

**SECTION 23
FARMS**

Subdivision

- 23.01 Allowed Use
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- 23.03 Irrigation Systems
- 23.04 Accessory, Second Residential Dwellings (Temporary)
- 23.05 Animals
- 23.06 Temporary, Seasonal Sale of Products Produced on Site
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23.01 ALLOWED USE: Farms, farmsteads, and farming shall be allowed pursuant to respective zoning district provisions.

23.02 BUILDING PERMITS: The construction of any building or applicable structure on a farm, unless specifically exempted shall require a building permit and be in compliance with the Uniform Building Code.

23.03 IRRIGATION SYSTEMS: All proposed irrigation systems shall require a permit from the Minnesota Department of Natural Resources and shall be subject to the approval of the City Engineer.

23.04 ACCESSORY, SECOND RESIDENTIAL DWELLINGS (TEMPORARY):

- A. Such structures and uses are classified as an interim use and regulated pursuant to Section 5 of this Ordinance.
- B. Such structures may only be manufactured (mobile home) housing units which can be readily removed from the site.
- C. Such structures may only be allowed for and occupied by a family, one (1) member of which is an employee of the farm on which it is located.
- D. Conditions of approval shall include, but not be limited to:
 - 1. The structure meets all applicable zoning district performance standards.

2. The established property access is jointly utilized by the interim use and the principal residence on the farmstead unless specifically exempted by the City Council.
 3. The existing on site sewer system and well is used by the temporary dwelling, unless specifically exempted by the City Council.
 4. Before the temporary dwelling is located on the site, it shall be inspected by and subject to the approval and requirements of the City Building Official.
 5. The manner in which and the requirements for securing the temporary dwelling on the site shall be subject to the review and approval of the City Building Official.
 6. Upon termination of occupancy by a qualified individual or family, the temporary dwelling shall be removed within ninety (90) days of such date unless a time extension, requested in writing by the property owner is approved by the City Council.
- E. The occupant of the temporary dwelling or the property owner shall provide proof of employment of the occupant of the temporary dwelling by the farm on which the interim use is located by submitting a federal income tax 1040 form each year between the dates of 1 January and 15 April. Failure of the occupant to qualify as an employee of the farm shall constitute a termination of the interim use permit and shall require the removal of the temporary dwelling within ninety (90) days from such date unless a time extension, requested in writing by the property owner, is approved by the City Council.

23.05 ANIMALS: The keeping of animals on farms shall be regulated by Sections 23.07 and 24 of this Ordinance as may be applicable.

23.06 TEMPORARY, SEASONAL SALE OF PRODUCTS PRODUCED ON SITE:

- A. A-1, Agricultural Zoning District: Within the A-1 Zoning District, the temporary seasonal sale of products produced solely on site of the respective farm is a permitted accessory use, provided that:
1. Only members of the family occupying the residence on the farmstead are engaged in such activity.
 2. Only temporary, unenclosed display facilities are used to exhibit such items.

3. Adequate off-street parking is provided and no parking related to such sales occurs on the public right-of-way.
4. Signs:
 - a. Are located only on the private property of the farm owner/operator and are no more than one hundred (100) feet from the point of sale.
 - b. Are limited to no more than two (2) structures totaling no more than sixteen (16) square feet.
 - c. Are erected and removed daily and are not to be displayed at times when the sales operation is closed.
- B. Other Zoning Districts: The temporary, seasonal sale of products produced solely on the site of the respective farm may be allowed in zoning districts other than Agriculture A-1 Districts subject to the approval of an administrative permit, provided that:
 1. The standards and requirements are specified in Subd. 23.06.A are complied with.
 2. The provisions of Section 6 of this Ordinance are considered and determined to be satisfied.

23.07 ANIMAL FEEDLOTS:

- A. Purpose: The purpose and intent of this section is to:
1. Establish a procedure for the allowance of feedlots within the City.
 2. Regulate the location, development, and expansion of feedlots.
 3. Promote best farm management practices.
 4. Protect valuable ground water and surface water resources.
 5. Protect human and animal health.
 6. Promote compatibility of uses.
 7. Coordinate and assist state agencies in the administration of state-wide statutes and regulations governing livestock operations.

B. Minnesota Pollution Control Agency (MPCA) Feedlot Permit Requirements: The owner of an existing animal feedlot of greater than ten (10) animal units shall make an application to the Minnesota Pollution Control Agency (MPCA) for an animal feedlot permit when any of the following conditions exist:

1. A new feedlot is proposed where a feedlot did not previously exist.
2. A change in operation of an existing animal feedlot is proposed.
3. A National Pollutant Discharge Elimination System (NPDES) permit is required under state or federal rules and regulations.

C. Allowed Feedlots: Those feedlots which do not constitute a potential pollution hazard and meet the applicable requirements of this Ordinance shall be allowed within the City on the condition that they obtain a certificate of compliance by the MPCA, as required.

⁴D. Prohibited Feedlots:

1. New feedlots or expansions of existing feedlots that exceed the following cumulative number of animal units:

	<u>District Designation</u>	<u>Maximum Number of Animal Units</u>
a.	Urban Service Area	140
b.	Rural Service Area	350

NOTE: See St. Augusta Comprehensive Plan for District Boundary designations. Expansions over the maximum number of animal units shall require a permit from the Minnesota Pollution Control Agency and a conditional use permit.

E. Destruction of Animal Feedlots: Notwithstanding Section 14.04.A of this Ordinance, any animal feedlot lawfully existing as a non-conforming use and any structures or buildings lawfully existing and which are used for the purpose of containing animals associated with a non-conforming animal 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 a non-conforming use 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.

F. Pollution Control Requirements:

1. Purpose: The purpose of this Section is to provide restrictions on feedlot operations as restrictive as, or more so, than existing State regulations regarding pollution or potential pollution hazards.
2. General Requirement: No animal feedlot or manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a certificate of compliance or an animal feedlot permit has been issued by the MPCA.
3. Vehicles and Spreaders: All vehicles used to transport animal manure on City, County, State, and interstate highways 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 provided the animal manure is for use as domestic fertilizer.
4. Manure Storage: Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one (1) year and shall be applied at rates not exceeding local agricultural crop nutrient requirements except where allowed by permit. Local agricultural crop nutrient requirements can be obtained at the Stearns County Soil Conservation Service office or local Agricultural Extension Service office.
5. Animal Manure: Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable State rules.
6. Owner's Duties: The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions herein.
7. Odors: Feedlot operations shall take responsible measures to minimize odors.
8. Variance: Any feedlot may request a variance in accordance with Section 7 of this Ordinance where rules may not apply or create a unique hardship due to conditions not created by the feedlot operator or owner.

G. Information Requirement:

1. A map or aerial photograph indicating dimensions of feedlot, showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, streets, wells, contour and surface water

drainage encompassing the maximum setback distances of Section 23.06 of this Ordinance.

2. A description of the geological condition, soil types and seasonal high water table.
3. A plan indicating operational procedure, the location and specifics of proposed animal waste facilities. The quantity and type of effluent to be discharged from the site.
4. Method/plan for disposal of dead animals shall be consistent with the Minnesota Board of Animal Health regulations.
5. Manure Utilization Plan which will include the location of all manure application sites, crop types, application rate in gallons/acre or tons/acre, and the resulting application rate of N, P and K in pounds/acre. Manure application shall not exceed agronomic rates or to build N, P and K levels beyond the soil capability of holding and utilizing them for crop use, for the prevention of leaching and potential non-point pollution problems, as determined by the Stearns County Extension Educator and the Minnesota Extension Service.
6. Land spreading agreements shall be provided if the applicant does not own the minimum acreage to apply animal waste and the land application agreement must be signed by all owners of the property.
7. Methods used to control or mitigate odor impact upon neighboring properties.
8. A plan for proper closure of the facility including an estimated cost of the same.
9. In cases of feedlot expansions, certification of existing animal units upon the property.
10. Any other additional information as contained in the application and requested by the City or MPCA.

H. Feedlot Setbacks:

1. Existing Feedlots: Lawfully established feedlots existing prior to (effective date of ordinance) may be continued in the location existing on such date and are exempt from the setback requirements of this Ordinance. Expansions to existing feedlots shall be in compliance with the setback provisions as established by Section 23.07.G.2 below. Legal non-conforming feedlots may be expanded provided the degree of setback

non-conformity is not increased and all other applicable standards of operation specified in this Ordinance are satisfactorily met.

2. New Feedlots and Feedlot Expansions: All new feedlots and feedlot expansions shall comply with each and every one of the following setback requirements:

Category	Required Setback
Shorelands as defined by the Stearns County Shoreland Management Ordinance	Prohibited unless otherwise allowed by the MPCA
100 year floodplains as established on insurance rate maps and the flood insurance study for Stearns County	Prohibited
Public Parks	2,640 feet (1/2 mile)
Public Wells	1,000 feet
County, City and private drainage ditches	100 feet
Private Residences and Wells	500 feet*

* Setbacks may be reduced to 150 feet upon the City's receipt of written permission of affected property owners.

- I. Manure Stockpile/Application Setbacks: The following manure stockpile and application setbacks are required for all new and expanded feedlots:

1. SEPARATION DISTANCE (FEET)			
	Surface Spreading	Incorporation or Injection	Irrigation
Streams or Rivers	*	50	200
Lakes	*	100	300
Water Wells	200	200	200
Sink Holes	100	50	200
Individual Dwelling**	100	50	2,000
Public Roadways	25	10	300
* See Section 23.07.1.2 below for surface water setbacks.			
** Distance may be reduced with permission of owner.			

2. SEPARATION DISTANCES FROM SURFACE WATERS FOR SURFACE APPLICATION			
Slope (%)	Soil Texture	Time of Year	Minimum Separation (feet)
0-6	Coarse	May-October	100

0-6	Coarse	November-April	200
0-6	Medium to fine	May-October	200
0-6	Medium to fine	November-April	300
Over 6	Coarse	May-October	200
Over 6	Medium to fine	May-October	300
Over 6	All soils	November-April	Not recommended

J. Conditional Use Permits:

1. Requirement: A conditional use permit shall be obtained in a manner described in Section 4 of this Ordinance whenever:
 - a. A new feedlot within the agriculture preserve-rural service area that exceeds three hundred fifty (350) animal units.
 - b. Feedlot expansions that exceed the following cumulative number of animal units:

<u>District Designation</u>	<u>Animal Units</u>
1) Urban Service Area	140
2) Rural Service Area	350

NOTE: See St. Augusta Comprehensive Plan for district boundary designations.

- c. The proposed expansion, or modification of an existing feedlot located within a Shoreland or Floodplain Overlay District.
- d. A lagoon system, an earthen basin or any other outdoor liquid storage structure is proposed for the storage or treatment of animal waste.
- e. An abandoned feedlot located within the long range urban service area or urban service reserve area (defined by the Comprehensive Plan) area is re-established subject to the following conditions:
 - 1) The abandoned feedlot was legally established.
 - 2) The feedlot has been abandoned for a period greater than five (5) years.

- 3) The re-established feedlot expansion takes place solely within feedlot-related buildings and facilities existing on the site on the effective date of this Ordinance.
- 4) The number of animals units is limited to that previously allowed by the MPCA as part of the facility's legal establishment.
- 5) The conditions of Section 23.07.J.2 of this Ordinance are considered and determined to be satisfied.

2. Standards for Conditional Use Permits: To protect public health, safety and welfare, the City shall impose (but not be limited to) the following conditions:

- a. Trees and/or shrubs are planted, as determined necessary by the City Council, for use as a wind break but not so as to interfere with the design and functioning of the feedlot operation.
- b. All provisions of the Manure Utilization Plan as outlined in Section 23.07.G.5 of this Ordinance are satisfactorily met.
- c. All pollution control measures outlined in Section 23.07.F of this Ordinance are satisfactorily met.
- d. As required by State regulations, the applicant shall provide adequate security to ensure compliance with any or all conditions of the permit, proper handling and storage of manure, and proper closure of the facility. The amount of said security shall be contained in a written agreement between the permittee and the City.
- e. All applicable setback requirements of Sections 23.07.F and 23.07.I of this Ordinance are satisfactorily met.
- f. All feedlots shall be operated in a nuisance-free manner consistent with the regulations of the City and Minnesota Pollution Control Agency (MPCA).
- g. Approval of the conditional use permit shall be contingent upon the successful acquisition of a Minnesota Pollution Control Agency (MPCA) permit.
- h. The use is consistent with applicable provisions of Section 23, 24, and 45 of this Ordinance.

- i. The provisions of Section 4.02.F of this Ordinance are considered and determined to be satisfied.
 - j. All conditions of approval of the conditional use permit shall be recorded against the property.
- K. Standards for Earthen Storage Basins, Lagoons and Other Manure Storage Areas. Earthen basins, lagoons and other manure storage areas shall be constructed in compliance with Minnesota Pollution Control Agency (MPCA) requirements.
- L. Facility Closure:
- 1. Responsible Parties: The landowner, owner and operator of any animal feedlot shall be responsible for the ongoing management of manure and the final closure of the facility include the cleaning of buildings and the emptying and proper disposal of manure from all manure holding facilities.
 - 2. Environmental Financial Assurance: Financial security shall be posted with the City in the form of escrow, bond, or letter of credit in an amount established by State Rules or Regulations, or as amended, in order to assure proper closure of the facility.
 - 3. Closure Plan: If a permitted feedlot operation using a manure storage system ceases operation, the owner shall submit to the City and MPCA a closure plan.
 - a. The plan shall be submitted at least sixty (60) days prior to the final day of operation of the manure storage system. The plan shall be prepared by a professional engineer registered in the State of Minnesota, or a person recognized as qualified for such work by the MPCA.
 - b. Closure of the operation may be postponed for a period of twelve (12) months if the property is posted for sale or lease.
 - c. Manure storage system closure shall include the removal of the sludge in the facilities and its disposal by proper land application at agronomic rates or by other legally permissible method.
 - d. Manure storage system closure shall also include filling in a basin with material from the dikes or other earthen material that may be available. Only material allowed to be buried under federal, state and local regulations may be used as fill. It is necessary to fill in the basin to prevent it from being a safety hazard when it fills in with rain and snow-melt waters.

- e. All wastes from the feedlot operation and its waste control system shall be removed and disposed of on land or in some other manner which is legally permissible as soon as practical, but no more than six (6) months, and in accordance with the approved plan in order to promote and protect public health.
 - f. Each time ownership to the facility changes, the new owner must notify the MPCA and the City in writing within sixty (60) days of the transfer of ownership that the approved plan has been read and is understood and that all provisions of the plan will be implemented. The new owner must also provide the City with written assurance that they have assumed all obligations undertaken by previous operators or owners, including posting of any necessary security.
 - g. If the new ownership is to continue to operate the facility, closure shall not be necessary.
- M. Closure: Owners and operators of feedlots, either at the time of abandonment or after, shall have joint and several liability for clean up, closure or remediation of abandoned feedlot sites and shall be subject to the enforcement and penalty requirements of Section 12 of this Ordinance.