

SECTION 27

17/30 **FEEDLOT REGULATIONS**

Section

- 20-27-1: Purpose
- 20-27-2: Allowed Feedlots
- 20-27-3: Prohibited Feedlots
- 20-27-4: Expansion of Animal Units
- 20-27-5: Structures for Housing Animals
- 20-27-6: Existing Feedlots: Compliance With MPCA Requirements
- 20-27-7: Odors
- 20-27-8: Feedlot Setbacks
- 20-27-9: New Dwelling Setbacks
- 20-27-10: Manure Stockpile/Application Setbacks
- 20-27-11: Destruction of Existing Animal Feedlots
- 20-27-12: Facility Closure
- 20-27-13: Abandonment

20-27-1: **PURPOSE:** The purpose and intent of this Section is to prohibit the establishment of new animal feedlots within the City of Otsego and to regulate existing feedlot operations within the City of Otsego in a manner conducive to the health, safety, and welfare of the citizens of Otsego. These controls are needed due to the recent incorporation from township status to City status and the unique location of the municipality in relation to the Metropolitan Area. These regulations are also necessary to promote the planning process within the City and to protect the health, safety, and welfare of the residents of the City as well as to:

- A. Establish conditions under which existing animal feedlots within the City can continue to operate.
- B. Prohibit the establishment of new animal feedlots within the City.
- C. To prohibit the expansion of existing animal feedlots to levels not conducive with the present character of the City.
- D. To provide regulations which can be applied in a fair and equitable nature, but that take into account the inherent fluid nature of an ongoing farm operations and the difficulty of applying strict numbers as criteria for control of an ongoing operation.
- E. Promote best farm management practices.
- F. Protect valuable groundwater and surface water resources.

- G. Protect human and animal health.
- H. Implement specific policies and provisions of the official City Comprehensive Plan.
- I. Promote compatibility of uses.
- J. Promote continuance of agricultural uses while protecting the residents from nuisances caused by large, non-traditional, and intense agricultural uses.
- K. Coordinate and assist state agencies in the administration of state-wide statutes and regulations governing livestock operations.

20-27-2: **ALLOWED FEEDLOTS:**

⁴¹ A. Except as provided for by Section 20-27-2.B, existing feedlots may continue operations as legal nonconforming uses as set forth in Section 15 of this Chapter, and as long as they do not constitute a potential pollution hazard. Such feedlots may only continue on the condition that they obtain approval from MPCA, if necessary.

1. Interpretation of Section 15: It is understood that by its nature the raising of animals and farming creates a situation where there are seasonal, natural, fluctuations in the number of animals within a facility. It is also understood that to remain viable, a farming operation must have a reasonable ability to limited expansion. Due to these peculiar circumstances, and only for purposes of this Section, the phrase “enlarged” contained in Section 15 of this Ordinance shall be construed as an enlargement of a legally established pre-existing use in the following circumstances:
 - a. In a case where a new structure is constructed or is proposed for construction for the purpose of housing additional animals.
 - b. In a case where a lagoon or earthen basin associated with an increase in animal units is constructed or proposed for construction.
 - c. In a case where an existing animal feedlot is not in compliance with the terms and conditions of an MPCA permit or interim permit.
 - d. In the case where additional animal units place the facility in violation of current City ordinances regarding the care of animals.
 - e. Any increase of the total number of animal units in an existing animal feedlot which raises the cumulative total of animal units above twice the number present upon the facility at the date of adoption of this Ordinance.

- f. Any construction, outside of normal maintenance, which has the effect of increasing the size of a building used for the purposes of housing animals which is done without the conditional use permit required by this section.
 - g. Absent any ongoing violations of other City ordinances.
- B. Registered Feedlots: Those feedlots registered with the City by October 1, 2000 may continue operations and be allowed limited expansion opportunities as provided for in this section, subject to the following:
- 1. Registration: All existing feedlots shall be registered with the City by October 1, 2000 by administrative permit, subject to the procedures set forth in and regulated by Section 8 of this Chapter.
 - a. An application for an administrative permit to register an existing feedlot shall include the following information:
 - (1) Owner's and operator's name and address.
 - (2) Location of the animal feedlot including quarter, section, range and township.
 - (3) Animal types and existing number of animals of each type confined at the feedlot and maximum number of animal units allowed in conformance with MPCA permits and guidelines.
 - (4) A scale drawing clearly indicating the dimensions of the feedlot and showing all existing homes, buildings, existing manure storage areas and/or structures, lakes, ponds, water courses, known wetlands, dry runs, rock outcroppings, roads and wells within one thousand (1,000) feet of the feedlot.
 - (5) Plans for buildings and structures as required by this Ordinance and/or other County and State ordinances and regulations.
 - (6) A manure and waste management plan as required by the MPCA.
 - (7) Leases or agreements allowing disposal of manure on land other than that of the feedlot owner/operator. No land may be subject to more than one (1) such lease or agreement.
 - (8) Documentation of compliance with all MPCA rules and regulations and approval of MPCA permits, as may be applicable.

- (9) Information identified in Section 20-8-3 of this Chapter, as may be applicable.
 - b. Amended Registration: An amendment to a registration may be applied for and shall be administered in a manner similar to a new registration application. Amended registration shall be required for any of the following:
 - (1) Ownership of an existing feedlot is changed, including but not limited to the following:
 - (a) A change in ownership of buildings and/or land.
 - (b) A lease for the use of buildings and/or land is entered into, modified or terminated.
 - (2) There is a substantial change in operation of the feedlot.
 - (a) The number of animal units is increased two hundred (200) percent above the number of animal units existing at the feedlot on the date of registration.
 - (b) Construction of new buildings or expansion of existing buildings capable of housing animals.
 - (c) Any change in the operation of a feedlot that would affect the storage, handling, utilization or disposal of manure.
 - c. Termination. Registration of an existing feedlot shall be valid indefinitely provided that the operation is in full compliance with the provisions of this Chapter and County and/or State regulations, as may be applicable. The owner of a feedlot may terminate an approved registration at any time by submitting a written request to the Zoning Administrator. Once terminated by a feedlot owner, registration shall be permanently forfeited and not be re-established under any circumstances. Any feedlot for which registration was terminated may continue operations as a legal non-conforming use as outlined in Section 20-27-2.A.1 of this Section.
 - d. Any feedlot not registered with the Zoning Administrator by October 1, 2000 may continue operations as a legal non-conforming use as outlined in Section 20-27-2.A.1 of this section.
- B. Rural Service Area: Those feedlots presently existing within the Rural Service Area, designated by the Comprehensive Plan, may continue operations and be

allowed limited expansion opportunities as provided for in this section, subject to the following:

32

1. Registration: All existing feedlots shall be registered with the City by October 1, 2000 by administrative permit, subject to the procedures set forth in and regulated by Section 7 of this Chapter.
 - a. An application for an administrative permit to register an existing feedlot shall include the following information:
 - (1) Owner's and operator's name and address.
 - (2) Location of the animal feedlot including quarter, section, range and township.
 - (3) Animal types and existing number of animals of each type confined at the feedlot and maximum number of animal units allowed in conformance with MPCA permits and guidelines.
 - (4) A scale drawing clearly indicating the dimensions of the feedlot and showing all existing homes, buildings, existing manure storage areas and/or structures, lakes, ponds, water courses, known wetlands, dry runs, rock outcroppings, roads and wells within one thousand (1,000) feet of the feedlot.
 - (5) Plans for buildings and structures as required by this Ordinance and/or other County and State ordinances and regulations.
 - (6) A manure and waste management plan as required by the MPCA.
 - (7) Leases or agreements allowing disposal of manure on land other than that of the feedlot owner/operator. No land may be subject to more than one (1) such lease or agreement.
 - (8) Documentation of compliance with all MPCA rules and regulations and approval of MPCA permits, as may be applicable.
 - (9) Information identified in Section 20-7-3 of this Chapter, as may be applicable.
 - b. Amended Registration: An amendment to a registration may be applied for and shall be administered in a manner similar to a new registration application. Amended registration shall be required for any of the following:

- (1) Ownership of an existing feedlot is changed, including but not limited to the following:
 - (a) A change in ownership of buildings and/or land.
 - (b) A lease for the use of buildings and/or land is entered into, modified or terminated.
- (2) There is a substantial change in operation of the feedlot.
 - (a) The number of animal units is increased two hundred (200) percent above the number of animal units existing at the feedlot on the date of registration.
 - (b) Construction of new buildings or expansion of existing buildings capable of housing animals.
 - (c) Any change in the operation of a feedlot that would affect the storage, handling, utilization or disposal of manure.

c. Termination. Registration of an existing feedlot shall be valid indefinitely provided that the operation is in full compliance with the provisions of this Chapter and County and/or State regulations, as may be applicable. The owner of a feedlot may terminate an approved registration at any time by submitting a written request to the Zoning Administrator. Once terminated by a feedlot owner, registration shall be permanently forfeited and not be re-established under any circumstances. Any feedlot for which registration was terminated may continue operations as a legal non-conforming use as outlined in Section 20-27-2.A.1 of this Section.

32

d. Any feedlot not registered with the Zoning Administrator by October 1, 2000 may continue operations as a legal non-conforming use as outlined in Section 20-27-2.A.1 of this section.

20-27-3: **PROHIBITED FEEDLOTS:** No new animal feedlots shall be established within the City. No existing animal feedlot is allowed to expand beyond its level of operation at the date of 8 March 1999, subject to Section 20-27-2 of this section. No operation or facility established with ten (10) animal units or less may expand to more than ten (10) animal units.

⁴¹20-27-4: **EXPANSION OF ANIMAL UNITS:** An existing feedlot that is registered pursuant to Section 20-27-2.B may be allowed to increase the number of animal units, subject to the following:

- A. The increase in number of permitted animal units shall be based upon the following provisions:
 - 1. For existing feedlots allowed not more than four hundred (400) animal units by MPCA permit on the date of registration, the number of permitted animal units may be increased up to three hundred (300) percent.
 - 2. For existing feedlots that are allowed more than four hundred (400) animal units by MPCA permit on the date of registration, the number of permitted animal units may be increased up to two hundred (200) percent.
 - 3. The number of animal units of any existing feedlot shall not be increased to more than one thousand five hundred (1,500) animal units.
- B. There is existing building and animal holding areas necessary to adequately house the increase in animal units, in conformance with applicable City ordinances. Any construction of a new building or expansion of an existing building necessary to adequately house the increase in animal units shall be subject to Section 20-27-5 of this section.
- C. The feedlot owner/operator shall own or have sufficient land under contract for spreading of manure generated by the expanded feedlot operation.
- D. Approval of an amended registration, as outlined in Section 20-27-2.B of this Chapter.

20-27-5: **STRUCTURES FOR HOUSING FARM ANIMALS:** The construction of new buildings or expansion of existing buildings intended to house animals in association with an existing feedlot that is in full compliance with this Section shall be subject to the following provisions:

- 41 A. Construction of new buildings or expansion of existing buildings for the purpose of housing farm animals is allowed for existing feedlots that are registered per Section 20-27-2.B provided that:
 - 1. Any new building intended to house farm animals is within three hundred (300) feet of an existing building that houses farm animals, except by conditional use permit.
 - 2. Any new building or expansion of an existing building intended to house farm animals may not encroach within one thousand (1,000) feet of an existing residential use, except by conditional use permit.
 - 3. Approval of an amended registration, as outlined in Section 20-27-2.B of this Chapter.

- B. Construction of new buildings or expansion of existing buildings for the purpose of housing farm animals for existing feedlots that are not registered in accordance with Section 20-27-2.B shall be subject to the provisions of 20-27-5.A above and require approval of a conditional use permit.
- C. Conditional Use Permits: Application for a conditional use permit under this section shall be regulated by Section 4 of this Chapter. Such a conditional use permit may be granted provided that:
1. Applicant provide proof that the proposed building or building expansion is the necessary to provide sufficient room for the number of animal units to be added, and that the number is allowable under this section.
 2. That the proposed building or building expansion is the minimum expansion necessary to adequately house said animals, and to comply with existing City ordinances.
 3. That the building or building expansion is to be constructed in such a manner as to not increase the non-conformity; to minimize the impact on surrounding properties; and as may be allowed below:
 - a. For proposed buildings located beyond three hundred (300) feet of an existing building used to house animals, the applicant must demonstrate physical justification for the increased separation and that the distance from existing buildings is the minimum necessary.
 - b. For allowed feedlots within 1,000 feet of an existing residential use, the proposed building or building expansion may not encroach closer to said residential use.
 4. The applicant provide documentation of compliance with all MPCA rules and regulations and approval of MPCA permits, as may be applicable.
 5. Approval of an amended registration, as outlined in Section 20-27-2.B of this Chapter.
 6. The provisions of Section 20-4-2.F of this Chapter are considered and determined to be satisfied.

20-27-6: **COMPLIANCE WITH MPCA REQUIREMENTS:** All existing animal feedlots operating on 1 April 1999 shall continue operating only in strict compliance with all applicable MPCA rules and regulations.

20-27-7: **ODORS:** All animal feedlot operations shall take responsible measures to minimize odors which have the effect of creating an adverse impact on the environment and quality of life for the residents of the City.

20-27-8: **FEEDLOT SETBACKS:** Lawfully established feedlots existing prior to 1 April 1999 may be continued in the location existing on such date.

20-27-9: **NEW DWELLING SETBACKS:** No building permit shall be issued for a new dwelling unit within one thousand (1,000) feet of an existing feedlot that is registered under the provisions of Section 20-27-2.B, which also qualifies as a farm as defined by Section 20-2-2 of this Chapter. This provision shall not apply to dwellings constructed as a principal residence on the same parcel and under the ownership of the owner/operator of the registered feedlot.

20-27-10: **MANURE STOCKPILE/APPLICATION SETBACKS:** The following manure stockpile and application setbacks are required for all existing animal feedlots:

CATEGORY	MANURE APPLICATION		STOCKPILES
	Surface/ Irrigation	Incorporated or Injected	
Public lake, river, or stream	300 feet	100 feet-lake 50 feet-river/ stream	300 feet
Public streets (as measured from the outer boundary of the right-of-way)	25 feet-surface 300 feet-irrigation	10 feet	25 feet
Platted Subdivisions	300 feet-surface 1,000 feet- irrigation	300 feet	300 feet
Municipal wells	200 feet	200 feet	300 feet
Private wells	200 feet	200 feet	200 feet
Public or private ditch (including those in a public rights-of-way)	300 feet	100 feet	300 feet
Residence other than landowner or operator	300 feet-surface 1,000 feet-irrigation	300 feet	300 feet

20-27-11: **DESTRUCTION OF EXISTING ANIMAL FEEDLOTS:** Notwithstanding Section 20-15-3.J of this Chapter, any animal feedlot lawfully existing as an allowed use under this Section 20-27-2 of this Chapter and any structures or buildings lawfully existing and which are used for the purpose of containing animals associated with an allowed feedlot use, which are destroyed or partially destroyed to the extent of more than fifty (50) percent of its fair market value, may be restored and the same use resumed (if such use was lawfully existing as an allowed use,

pursuant to Section 20-27-2 of this section, prior to such damage and destruction) or any conforming use established, provided that such reconstruction be completed within twelve (12) months after the date of such damage or destruction.

20-27-12: **FACILITY CLOSURE:**

- A. Responsible Parties: The landowner, owner and operator of an existing animal feedlot shall be responsible for the ongoing management of manure and the final closure of the facility including the cleaning of buildings and the emptying and proper disposal of manure from all manure holding facilities.
- B. Closure: If an existing feedlot operation ceases operation, the owner and/or operator shall be responsible for the following:
 - 1. All wastes from the feedlot operation and its waste control system shall be removed and disposed of on land or in some other legally permissible manner as soon as practical, but no more than six (6) months, and in a manner conducive to the public health, safety, and welfare.
 - 2. Closure of the operation may be postponed for a period of twelve (12) months if the property is posted for sale.
 - 3. Notification to the City that the feedlot operation has been discontinued, and that the property is in compliance with this Section of the Zoning Ordinance.
 - 4. If the property is for sale, notification shall be given to all potential buyers of the status of the feedlot use of the property which must comply with all presently applicable zoning ordinances if the feedlot operation is discontinued for a period of six (6) months, as well as the other provisions of section 15 of this Chapter.

20-27-13: **ABANDONMENT:** Owners and operators of animal feedlots, either at the time of abandonment or after, shall have joint and several liability for clean up, closure or remediation of abandoned feedlot sales.