Nicollet County Zoning Ordinance – FEEDLOT SECTIONS

Attached are sections of the Nicollet County Zoning Ordinance that relate to feedlots.

Feedlots are allowed in the Agricultural zoning district. Any feedlot with greater than 300 animal units must have a public hearing before it is permitted. Permits issued for feedlots over 300 animal units that have a liquid manure system are required to inject their manure as a condition of their permit.

The county recently adopted setbacks for feedlots from houses in the agricultural district. The setback is a minimum 1/8th mile from a house not associated with the feedlot, and must meet a 93% annoyance free odor rating based on the OFFSET model. The setback is ½ mile for any churches, schools, public parks or existing residential subdivisions. The 93% rating is also afforded those land uses. The cities are afforded a 99% OFFSET rating, with our 2 largest cities having a 1 mile setback, and our 3 smaller ones maintaining a ½ mile setback.

As the county adopted these standards, it was important that we did not develop something that would cause our existing farms to become non-conforming, preventing them from expanding their operations should they choose to. At the same time we wanted to provide guidance to our produces as to appropriate sites for new construction that would minimize odors for their neighbors. The location restrictions apply to new feedlots. The odor rating applies to any new construction on any feedlot, existing or new.

The county has not allowed urban land uses to be located in the agricultural districts of the county since 1981. That means that we will not allow the rezoning of land for commercial, industrial or platted residential subdivisions anywhere in the county except immediately adjacent to municipal boundaries where they can receive municipal services. This has served to permit our cities to grow in an orderly manner without the urban sprawl that is so common, and has also allowed our farms to continue farming without the encroachment of large developments of non-farm houses going up "in their backyard". We allow one new dwelling per quarter quarter in all the districts outside of the cities, provided that the building lot has access to a public road. We do not permit "transfer of development rights", which gives the same result of allowing platted residential subdivisions within the agricultural district.

No feedlots are permitted within the floodplain or shoreland. Shoreland is defined in Minnesota as within 1000 feet of a protected water lake or 300 feet of a protected water stream. These location restrictions are also a matter of state law.

For more information contact Tina Rosenstein at Nicollet County Environmental Services. 501 So Minnesota Ave, St. Peter, MN 56082. 507-931-6800. trosenstein@co.nicollet.mn.us

302 DEFINITIONS

The following words, and terms, whenever they occur in this Ordinance, are defined as follows:

(3) Agricultural Use - The use of land for the growing and/or production and processing for local use of field crops, livestock and livestock products for the production of income including but not limited to the following:

a. Field crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, wheat and tree farming.

b. Livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, cats, ponies, deer, rabbits and mink.

c. Livestock products including but not limited to milk, butter, cheese, eggs, meat, fur and honey.

The definition includes sale of raw products, but not processing or sale of processed goods. It also includes feedlots.

(4) Agricultural Use, Industrial - Agricultural processing in excess of that which would occur on the family farm for local use. The definition includes sale of processed farm goods.

(6) Animal Unit - A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of these regulations, the following equivalents apply:

Dairy	1 mature cow (whether milked or dry)	
	(a)> 1,000 lbs.	=1.4 animal units
	(b)< 1,000 lbs.	=1.0 animal units
	1 heifer	=0.7 animal units
	1 calf	=0.2 animal units
Beef	1 slaughter steer or stock cow	=1.0 animal units
	1 feeder cattle (stocker or backgrounding)	
Or heifer		=0.7 animal units
1 cow/calf unit		=1.2 animal units
1 calf		=0.2 animal units
Swine	1 swine > 300 lbs.	=0.4 animal units
	1 swine between 55lbs-300lbs.	=0.3 animal units
	1 swine < 55 lbs.	=0.05 animal units

Horse	1 horse	=1.0 animal units
Sheep	1 sheep or lamb	=0.1 animal units
Chicken	1 layer hen or broiler	=0.033 animal units
	(Liquid manure system)	
	1 chicken (dry manure system)	
	(a) > 5 lbs.	=0.005 animal units
	(b) < 5 lbs.	=0.003 animal units
Turkey	1 turkey > 5 lbs.	=0.018 animal units
	1 turkey < 5 lbs.	=0.005 animal units
Duck	1 duck	=0.01 animal units

*As amended by the Minnesota Pollution Control Agency.
**For animals not listed above, the number of animal units, is the average weight of the animal in pounds divided by 1,000 pounds.

(55) Farm - A tract of land, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

(56) 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 this Ordinance, 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. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.

(57) Feedlot, new - A feedlot permitted after the adoption of this ordinance revision.

713 FEEDLOTS

All feedlots with a capacity to hold 10 or more animal units require county zoning permits and county feedlot permits and shall be constructed and operated in accordance with the Minnesota Pollution Control Agency Water Quality Division Animal Feedlots Chapter 7020 which is herewith adopted by reference in its entirety and without change except as may be amended by the State.

Feedlots established and/or operating in Nicollet County, and the handling of animal manure either generated in the county or originating outside the county and transported into the county for use as a domestic fertilizer shall conform with the standards contained herein and in any other

Nicollet County Ordinances or State of Minnesota statutes or rules that apply to animal feedlots and/or manure management.

713.2 Chapter 7020. See appendix B.

713.3 Feedlots that are over 300 animal units in size or manure storage areas receiving manure from feedlots that are over 300 animal units in size require a require conditional use permit from the county. Feedlots that require conditional use permits shall, in addition to meeting other requirements herein, adhere to the following requirements:

(1) It must be demonstrated that there will be no detrimental effects to parks, cities, protected resources, or residential areas.

(2) To ensure no detrimental effects, special conditions will be attached to the conditional use permit related to specific concerns. These may include, but are not limited to location and time of manure disposal, extra setback needs, additional equipment, hours of operation and screening.

(3) A map shall be submitted showing location of the feedlot and conditions of the area within ½ mile. It shall depict all existing topography (including 10-foot contours), all existing land uses as described herein and existing property lines.

713.4 DIMENSIONAL STANDARDS

The following setback requirements are to be measured from the outermost boundaries of the feedlot to the site of existing structures for which setbacks are established. In the case of residential districts, public parks and city limits, the measurement will be from the feedlot to the closest property line or city limit boundary line.

SETBACK REQUIREMENTS

(1) New Feedlots shall not be located within one-half (1/2) mile of a public park

(2) New Feedlots shall not be located within one-half (1/2) mile of 10 or more houses or buildable lots in a R-1 (Urban Residential) or RT (Rural Townsite) zoning district,

(3) New feedlots shall not be constructed within one-half (1/2) mile of public schools defined in Minnesota Statutes 120A.05 and private schools excluding home school sites or churches as defined under and with reference to the provisions of Minnesota Statutes Chapter 272.

(4) New feedlots shall not be constructed within one-eight (1/8) mile of existing dwellings that are not designated as accessory to the feedlot.

New Feedlots shall not be located within one-half (1/2) mile of the city limits of Nicollet, Courtland, and Lafayette.

(6) New feedlots shall not be located within 1 mile of the city limits of St. Peter and North Mankato.

New feedlots or new construction on existing feedlots shall meet a 99% odor annoyance free rating at the closest city limits line and a 93% odor annoyance free rating for residential zoning districts, public parks, churches, public schools or dwellings that are not designated as accessory to the feedlot, as determined by the OFFSET odor evaluation modeling as developed and modified by the University of Minnesota Department of Biosystems and Agricultural Engineering.

(8) New dwellings that are not designated as accessory to the feedlot in agriculturally zoned districts shall not be located within a 1/8th mile and/or 93% Offset Odor Modeling distance from any existing feedlot, whichever is greater.

(9) No permit for a dwelling not accessory to the feedlot shall be issued within a setback distance where a notice of intent to construct a feedlot has been filed within the previous two (2) years with the Nicollet County Environmental Services Office, unless the notice is withdrawn by the applicant.

(10) A dwelling that is on a separate parcel from the feedlot that is to be considered as accessory to the feedlot shall be designated as such on the conditional use permit and this status shall be recorded against the designated property.

713.5 SIZE RESTRICTION

No feedlot shall exceed 3000 animal units in size.