmitz, do hereby certify that this is a true and correct copy of the Red Lake County Animal Feedlot and Manure Management Ordinance as passed by the Red Lake County Board of Commissioners on 12/12/2006.

Robert Schmitz  
Robert Schmitz, County Auditor

Date of Publication: \_\_\_\_\_

Filed in the Office of the County Recorder, Red Lake County, Minnesota,  
this \_\_\_\_\_ day of \_\_\_\_\_.