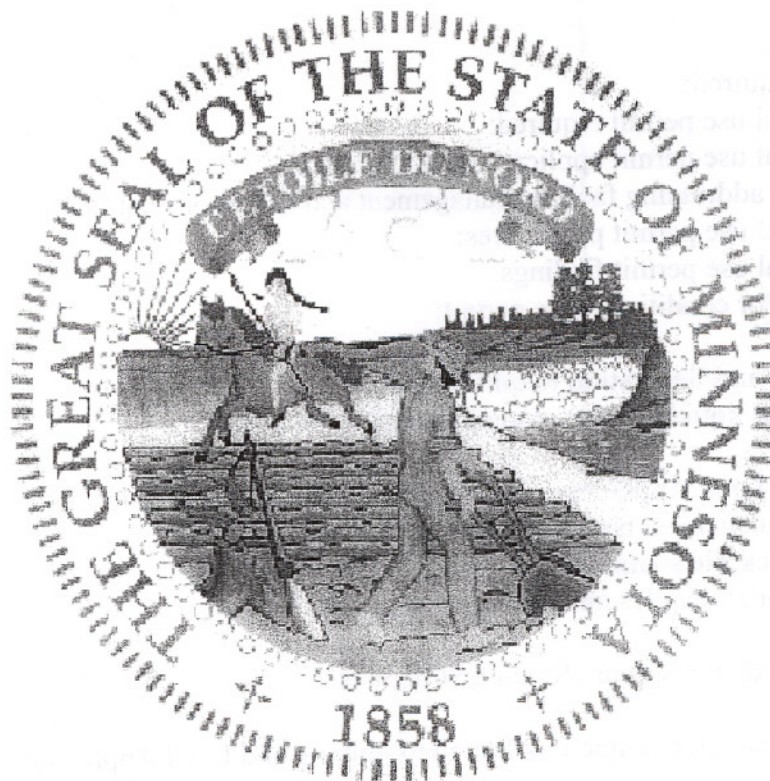


# Marshall County Feedlot Ordinance

**302002**

Office of County Recorder  
Marshall County, Minnesota  
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*No Charge*

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**MARSHALL COUNTY  
ANIMAL FEEDLOT AND MANURE  
MANAGEMENT ORDINANCE  
2007**

**SECTION 1. PURPOSE**

The Marshall County Animal Feedlot and Manure Management Ordinance is designed to support economic growth and development by accommodating a broad range of economically beneficial uses, including responsible livestock production activities. The regulations of this ordinance are intended to protect the public health, safety, and general welfare and to provide objective and predictable rules governing the location and management of feedlots. The regulations are intended to provide a reasonable degree of certainty toward location, environmental safety and odor control for feedlot owners, as well as for property owners and residents located near feedlots.

**SECTION 2. STATUTORY AUTHORIZATION AND POLICY**

**Subd. 1. Statutory Authorization.**

This Marshall County Animal Feedlot and Manure Management Ordinance, hereinafter referred to as "Ordinance", is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 115 and 116, and Minnesota Pollution Control Agency Rules, as well as the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

**Subd. 2. Policy.**

Livestock and Poultry are important to producers and consumers in Marshall County. Animals provide meat, milk, eggs and related products for consumption in the United States and for export. Livestock production is an important source of income for farmers and agricultural businesses in the County. Efficient livestock production should be a concern of producers and consumers alike.

Livestock, poultry and other animals produce manure which is a valuable fertilizer resource but if misapplied, it may negatively affect Marshall County's environment. When animal manure adds to air, water or land pollution in the County, it is subject to control.

The following standards for the control of livestock, poultry and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. These standards recognize that animal manure provides beneficial qualities to the soil and plant production.

All feedlot owners and operators shall act as good neighbors when applying animal manure. The time of year, wind direction and neighboring dwellings should be considered when selecting appropriate time and place of application. All feedlots shall be operated in a manner consistent with its permit and the standards set forth in this Ordinance and the policies set by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7020, as amended.



## **SECTION 3. GENERAL PROVISIONS AND DEFINITIONS**

### **Subd. 1. Jurisdiction.**

The provisions of this Ordinance shall apply to all animal feedlots that exceed 10 animal units, A.U., as defined in this Ordinance, within the shoreland areas as defined in the Marshall County Shoreland Management Ordinance, as amended, outside the incorporated limits of municipalities; and 50 animal units, A.U. to all other areas of Marshall County outside the incorporated limits of municipalities.

### **Subd. 2. Compliance.**

The use of any land for the establishment, expansion or management of an animal feedlot shall comply with the provisions of this Ordinance and the provisions of MPCA rules.

### **Subd. 3. Administration and Enforcement.**

The Marshall County Feedlot Officer is responsible for the administration and enforcement of this Ordinance. The Marshall County Board of Commissioners may establish by resolution, application, permit and other such fees as they deem necessary.

Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute a misdemeanor, and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.

### **Subd. 4. Interpretation.**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the public health, safety and welfare of the citizens of Marshall County, by providing for the commonly approved animal husbandry practices used in the management of animal feedlots.

### **Subd. 5. Severability.**

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **Subd. 6. Abrogation and Greater Restrictions.**

It is not the intent of this Ordinance to repeal, abrogate, or impair any existing ordinances, rules or statute. However, when this Ordinance is inconsistent with any other ordinance, rule or statute, the ordinance, rule or statutes which impose the greater restriction shall prevail.

### **Subd. 7. Amendment.**

This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Subdivision.

### **Subd. 8. Definitions.**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be



measured horizontally. The word "person" or "feedlot operator" shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations. All definitions contained in this Ordinance are as adopted by the MPCA Rules, chapter 7020.

### Definitions:

**Abandoned:** To cease a specific use of a property for a period of 12 consecutive months or more.

**Adjoining:** To be next to, nearby or sharing an edge or boundary. For purposes of this ordinance, parcels of land split by a road shall be considered adjoining.

**Agency:** Minnesota Pollution Control Agency

**Agricultural Best Management Practices (BMPs):** An Agricultural BMP is broadly defined as economically sound practices that are capable of minimizing nutrient contamination of surface and ground waters. General BMPs may be provided by the Minnesota Department of Agriculture, NRCS, SWCD or other state and federal agencies. Specific BMP practices are described in Minnesota Extension Service Bulletins AG-FO-6125, AG-FO-6127, and AG-FO-3553.

**Animal 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. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots, unless they are inspected by the feedlot officer and determined to show chronic feedlot conditions such as permanent lack of vegetative cover. Two or more animal feedlots under common ownership or operation are considered to be a single animal feedlot if they adjoin each other or if they use a common area or system for the utilization of waste.

**Animal Manure:** Poultry, livestock or other animal excreta, or a mixture of excreta with feed, bedding and other materials.

#### Animal Unit:

- A. Dairy cattle;
  - 1. One mature cow
    - a. over 1,000 pounds, 1.4 animal unit; or
    - b. under 1,000 pounds, 1.0 animal unit;
  - 2. One heifer, 0.7 animal unit; and
  - 3. One calf, 0.2 animal units;
- B. beef cattle;
  - 1. One slaughter steer or stock cow, 1.0 animal unit;
  - 2. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal units;
  - 3. One cow and calf pair, 1.2 animal unit; and
  - 4. One calf, 0.2 animal units;
- C. One head of swine:
  - 1. over 300 pounds, 0.4 animal units;

2. between 55 and 300 pounds, 0.3 animal unit; and
3. under 55 pounds, 0.05 animal units;
- D. One horse, 1.0 animal unit;
- E. One sheep or lamb, 0.1 animal units;
- F. chickens:
  1. One laying hen or broiler, if the facility has a liquid manure system, 0.033 animal units;
  2. One chicken if the facility has a dry manure system:
    - a. over five pounds, 0.005 animal unit; or
    - b. under five pounds, 0.003 animal units;
- G. One turkey:
  1. over five pounds, 0.018 animal unit; or
  2. under five pounds, 0.005 animal units
- H. One duck, 0.01 animal unit; and
- I. for animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

**Animal Unit (alternative method):** At the discretion of the feedlot owner(s), animal units may be determined using an alternative method. This alternative method will use the total estimated weight of all livestock in the feedlot at peak production, divided by 1,000.

**Board:** The word "Board" includes the "County Commissioners", the "Board of County Commissioners" or any word or words meaning the "Marshall County Board of Commissioners."

**Buffer:** A strip of land intended to create physical separation between potentially incompatible uses of land.

**Building:** Any structure either temporary or permanent having a roof which may provide shelter or enclosure of person, animals, or property of any kind.

**Building Setback:** The minimum horizontal distance between the building and the right-of-way line.

**Certificate of Compliance:** A letter from the MPCA to the owner of an animal feedlot stating that the feedlot meets the agency standards, and that the livestock operation does not create or maintain a potential pollution hazard, or if a potential pollution hazard existed, it has been corrected to meet MPCA requirements.

**Change in Operation:** An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

**Conditional Use:** A use that because of special characteristics attendant to its operation, may be permitted in a district as a conditional use with site specific requirements as determined and approved by the Board, that protect the public health, safety, and welfare of the community.



**Corrective Action:** Any action required by the department to ensure compliance or conformance with this Ordinance and state regulations.

**County:** The term "County" as used in this Ordinance means Marshall County, Minnesota.

**Covered Lagoon or Covered Basin:** An earthen constructed manure holding structure either totally covered with a minimum of six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire lagoon or earthen basin area, or a wooden, concrete, or glass-lined steel structure totally enclosing and covering the lagoon or earthen basin.

**Drainage Course:** A watercourse or indenture for the drainage of surface water.

**Drainage way:** A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area or navigable stream. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

**Earthen Storage Basin:** For the purpose of this Ordinance, earthen storage basin is considered a manure storage area.

**Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable television, storm sewer or storm drainage ways, and gas lines. This term may also be used in agreements between feedlot owners and other property owners allowing certain kinds of construction within a setback area.

**Environmental Assessment Worksheet:** That document that might be required under Minnesota Statutes, Chapter 116C and D.

**Existing Feedlot:** An existing feedlot which is currently in operation at the passage of this Ordinance, and/or having been registered or permitted within the last five years.

**Expansion of an Existing Feedlot:** Increasing production capacity by the addition of structures used to contain animals.

**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 these rules, 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.

**Feedlot Operator/Owners:** An individual, corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

**Feedlot Permit:** A document issued by the MPCA or County Feedlot Officer that contains requirements, conditions, and compliance schedules relating to the discharge and management of



animal manure pollutants. Feedlots and manure storage areas subject to permit requirements as stated in Part 7020.0405 shall be issued a NPDES/SDS, Construction Short form, or Interim Minnesota feedlot permit.

**Floodplain:** The area subject to inundation by a 100-year flood (regional flood) as designated and mapped by the Federal Emergency Management Agency.

**Incorporated:** When manure is surface applied and mechanically incorporated within 24 hours of application.

**Injected:** When manure is mechanically injected or tilled into the soil during manure application.

**Interim Permit:** A permit issued by the agency that expires no longer than two years from the date of issue.

**Livestock Operations:** A lot or structure or combination of lots and structures intended for the breeding, raising, and holding of 11 or more animal units.

**Manure Storage Area or Facility:** Means an area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for the purposes of this Ordinance.

**Manure Stockpile:** A quantity of solid manure which is being stored on the farm or in the field and is intended to be applied to the land within twelve months or less.

**Modification of an Existing Feedlot:** Conversion or remodeling of an existing structure used for livestock production. The conversion or remodeling will not result in increased production capacity.

**National Pollutant Discharge Elimination System (NPDES):** A permit issued by the MPCA for the purpose of regulating the discharge pollutants from point sources including concentrated animal feeding operations.

**New Feedlot:** An animal feedlot constructed and operated on a site where no feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.

**Non-Farm Dwelling:** Any dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

**OHWL:** Ordinary High Water Level as defined by Department of Natural Resources. The landward boundary of public waters and wetland which delineated the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. This is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation to the top of the bank of the channel.



**Open Lot:** Is a holding area and/or feeding area where animals are kept while being fattened. These areas will have little or no buildings assessable by the animals and the manure is not stored in a pit or lagoon. Most or all of the lot will be open to the weather where rain water can run across the lot, carrying manure as it travels or wind may move excessive odors from the lot. For the purposes of this ordinance, winter holding areas for cow/calf operations will not be considered an open lot.

**Owner:** An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Pasture:** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

**Potential Pollution Hazard:** A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or flood plain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of water well.
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards, including, but not limited to, MN Rules Chapters 7050 and 7055, during a rainstorm event of less magnitude than the 25-year (4.9 inches), 24-hour event, or will violate any applicable state rules.

**Protected Waters:** Any waters of the state as defined in Minnesota Statutes, Section 105.37, subd. 14. However, no lake, pond, or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations.

**Public Nuisances:** A public nuisance is a thing, act, occupation, or use of property which:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or peace of any considerable numbers of the public.
2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way or waters used by the public.
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided (reference MS 609.74).

**Public Waters:** Any waters as defined in Minnesota Statutes, Chapter 103G.



**Residence:** Is any dwelling which is currently occupied or has been occupied for a period of sixty (60) days within one (1) year of the permit application.

**Setback:** The minimum horizontal distance between a structure or manure holding system and the ordinary high water level, bluff line, road or highway, or property line.

**Setback or Setback Line:** The mean horizontal distance between the property line or street right-of-way, or street easement and the line of the structure or the allowable building line as defined by the yard regulations of this code.

**Shoreland:** The land located within the following distances from public waters (a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; (b) 300 feet from a river or stream, or the landward extent of a flood plain designated by Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**Slope:** The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

**Transfer of Property:** The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

**Variance:** A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship.

**Waters of the State:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

#### **SECTION 4.      ADOPTION BY REFERENCE OF STATE REGULATIONS**

Pursuant Minnesota Statutes, the Marshall County Board of Commissioners hereby adopts by reference Minnesota Pollution Control Agency Rules, Chapter 7020 Rules for the Control of Pollution from Animal Feedlots, as amended.



## **SECTION 5. ADMINISTRATION**

1. The Marshall County Animal Feedlot and Manure Management Ordinance shall be administered by the Marshall County Feedlot Officer, as appointed by the Marshall County Board of Commissioners.
2. Fees. Application fees, permit fees, inspection fees, and such other fees required by this Ordinance, if any, shall be set by resolution of the County Board.

## **SECTION 6. GENERAL REQUIREMENTS**

1. The provisions of Minnesota Rules Chapter 7020 govern the storage, transportation, disposal, and utilization of animal manure and the application for issuance of permits for construction and operation of animal manure management and disposal or utilization systems for the protection of the environment.
2. From and after the date of adoption of this Ordinance and subsequent amendments, all new feedlots or expansion of existing feedlots shall be in conformity with the provisions of this Ordinance and Minnesota Rules Chapter 7020.
3. No person shall permit or allow their land or property under their control to be used for any new animal feedlot, or expansion of an existing feedlot within Marshall County unless it is in compliance with the provisions of this Ordinance.
4. All feedlots within Marshall County or feedlots bringing manure into Marshall County shall manage animal manure in compliance with this Ordinance.
5. Nothing in this Ordinance shall exempt any owner or operator of any feedlot from conforming to applicable state or federal regulations governing confined feeding operations.
6. Animal feedlots as defined by the Minnesota Pollution Control Agency, must meet the following standards:
  - A. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins.
  - B. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback, or encroach on bluff impact zones.
  - C. An interim permit, or animal feedlot permit, when required by parts 7020.0100 to 7020.1900, must be obtained by the owner or operator of an animal feedlot.
7. No animal feedlot or manure storage area shall be constructed, located, or operated so as to knowingly create or maintain a potential pollution hazard.

8. All methods of disposal of dead, dying, or diseased animals shall comply with Minnesota Board of Animal Health regulations.
9. The feedlot owner or operator shall allow the County Feedlot Officer or assigned representee to inspect the site upon reasonable notification.
10. A feedlot owner or operator shall be required to maintain sufficient acreage for land application of manure as regulated by MPCA. If for any reason, a land application agreement is terminated, another parcel of land of equal size is to be obtained within 120 days. If for any reason, there is not sufficient acreage, the affected operation shall seek an alternative method of handling its manure and shall obtain approval by Marshall County prior to implementing the alternative method. Manure management plans for the feedlot must be updated within 60 days of any change in land where manure is applied.
11. The feedlot owner is responsible to properly seal any abandoned wells within the feedlot site.
12. All new feedlots shall comply with applicable setback and separation requirements unless written documentation from neighboring landowners has been obtained. The feedlot owner or operator's dwelling is exempt from this requirement.
13. All existing feedlots as of the date of this Ordinance may continue, but they will be managed according to applicable local, state, and federal statutes and this Ordinance for the subjects of: alterations and additions, repairs after damage, expansions, and discontinuance of use.
14. Marshall County requires bio-filters or comparable technology to control odors on all hog barn facilities. Bio-filters or comparable technology will be constructed based on animal units and facility size. Acceptable technology with an acceptable odor management plan as determined by the county, will exempt the feedlot from setback requirements. Unacceptable technology or odor management will require the feedlot to use the same setbacks as lagoon systems.
15. An odor management plan for liquid manure storage systems for all new feedlots of 500 animal units or more or expansion of existing feedlots to 500 animal units or more shall be submitted to the County Feedlot Officer for review and approval. The odor management plan shall contain as a minimum the following:
  - A. The method(s) of managing odor leaving the feedlot.
  - B. The provisions used to manage odors emanating from liquid manure storage facilities.
  - C. Best Management Practices (BMPs) for peak odor periods such as spreading and agitation of stored manure.
  - D. Intent to notify neighbors at times of liquid manure application.



16. All maintenance, restoration or improvements to county or township roads shall be negotiated and agreed upon prior to the issuance of a conditional use permit.

## **SECTION 7. PERMITS**

No person shall operate a new feedlot without first obtaining the necessary permit(s) from Marshall County.

### **1. Registration Required:**

Registration shall be required for all feedlots located in Marshall County. A feedlot shall be defined as any area holding more than 50 animal units or any area within 300 feet of a river or 1,000 feet of a lake holding more than 10 animal units. A registration form can be obtained from the Marshall County Feedlot Officer, who is located at the Marshall County Extension office. Feedlot registrations need to be updated every four years.

### **2. Interim Permit Required:**

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an Interim Permit valid for up to twenty four (24) months may be issued if:

- A. there is demonstrated compliance with this Ordinance, manure is used as a domestic fertilizer, and the potential pollution hazard will be mitigated within the permitted time frame, or
- B. the feedlot permit application includes a manure storage structure, or
- C. a new feedlot is proposed where a potential pollution hazard is identified, or
- D. an existing feedlot that is not currently permitted is seeking to become permitted and is a potential pollution hazard.

An Interim Permit may be extended up to an additional ninety days (90) days if there is demonstrated progress towards mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

### **3. Construction Short-Form Permit Required:**

- A. The Construction Short-Form permit covers owners and operators of animal feedlots and manure storage areas having a capacity of 300 to 999 animal units who are constructing or expanding their facility.
- B. Feedlot or manure storage area is constructed and operated in accordance with the technical standards in Minnesota Rule, Chapter 7020.2000 to 7020.2225.
- C. The existing facility does not presently have a "pollution hazard".
- D. The capacity of the proposed facility will not meet or exceed the Large Concentrated Animal Feeding Operation threshold.

Construction Short-Form permits expire after 24 months but may be extended for one 24-month period if construction has not been completed. This extension is to be requested 90 days prior to the expiration date of the permit.

4. Conditional Use Permit Required:

A. Feedlots meeting one or more of the following criteria must apply for and receive a Conditional Use Permit from the Marshall County Feedlot Officer and have the permit approved by the Marshall County Board of Commissioners:

- a. Any new feedlot greater than 500 animal units or any expansion of an existing feedlot beyond 500 animal units.
- b. Any change in ownership, following adoption of this Ordinance, of an existing feedlot that plans to increase its animal units from its present number, where such an increase exceeds 500 animal units. Existing feedlots over 500 animal units at the time of this ordinance adoption who do not expand beyond their current animal unit numbers do not need to apply for a conditional use permit until such time as an expansion in their current animal unit numbers occur.
- c. Any expansion or modification to an existing feedlot within the shoreland management or floodplain area or shoreland bluff impact zone; as long as expansion or modification does not further encroach into the shoreland, floodplain, or bluff impact zone.
- d. Any construction of a new feedlot or expansion of any existing feedlot within 1 mile of a city boundary. A feedlot must exceed 50 animal units or 10 animal units if within 300 feet of a river for this provision to apply. Pasture is not regulated by this ordinance.
- e. Any expanding feedlot that requires a NPDES Permit.
- f. Any feedlot requiring an Environmental Assessment Worksheet (EAW). MPCA, with assistance from the county feedlot officer, shall be the Regulatory Unit of Government responsible for all required EAW's.
- g. Whenever any existing or proposed feedlot operation of 500 animal units or more proposes the construction of a liquid manure storage structure.
- h. Whenever there is proposed to be a change in animal type at an existing feedlot greater than 500 animal units.
- i. Construction of a new feedlot or expansion of an existing feedlot within a wellhead protection zone or a drinking water supply management area as defined by the Minnesota Department of Health. These areas are located at public water supplies.



- j. Manure from out of county sources, produced from 500 a.u. or more is transported into Marshall County. An approved manure management plan from the producer is required as part of the Conditional Use Permit application.
- B. If, in connection with an application for any permit or variance under this Ordinance, a separate permit is required by a state or federal agency, there may be a delay in action on the application pending receipt of the approved permit.

5. Conditional Use Permit Application.

- A. Persons requesting a conditional use permit for an animal feedlot shall submit the following information as part of the application:
  - 1. Names and addresses of all owners, operators and partners.
  - 2. Proposed location of the feedlot and any manure storage structures. Location information shall include full legal description down to  $\frac{1}{4}$  of  $\frac{1}{4}$  or accurate latitude and longitude coordinates.
  - 3. Animal types and maximum number of animals of each type that will be confined at the feedlot.
  - 4. Descriptions of the geological conditions, soil types, groundwater elevations, topography, and drainage pattern(s) of the site and surrounding area.
  - 5. A site plan at a sufficient scale depicting the location of all watercourses and ditches with direction of water flow, as well as residences, roads, and buildings within one mile of the proposed feedlot or waste storage structure.
  - 6. A site plan at a sufficient scale depicting the location of all tile intakes within 300 feet of the proposed feedlot or waste storage structure.
  - 7. A facility operation and manure management plan including:
    - a. Manure handling and application techniques including transfer and application equipment, planned times of manure transfer, planned periods of land application, incorporation techniques, crop types and resulting application rate of nitrogen (N) or phosphorous (P) as may apply. The plan may be reviewed by NRCS, SWCD, the County Extension Service, and by any watershed district within the jurisdiction.
    - b. Planned manure storage system.

- c. Methods and techniques and timing for the disposal of dead animals.
  - d. Signed and dated leases or agreements allowing the applicant to dispose of manure on land not owned by the applicant.
  - e. How the odor from a liquid manure system will be managed during waste storage, waste transfer, land application and building ventilation (Odor Management Plan). An odor management plan is not required for feedlots using a solid manure management system except for open lots exceeding 1000 animal units.
  - f. Approved DNR Water Appropriation Permit, if needed.
  - g. A written statement from the applicant that the applicant has not had a feedlot permit revoked by the MPCA within the past five years.
8. Provisions addressing general facility management and neighbor relation issues described as follows:
- a. Minimizing visibility of the production site where requested.
  - b. Any concerns relating to the distance and direction of neighbors and communities from the site.
  - c. Locating the facilities to accommodate land application of manure.
  - d. Maintenance of facilities.
  - e. Education of area residents regarding proposed expansion or modification plans. Area residents shall be all property owners and residents within one-quarter mile of the affected property, one-half mile for liquid manure storage basins.
  - f. Evaluation of current or proposed farm sites for potential environmental hazards.
  - g. Responding to complaints of citizens and governmental entities relating to the operation of the facility.
  - h. Such additional information as contained in the application or as requested by the County Feedlot Officer, the County Board of Commissioners, or MPCA.
  - i. Approved permits required by other state and federal agencies.
  - k. Any environmental impact statements (EIS) or environmental assessment worksheets (EAW) that may be required by the County or other federal and state agencies.



- I. All building plans, blueprints, and engineers' designs for proposed new construction.

6. Conditional Use Permit Procedures:

- A. Applicants for conditional use permits must fill out and submit to the Marshall County Feedlot Officer a conditional use application form. Applications must be received at least 25 days before the scheduled county board hearing.
- B. After determining the application is complete, the Marshall County Feedlot Officer must forward the application and supporting documentation to the Marshall County Board of Commissioners for their review in a public hearing.
- C. The Marshall County Board of Commissioners must hold a public hearing on the proposal. Notice of the public hearing must be published in the official newspaper at least ten (10) days before the hearing. Written notice of the hearing must also be provided to the governing bodies of all townships, municipalities and property owners of record within one (1) mile of the subject property.
- D. The applicant or their authorized representative must appear before the Marshall County Board of Commissioners to answer questions concerning the proposed conditional use.
- E. The report of the Marshall County Board of Commissioners shall be placed on the agenda at its next regular meeting.
- F. Following consideration of the application, the Marshall County Board of Commissioners must act to approve the application, approve the application with conditions, or deny the application. Decisions must be based on the Conditional Use Permit Findings and on the Standards for Conditional Use Permits.
- G. In granting approval of a conditional use permit, the Marshall County Board of Commissioners may impose conditions it considers necessary to avoid or mitigate adverse land-use impacts associated with the proposed use and protect the public health, safety, and welfare. Any conditions imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to the impact of the proposed use.
- H. A written copy of the Marshall County Board of Commissioners decision, including an explanation of the basis for the decision, must be provided to the applicant.
- I. An amended conditional use permit application will be processed in the same manner as a new conditional use permit.
- J. No application for a denied conditional use permit may be resubmitted for a period of 6 months from the date of denial.

- K. In the event that the applicant violates any of the conditions set forth in the approved conditional use permit, the Marshall County Board of Commissioners is authorized to revoke the conditional use permit, following the same procedure as required for considering a new conditional use permit request.

7. Conditional Use Permit Findings:

- A. The proposed conditional use permit shall not be approved unless the following findings are applicable.
1. The general requirements of this section have been met and can be adhered to.
  2. All other applicable requirements of this Ordinance have been met.
  3. Any required feedlot permit from MPCA has been obtained pursuant to Minnesota Rules Chapter 7020.

8. Standards for Conditional Use Permits:

- A. The County may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the County Feedlot Officer or County Board considers necessary including conditions relating to any of the management practices and other items required to be submitted with the application.
- B. Any change involving structural alterations, enlargement, or similar change not specifically permitted in the conditional use permit shall be considered only as part of a new application for a conditional use permit, unless the county feedlot officer determines the change to be inconsequential, following which the existing Conditional Use Permit may be amended.
- C. The County Board shall deny a Conditional Use Permit for a feedlot if it determines that the proposed feedlot may have the potential for significant effect to:
1. the environment; or
  2. the protection of the public health, safety, and general welfare of the public; or
  3. the County's promotion of the orderly development and/or maintenance of agricultural, residential, recreational, public, commercial and industrial areas; or
  4. the compatibility of different land uses and the most appropriate use of land throughout the county, or
  5. conserving the value of property.



## SECTION 8. SETBACK AND SEPERATION REQUIREMENTS

In order to prevent pollution of surface and ground water, protect valuable agricultural lands, promote sound agricultural practices, and prevent conflicts; this section shall regulate feedlot setbacks for all liquid manure systems and open lots over 1000 animal units. All setbacks in this section shall apply across county lines. The setback standards of the county where the feedlot is located shall apply. In cases where two setbacks may apply, the setback with the greatest distance shall apply.

1. Feedlot setbacks do not apply to the applicant's own residence or a residence on the farm where the feedlot facility is located.
2. New construction shall comply with the standards set forth.
3. The separation distance standards in this section are intended to help protect the public from the odor impacts of feedlots.
4. If a feedlot owner of a liquid manure storage facility obtains a signed and notarized setback waiver from the owner of property which is impacted by the setbacks listed below, the setback to that affected property can be exempted. In turn, any property owner who wishes to build but is prohibited due to the setback to an existing feedlot with a liquid manure system may also get a signed setback waiver from the feedlot owner to exempt them from the setback requirements. A setback waiver constitutes a permanent easement on the property. A setback waiver must be filed with the property deed.
5. The minimum required setbacks shall apply to all new feedlots using liquid manure storage basins as well as expansion of existing facilities. New residences built to replace an existing residence on the same site are exempted. Liquid pits under barns with mechanical ventilation require bio-filters or comparable technology and so are not included in these setbacks unless proposed technology does not meet county standards. No new liquid manure storage structures shall be constructed within the following distances:
6. Open lots exceeding 1000 animal units which do not have a liquid manure storage structure must also meet minimum setbacks. However, the setbacks for these lots shall be those listed below for the 500 to 1000 animal unit sites.

**Liquid Manure Storage Structure Setbacks and Separations**

<b>Lagoon size based on</b>	<b>10 – 249 animal units</b>	<b>250 - 499</b>	<b>500 – 1000 animal units</b>	<b>1001 &amp; higher animal units</b>
Dwellings or residential Structures	1/8 mile	¼ mile	¼ mile	½ mile
Religious facility	1/8 mile	¼ mile	1/4 mile	1/4 mile
Cemetery	1/8 miles	¼ mile	¼ mile	¼ mile
Wetland (type 3-8) & Drainage ditch	300 feet	300 feet	300 feet	300 feet
River / stream	300 feet	300 feet	300 feet	300 feet
Golf course	¼ mile	½ mile	½ mile	½ mile
Public park	¼ mile	½ mile	½ mile	½ mile
Steep slope > 6 degrees	300 feet	300 feet	300 feet	300 feet
Private well	200 feet	200 feet	200 feet	200 feet
Municipality	½ mile	½ mile	1 mile	1 mile
FAA approved airport	1/8 mile	¼ mile	1/4 mile	1/4 mile
Public buildings	1/8 mile	1/8 mile	1/4 mile	1/4 mile
Feedlot > 500 a.u.	1/8 mile	¼ mile	¼ mile	½ mile
Flood plain / Shoreland	Prohibited		Prohibited	Prohibited
Rural residential subdivision	¼ mile	½ mile	½ mile	1 mile



## SECTION 9. MANURE LAND APPLICATION AND STOCKPILE STANDARDS AND SETBACKS

Manure is a valuable fertilizer resource in the production of crops, but when handled improperly manure can contribute pathogens, nutrients, and biological oxygen demanding materials to surface water and negatively impact water quality.

### 1. Manure Management and Application Standards.

- A. Manure application rates shall be based upon soil type, crop requirements, and crop yield goals utilizing the following procedure:
  - i. Calculate the Nitrogen, Phosphorus, and Potassium (NPK) concentration of manure based upon the current official guidelines developed for use by the NRCS, MPCA, and the Minnesota Extension Service.
  - ii. Utilize Minnesota Extension Service fertilizer recommendations or standards to determine crop NPK needs.
  - iii. Develop the livestock waste utilization plan based on this information.
- B. Sampling and testing manure for its actual nutrient concentration is encouraged in place of estimated nitrogen and phosphorus values. Extension Service results or a laboratory analysis may be used for manure concentration values.
- C. Manure shall not be applied directly into gullies or grass waterways

### 1. Manure Stockpile Standards.

- A. Stockpiled manure shall not be permitted to escape the stockpile by runoff or any other means except deliberate, intentional, and lawful removal.
- B. Manure may not be applied at any rate greater than the maximum recommended agronomic rate for the crop to be planted and the time of application, agronomic rates to be determined by the Marshall County Extension Office using the method listed above.

- C. The following minimum setbacks are required for all new and existing stockpiles and all manure application:

Use	Manure Stockpile	Solid manure Surface spread	Liquid manure Incorporated/Injected
School, park, religious Facility	¼ mile		300 feet
Uncultivated Wetlands (over 10 acres)	300 ft.*	50 ft.*	50 ft.*
Public Road Ditch	50 ft.*	25 ft.*	25 ft.*
Surface Tile Inlet/Intake	300 feet		100 feet
Public road	50 ft.*		50 feet
Residence	¼ mile		300 feet
River or stream	300 feet	100 ft.*	100 ft.*
Ten-year flood plain	Prohibited	Prohibited	Prohibited
Well (municipal and rural water)	Subject to Protection	MN Dept. of Plan	Health Wellhead
Well (private)	200 ft.*	200 ft.*	200 ft.*
Municipality/rural Residential subdivision	¼ mile		300 feet

Items with an asterisk are minimum setbacks required by MPCA.

- D. Runoff from manure stockpile sites must not be allowed to enter the waters of the State. Runoff controls such as grass filter strips or earthen berms must be installed if a runoff condition exists.
- E. Incorporation of liquid manure on non-frozen soils must occur within 24 hours of application.



## **SECTION 10. STANDARDS FOR MANURE STORAGE STRUCTURES**

1. All manure storage structures shall conform to MPCA design requirements. All plans for manure storage structures shall be designed, and the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Natural Resource Conservation Service. A copy of the manure storage structure design, signed by a registered engineer, shall be submitted to the County Feedlot Officer.
2. Construction reports and final as-built report shall be signed by an engineer registered in the State of Minnesota or staff of the United States Department of Agriculture Natural Resource Conservation Service and submitted to the County Feedlot Officer. Signed reports are to certify that the manure storage structure was constructed in accordance to MPCA approved plans and specifications. A copy of such signed reports shall be submitted to the County Feedlot Officer.
3. If soils are identified as having severe limitations due to seepage the plans shall include a synthetic liner as required by NRCS.
4. All outside manure stockpiling sites shall be located away from water runoff from surrounding areas. Manure stockpiling sites must meet MPCA technical standards.

## **SECTION 11. STANDARD FOR COMMERCIAL MANURE PUMPING AND LAND APPLICATION**

1. Commercial animal manure pumping and land applicators are person(s) who pump and land apply animal manures for hire. The following conditions apply:
  - A. Incorporation of manure on non-frozen soils must occur within 24 hours of application.
  - B. All conditions of this Ordinance and the feedlot owners' feedlot permit(s) are followed.
  - C. Failure to follow all conditions of this Ordinance shall result in suspension of the right to commercially apply manure in the County and/or punishment under Section 13 of this Ordinance.

## **SECTION 12. MANURE STORAGE AND TRANSPORTATION**

1. All animal manure shall be stored and transported in conformance with Minnesota Pollution Control Agency Rules 7020 and the Marshall County Animal Feedlot and Manure Management Ordinance.
2. All new manure storage structures, or expansion of existing manure storage structures shall comply with this Ordinance.

3. Any plans for manure storage structures shall have been prepared or approved by a registered professional engineer or a U.S. Department of Agriculture Natural Resource Conservation Service employee.
4. Any variation from the manure management plan for utilization of manure must be approved by the County Feedlot Officer.
5. The owner and operator of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with applicable Minnesota Rules and as required by this Ordinance.
6. All vehicles used to transport animal manure on township, county, and state highways or through municipalities 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.
7. No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a permit has been issued by the MPCA.
8. Animal manure, where utilized as domestic fertilizer, shall not be stored for longer than 12 months.
9. A Manure Management Plan as required by this Ordinance shall provide for a minimum of 12 months of storage and utilization capacity for new or expanding feedlots over 500 animal units.
10. All manure storage areas shall have runoff control structures to contain the liquid if the storage area is located where a potential pollution hazard exists.
11. A manure management plan specifying storage capacity adequate for the type and quantity of manure generated by the animal feedlot shall be developed as part of the Conditional Use Permit process.
12. All proposed concrete manure storage structures shall have been prepared or approved by an engineer licensed by the State of Minnesota or a qualified NRCS employee. A report from an engineer licensed by the State of Minnesota or a qualified NRCS employee must be submitted to and approved by the MPCA prior to the construction of the basin.
13. The following additional standards apply to all liquid manure pumping for the protection of environmental quality and public health and safety:
  - A. An owner/operator shall provide written notification to all residential sites abutting a right-of-way where a manure pumping hose is to be located within five but not more than 45 calendar days prior to placing the hose. The notification



shall include the proposed timetable for the manure pumping and the name and phone number of a contact person. Exception will be made if written waiver of notification is granted by the residential property owner.

- B. All tile intakes within 100 feet of manure pumping hoses and any additional tile intakes that could receive spilled manure must be sealed during times of manure pumping by capping, plugging, sand bagging, or other approved method.
- C. An owner/operator of a manure pumping hose shall make reasonable accommodations to allow access to property.
- D. In the event of a spill or release of liquid manure during the pumping or land application process, a representative of the facility or the pumping company shall:
  - 1. Not more than one (1) hour after discovery of the release, notify the Minnesota Duty Officer to report the release. The Duty Officer phone number is 800-422-0798.
  - 2. Immediately stop all pumping and application processes and take all necessary steps to contain and recover the release to prevent it from reaching protected waters.

### **SECTION 13. VIOLATIONS AND ENFORCEMENT**

- 1. Any person who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine and/or imprisonment. Each day that a violation continues shall constitute a separate offense.
- 2. Whenever any work is being done contrary to the provisions of this Ordinance, the Marshall County Feedlot Officer may order the work stopped by written notice personally serviced upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the Marshall County Feedlot Officer and/or MPCA.
- 3. Any person who fails to comply with the conditions set forth on the Conditional Use Permit, may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot.
- 4. No person shall hinder or otherwise interfere with the Marshall County Feedlot Officer or other designated staff in the performance of duties and responsibilities required pursuant to this Ordinance.
- 5. Upon request of the Marshall County Feedlot Officer, the applicant, permittee, or any other person shall allow access at any reasonable time to the affected premises for the



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purposes of regulating enforcing this Ordinance. Refusal to allow access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

## **SECTION 14. VARIANCE**

The Marshall County Board of Adjustment may grant a variance upon application and only in accordance with Minnesota Statutes, Chapter 394. Any person may make an application to the Board of Adjustment for a variance from the literal provisions of this ordinance in instances where their strict enforcement would cause unnecessary hardship because of circumstances unique to the individual property under consideration and where the hardship is not solely economic. No variance application will be accepted from landowners on property on which there are existing violations or delinquent property taxes.

Notice of time, place and purpose of any public hearings shall be published in the official newspaper of the county at least ten (10) days before the hearing. Written notice of public hearings regarding the application for variances, shall be sent to all property owners of record within five thousand (5000) feet of the affected property. Written notice shall be given to the affected Township Board of Supervisors, and the municipal council within two (2) miles of the affected property.

### **Variance Criteria:**

A variance may not circumvent the general purposes and intent of this ordinance. In no case shall a variance be granted which the board determines will:

1. allow any use that is prohibited in this ordinance in which the subject property is located; or
2. restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties; or
3. result in incompatible land uses that would be detrimental to the protection of ground and surface water quality; or
4. not be in keeping with the ordinances or water plan objectives of the County or which will increase or cause danger to life or property; or
5. be inconsistent with the preservation of natural land forms, vegetation or wetlands of the County; or
6. result from the circumstances created by the landowner; or
7. not be changed from a previously denied application.



**Findings of Fact:**

In ruling on a variance request, the Marshall County Board of Adjustment must make written findings of facts upon the following considerations and Minnesota Statutes, Chapter 394.27, Subd.7:

1. The property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. The need for the variance is not justified by economic considerations alone.

**Conditions:**

Conditions, as deemed appropriate by the Marshall County Board of Adjustment, may be attached to enforce the general purpose and intent of this Ordinance.

**Appeal of Decisions:**

The decision of the Marshall County Board of Adjustment shall not be final. Any person having an interest affected by this Ordinance or any decision made relating to it shall have the right to appeal to District Court on question of law and fact within thirty (30) days from the date of recording with the County Recorder. No work may proceed or other permits issued until this appeal period has expired.

**Lapse of Variance:**

A variance must be used within one year of the date the variance appeal period expires.

**SECTION 15. AMENDMENT**

This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedures specified in this Section. The County Board of Commissioners may amend the procedures, standards, requirements, charts, and other provisions of this Ordinance after holding such public hearings as it deems necessary. At least one (1) public hearing shall be required with notice published in the official county newspaper at least ten (10) days before the public hearing. In addition, the Board shall give written notice of any changes and/ or amendments of the official control(s) to the following:

1. The governing bodies of all towns and all municipalities located within the county.

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DEAD ANIMAL DISPOSAL PLAN

In accordance with Minnesota Board of Animal Health regulations I will dispose of my livestock or poultry carcasses by one of the following (circle the appropriate letter). There are specific regulations governing the disposal of dead animals. It is the feedlot owners' responsibility to understand and implement disposal in the proper manner.

- A. Bury – with a minimum of 3 feet of cover and 5 feet above the Seasonal High Water Table.
- B. Incinerate – with a MPCA approved incinerator.
- C. Rendering through the Dead Animal Collection Project
- D. Compost – constructed and operated as specified by the USDA Cooperative Extension Service.

\_\_\_\_\_  
Signature of Livestock Producer



## CONSTRUCTION INSPECTION PLAN

The Construction Inspection shall contain the following minimum criteria:

1. Contractor or landowner to contact Engineer prior to the start of construction.
2. Review plans and specification requirements with contractor. All plans shall conform to MPCA design requirements. All plans shall be designed, and the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Natural Resource Conservation Service. A copy of the design, signed by a registered engineer, shall be submitted to the County Feedlot Officer.
3. During construction, I will inspect the following:
  - a. Moisture content of earth fill material.
  - b. Compaction of earth embankment.
  - c. Basin bottom and slope material after it is cut and placed to grade, but before it is scarified and re-compacted.
  - d. Final elevations, grades and dimensions.
4. Construction reports and final as-built report shall be signed by an engineer registered in the State of Minnesota or staff of the United States Department of Agriculture Natural Conservation Service and submitted to the County Feedlot Officer. Signed reports are to certify that the structure was constructed in accordance to MPCA approved plans and specifications. A copy of such signed reports shall be submitted to the County Feedlot Officer.

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Project Engineer Signature

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Agreement for the Land Application of Animal Manure to Cropland

The undersigned landowner agrees to allow manure from the (name of feedlot where manure is generated)

\_\_\_\_\_ feedlot to be spread on my land in compliance with Minnesota State law governing manure application and the feedlot owners Manure Management Plan.

This land consists of \_\_\_\_\_ acres, located in the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, of \_\_\_\_\_ County, Minnesota.

This agreement shall begin on (date) \_\_\_\_\_ and shall end on \_\_\_\_\_. Additional terms or conditions to this agreement, if any, are listed below.

\_\_\_\_\_  
Signature of Landowner/Tenant

\_\_\_\_\_  
Address and Phone Number:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional terms or conditions:



302002

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Recommended by the Marshall County Feedlot Ordinance Committee, Marshall County, Minnesota, this 17<sup>th</sup> day of July, 2007.

Chairperson:

Howell P...  
Marshall County Feedlot Ordinance Committee

Passed and approved by the Board of Commissioners, Marshall County, Minnesota, this 17<sup>th</sup> day of July, 2007.

Chairperson:

Sharon Brings, Chairperson  
Marshall County Board of Commissioners

Attest:

Scott Peters  
Scott Peters, Marshall County Auditor

I, Scott Peters, do hereby certify that this is a true and correct copy of the Marshall County Animal Feedlot and Manure Management Ordinance as passed by the Marshall County Board of Commissioners on July 17<sup>th</sup> 2007.

Scott Peters  
Scott Peters, County Auditor

Date of Publication August 16<sup>th</sup> 2007

Filed in the Office of the County Recorder, Marshall County, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.