

## **Section 6 - Agricultural District "A"**

### **A. Purpose**

The purpose of the Agricultural District "A" is to provide a district that will allow suitable areas within the County to be retained in agricultural uses, control scattered non-farm development, and promote economy in governmental expenditures by controlling development in agricultural areas.

### **B. Permitted Uses**

1. Agriculture, including one farm dwelling, agricultural buildings, dairying, livestock raising, and general horticulture.
2. Parks, recreational areas, wildlife areas, game refuges, and forest management.
3. Single family non-farm dwellings, but, not including residential subdivisions.
4. Churches, cemeteries, memorial gardens.
5. Flood control, watershed structures, erosion control, and fish game hatcheries.
6. Any new feedlot with under 700 animal units is proposed.
7. Windpower facilities 125 kilowatts and under.

### **C. Conditional Uses**

The County may impose, in addition to the standards and requirements set forth in this Ordinance, additional conditions which the Planning Commission or County Board considers necessary to protect the public health, safety, and welfare.

1. One (1) additional farm dwelling meeting the requirements for an on-site sewage treatment system and a domestic water supply as cited in Section 12, C, and other standards cited in Section 5, D, (#7b).
2. Commercial outdoor recreational areas - recreational vehicle campgrounds, public utility buildings and structures, and organized group camps.
3. Kennels and animal hospitals.

4. Processing, packaging and storage of agricultural products, including livestock; cold storage plants, stockyards, fertilizer plants, and pea viners.
5. Filling pits, quarries, and processing of natural resources indigenous to the County.
6. Auto reduction and salvage yards (see Section 12, H), and storage garages, provided such uses are adequately fenced and screened and all other applicable County, State, and Federal regulations are complied with.
7. Automobile dealerships or repair shops for new or used cars and trucks
8. Refuse areas and sanitary landfills, as regulated by the Watonwan County Health and Sanitation Regulations and the Minnesota Pollution Control Agency.
9. Public or private schools.
10. Essential services and pipelines.
11. Airports, heliports, landing fields, flying schools, hangars, terminals, switching yards, freight terminals, repair shops, and automobile testing grounds, subject to the following:
  - a. All buildings shall meet the setback requirements of this district.
  - b. Storage and maintenance areas shall be screened from adjacent properties and adjacent highway and road rights-of-way.
12. Any new feedlot with over 700 animal units is proposed, an existing feedlot is expanded to more than 700 animal units or a non-conforming feedlot is expanded to more than 300 animal units, subject to the following conditions:
  - a. Standards as set forth by the Minnesota Pollution Control Agency's Regulations, Chapter 7020, which are hereby adopted by reference.
  - b. Steps are taken to minimize the effects of any objectionable nuisances to existing residential dwellings or recreational development of property in the surrounding area.
13. An odor control plan must accompany all conditional use permit applications.
14. Open top pits and collection basin structures used in association with livestock feedlot operations.

15. Municipal water and wastewater treatment facilities and lagoons.
16. Manufacturing or processing facilities.
17. Consideration will be given for new feedlots located within ½ mile of any neighboring residences. The applicant shall use their best efforts to obtain the consent of said neighbor within the ½ mile, on a signed and notarized waiver form to be provided by the Planning and Zoning Office. If signed, this waiver form must be presented with the feedlot application. The person giving said permission may also limit the number of animals allowed to be placed at that site. In the case of any proposed expansions the operator must obtain updated sign-offs from all affected neighbors.
18. Windpower facilities over 125 kilowatts.

**D. Permitted Accessory Uses**

1. Private garages, home occupations, carports, fences, fallout or blast shelters, residential recreation equipment, off-street parking, nameplate and temporary signs, gardening and other horticultural uses where no sale of products is conducted within a building, decorative landscape features, and the keeping of not more than two (2) boarders or roomers by a resident family.
2. One roadside stand offering for sale primarily those products grown on the premises, provided that such stand does not exceed three hundred twenty (320) square feet in floor area; is located in conformance with the yard regulations; and provisions are made for access and off-street parking.

**E. Lot Size Requirements**

The minimum lot size shall be five (5) acres and two hundred fifty (250) feet in width.

**F. Yard Requirements**

1. Front Yard Setback: One hundred (100) feet from any public right-of-way.
2. Side Yard Setback: Twenty (20) feet from property line.
3. Rear Yard Setback: Fifty (50) feet from property line.
4. Field Windbreaks and Wildlife Block Planting Regulations: One hundred (100) feet from all county and township right-of-ways.

5. Where a lot is located at the intersection of two or more roads, there shall be a front yard setback from each road or highway. No accessory buildings shall project beyond the front yard line on either road.

**G. Building Height Requirements**

No building height requirements shall apply to agricultural buildings.

**H. General Regulations**

Additional requirements for signs, parking, and other regulations in the “A” Agricultural District are set forth in Section 12.

**I. Feedlot General Conditions**

1. The use of any land for the establishment, expansion, or management of an animal feedlot shall comply with the provisions and minimum standards of the Watonwan County Zoning Ordinance, and the MPCA Chapter 7020 Rules. Any new or expanding feedlot must be registered with the Watonwan County Environmental Services Officer prior to submission to MPCA for feedlot permits of 1000 animal units or more and all feedlot permits of 2500 or more finishing swine.
2. The County shall forward to the Commissioner of MPCA with comments and recommendations, all animal feedlot permit applications which fall within the following categories:
  - a. Animal feedlots of 1,000 animal units or more and all feedlot permits of 2500 or more finishing swine.
  - b. Animal feedlots of more than 300 animal units where a potential pollution hazard has been mitigated through corrective or protective measures.
  - c. Animal feedlots with a potential pollution hazard which has not been mitigated by corrective or protective measures.
  - d. Animal feedlots where manure is not used as domestic fertilizer.
  - e. Animal feedlots for which further technical review is desired by the County Feedlot Pollution Control Office.
3. The County shall exercise authority to issue, deny, modify, impose conditions upon or revoke interim permits for animal feedlots smaller than

300 animal units where animal manure is used as a domestic fertilizer and with a potential pollution hazard which will be mitigated by corrective or protective measures within 10 months of the date of the issuance of the interim animal feedlot permit. The County further agrees to follow the requirements cited in Minnesota rules pt.7020.1600, subp. 3A, B, C, and D, in carrying out these tasks.

4. The Zoning Department shall have the following duties and responsibilities:
  - a. To review all applications for feedlot operations;
  - b. To review all proposals for the land application of manure;
  - c. To issue all permits required by this section;
  - d. To inspect work in progress and to perform the necessary tests to determine its conformance with this section;
  - e. To investigate complaints regarding feedlot operations;
  - f. To perform compliance inspections;
  - g. To issue certificates of compliance or notice of noncompliance where appropriate;
  - h. To issue Stop Work Orders and Notices of Violation, pursuant to this section;
  - i. To take complaints to the County Attorney for violations of this section; and
  - j. To maintain proper records for manure disposal.
5. All required information and fees must accompany each feedlot application prior to consideration for a feedlot permit.
6. Feedlots that are required to meet setbacks will need to submit, when requested by the Zoning Administrator, proof showing the distance will be met. This form will be signed by a licensed surveyor, and show the distance between the feedlot and the property in question.
7. All feedlot operators must obtain and maintain a valid feedlot permit by December 31, 1998. After this time, any unpermitted facilities are in violation of this ordinance. Furthermore, any facilities without a feedlot permit will not be considered "existing" and will need to meet the requirements of a "new" feedlot. A new feedlot permit application will also be required when a feedlot is vacant for 5 years. A feedlot will be considered vacant unless a minimum of 20 animal units have been in place for a period of 60 or more consecutive days at some time during the previous 5 years.
8. An existing feedlot may be allowed to expand as long as the expansion is contained within 1000 feet from an existing feedlot building constructed prior to December 1995. The expansion will need to meet the requirements of a "new" feedlot if any of the following conditions exist:

- 1) The expansion is across a public road or highway.
  - 2) The expansion is not completely within 1000 feet of an existing feedlot.
  - 3) The existing buildings were constructed after December, 1995.
9. A current feedlot permit shall be required prior to the acceptance of a conditional use permit application being accepted.
  10. Non-conforming existing feedlots may be allowed to expand to a maximum of 1600 animal units, without meeting setback requirements established in Section 6 item K.
  11. An accessible perimeter tile inspection site must be installed for all new buildings. This inspection site must be within 100 feet of the building, between the building perimeter tile and the outlet and must be rigid, non-perforated material.
  12. No feedlot expansions over 400 animal units will be allowed within 1000 feet of a neighbor's residence unless a signed waiver is obtained.
  13. A 4-sided dead animal structure that is designed to keep animals and birds out will be required for all new feedlots or expansions of existing feedlots. Alternative methods of dead animal disposal (for example: composting, incineration, etc.) that follow the recommendations of the State of Minnesota Board of Animal Health will be considered.
  14. Inspection of a feedlot site would be required prior to permitting a feedlot. An inspection team consisting of the Environmental Service Officer, SWCD Representative, County Commissioner, and a Township Supervisor would be involved in the inspection process.

**J. Feedlot Application Requirements**

1. The owner of a proposed or existing animal feedlot for greater than 20 animal units shall make an application to Watonwan County for a feedlot permit when any of the following conditions exist:
  - a. A new feedlot is proposed where a feedlot did not previously exist.
  - b. An existing feedlot which does not have a Feedlot Permit.
  - c. Any change in operation of an existing animal feedlot is proposed.
  - d. A change in ownership of an existing feedlot.
  - e. An existing feedlot is to be restocked after being abandoned for 5 or more years.
  - f. An inspection by Minnesota Pollution Control Agency (MPCA) staff or County Feedlot Officer reveals that the feedlot is creating a potential pollution hazard.

2. Type of Animal	Animal Unit (A.U.)
a. 1 mature dairy cow	1.4
b. 1 slaughter steer or heifer	1.0
c. 1 horse	1.0
d. 1 swine over 55 pounds	0.4
e. 1 sheep	0.1
f. 1 swine under 55	0.05
g. 1 turkey	0.018
h. 1 chicken	0.01
i. 1 duck	0.01

Other animals - average weight of animal divided by 1,000# = Animal Units

**K. Feedlot Setback Requirements.**

In order to prevent pollution of surface and groundwater, protect valuable agricultural lands, promote sound agricultural practices, and prevent conflicts, this Ordinance shall regulate feedlot size and location.

No feedlot shall hereafter be erected within the following distances:

1. One half (1/2) mile from a Public Park(s);
2. One (1) mile from 20 or more residences, as defined all residences within a one mile radius of a proposed feedlot; or a municipality;
3. No animal feedlots shall be located closer than one-half (1/2) mile from a neighboring residence, other than residences owned by the operators, without the proper signed waiver. A residence will be considered a qualified dwelling if it has been occupied for 60 or more consecutive days during the previous 5 year period. The points of determination for the measured setback will be that point of the nearest currently inhabited or qualified habitable dwelling to the nearest proposed animal containment facility. (Consideration for new feedlots less than a 1/2 mile from a neighbor will be determined through a conditional use hearing - see Section C. Conditional Uses #17.)
4. Feedlots shall not be located within a Shoreland or Floodplain Management District;
5. Three hundred (300) feet from all public and private drainage ditches and tile intakes, or within one thousand (1000) feet from any “protected basin” as listed in Section 5, B, (#1a).
6. No non-farm dwelling shall be allowed within one half (1/2) mile of an existing feedlot, unless it is to replace an existing dwelling;

7. One half (1/2) mile from a building used as a church, synagogue, or place of worship with regular scheduled services;
8. One half mile from schools. One half mile from cemeteries established prior to the date of this amendment.

**L. Manure Management Requirements**

1. A manure management plan shall be required as a part of all feedlot applications.
2. The manure management plan shall be developed by the producer and a qualified agronomist. The plan must meet Minnesota Pollution Control Agency standards.
3. Manure management plan
  - a. Required to include enough land necessary to utilize the amount of waste to be produced at the site. Agreements for land other than the operators, being used to meet this requirement must be in writing and contain at least the following terms:
    1. be signed by all parties
    2. be notarized
    3. be for a minimum of ten (10) years in length
    4. list property owners name
    5. have legal description of property
  - b. Land, other than the previously mentioned, may be used for manure spreading with prior approval from the County Feedlot Officer.
  - c. Manure handling records must be reported annually to the County Feedlot Officer. This will include a record of the amount of manure hauled, when it was hauled, and where it was hauled. This information will be required to be submitted to the Feedlot Officer by January 31<sup>st</sup>, for the previous year. If this information is not received by this time, the operator is in violation of this ordinance and the feedlot permit can be revoked; and
  - d. The manure plan must contain the information, terms, data, documents, exhibits, etc. as required by the Watonwan County Manure Management Plan Criteria as adopted and amended from time to time by the Watonwan County Board of Commissioners.



3. All new liquid manure storage facilities used for raising livestock shall be for a minimum of 12 months storage capacity, with the exception of facilities used exclusively for storage of bovine manure which will be required to hold 6 months production of manure.
4. All applications of liquid manure shall be injected or incorporated within 24 hours, whenever possible.

**Animal Waste Application and Utilization Setbacks**

<b><u>Liquid Manure</u></b>	<b><u>Surface Applied</u></b>	<b><u>Incorporated or Injected</u></b>	<b><u>All Non-Liquid Manure</u></b>	<b><u>Location</u></b>
	300 Feet	100 Feet OHWL	100 feet	Watercourses, streams, lakes, wetlands, and drainage ditches
	1000 Feet	1000 Feet	1000 feet	Municipal Well
	1000 Feet	200 Feet	200 feet	Private Wells
	1000 Feet	200 Feet	200 feet	Residential area (10 or more homes) or municipality
	1000 Feet	100 Feet	100 feet	Neighboring residence or cemeteries
	Prohibited	Yes	Prohibited	10 year floodplain
	300 Feet	10 Feet	300 feet	Field tile intake

**M. Prohibited Uses**

1. Spillage or spreading of manure on roads or in road right-of-ways shall constitute a violation of this ordinance.
2. The use of manure irrigation guns (new and existing) for the purpose of manure application.
3. No new feedlots shall be allowed within the 100-year Flood Plain areas.
4. No new feedlots shall be allowed within 1000 feet of the ordinary high water mark of a lake or within 300 feet of the ordinary high water mark of a stream or river.
5. No new feedlots shall be allowed within 100 feet of any public or private well.
6. New feedlots shall be setback a minimum of 30 feet from the top of a steep slope or as determined by the Zoning Administrator. The expansion of an existing feedlot that is already located at less than 30 feet from a steep slope may occur, but the addition will be encouraged to not further encroach upon the slope setback.
7. New feedlots must be setback at least 300 feet from a public or private drainage ditch or tile intake. The expansion of existing feedlots located less than 300 feet from a drainage ditch or tile intake are encouraged to locate away from the drainage ditch or tile intake.
8. No feedlots shall be permitted for new earthen basins, or for the expansion of existing earthen basins.

#### **N. Expansion of Existing Feedlots in Prohibited Zones**

Expansion of existing feedlots located within 1 mile of the boundary lines of the cities of St. James, Madelia, Odin, Ormsby, Butterfield, Darfur, Lewisville, and LaSalle, and within 1/2 mile of the unincorporated areas of South Branch, Echols, Sveadahl, Godahl, and Grogan (concerning setbacks, animal units, etc.) will be determined through the Conditional Use hearing, as outlined in Section C, #12.