

## **ARTICLE 20. ANIMAL FEEDLOT REGULATIONS**

### **SECTION 20.1 ANIMAL FEEDLOTS GENERALLY.**

No person shall permit or allow their land or property under their control to be used for any animal feedlot, and no animal manure from any animal feedlot shall be disposed of within the County of Lyon, except at an operation which has been approved in accordance with the provisions of this Article.

Nothing in this Article 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.

### **SECTION 20.2 EXEMPT FROM REGULATION.**

Any animal feedlot not required to register with the MPCA under MN Rules 7020.0350 shall be exempt from this Article.

### **SECTION 20.3 APPLICATION PROCEDURE.**

Applications for locating any new animal feedlot or the expansion of an existing feedlot in Lyon County shall be governed by the following procedures:

- A. The owner of any proposed new animal feedlot or the expansion of an existing feedlot shall be required to obtain a land use permit from the Lyon County Zoning Administrator's Office.
- B. A proposed new animal feedlot shall be on a tract of land not less than forty (40) acres. The landowner(s) and Minnesota Pollution Control permit holder shall be the same person(s). The forty (40) acre tract of land cannot be subdivided.

### **SECTION 20.4 NON-CONFORMITIES.**

- A. All existing non-conforming animal feedlots will be allowed to remain on their present site without conforming to setback regulations.

- B. All permitted and un-permitted existing feedlots as of September 7, 1999, will be allowed to expand up to an additional total 500 animal units without complying with the feedlot setback regulations found in Section 20.5 of the Lyon County Zoning Ordinance. For feedlot expansions greater than 500 animal units, a Conditional Use Permit shall be required only if setback regulations found in Section 20.5 of the Lyon County Zoning Ordinance can not be met. Each expansion requiring a Conditional Use Permit must be done under a separate Conditional Use Permit. Any conditions of previous conditional use permits shall remain in effect unless officially amended. Feedlot total capacity shall not exceed 2000 animal units. Any feedlot expansion occurring within the setback regulations found in Section 20.5 of the Lyon County Zoning Ordinance shall occur away from the nearest existing neighboring dwelling. Prior to expansion, un-permitted existing feedlots must be in compliance with the MPCA.

## **SECTION 20.5 FEEDLOT SIZE AND LOCATION.**

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

- A. Setbacks. No new feedlot or the expanding portion of an existing feedlot over 500 animal units shall hereafter be erected within the following distances:
1. Schools, hospitals, and airports (Marshall and Tracy) will be considered part of the municipalities.
  2. Setback distances from dwellings for all new feedlots or the expanding portion of an existing feedlot shall be established at 1,320 feet (1/4 mile) up to 800 animal units, with an additional 1.25 feet per animal unit over 800, except that feedlots shall not have to meet these setbacks from the feedlot owner/operator's own dwelling and/or feedlot.
  3. Existing golf courses, rural churches, cemeteries, Rural Oriented Businesses as defined herein, and public parks will have the same setbacks as dwellings.

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4. Setback distances from animal feedlots for all new dwellings, shall be the same as for feedlots from dwellings as outlined in 20.5A.2 .

Dwellings for a feedlot owner/operator shall not have to meet these setback requirements from their own feedlot.

- B. **Maximum Size.** Total capacity of an animal feedlot is not to exceed 2000 animal units.
- C. **Measurement.** Measurement for required setbacks between new feedlots or the expanding portion of an existing feedlot over 500 animal units and dwellings shall be as follows:
  1. Measurement shall start at the nearest point of the new feedlot or the expanding portion of an existing feedlot to nearest point of dwelling; or
  2. Measurement shall start at the nearest point of animal feedlot to nearest point of the new feedlot or the expanding portion of an existing feedlot.
  3. Manure storage area is to be included as part of animal feedlot.