



March 15, 2024

**Proposed changes to Mower County Zoning Ordinance  
Sections 14-7, 14-18.2, and 14-24  
for Public Notice:**

[Current Ordinance](#) under Departments/Environmental Services/Ordinances

Proposed Changes/Modifications to Section 14-7 Definitions (new text in blue, deleted text struck through, potential points of discussion highlighted)

Animal Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of ~~more than ten (10) animal units~~ and specifically designed as a confinement area in which manure may accumulate, or where the concentration of ~~any number of animal units~~ is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. *[This now matches the definition of animal feedlot, per MN Rules 7020.]*

~~... request. This request shall be subject to approval from sections 14-18.2, and 14-24.~~

(c) An animal feedlot in **shoreland** that has been unused may resume operation after obtaining a permit from the agency or county, regardless of the number of years that the feedlot was unused.

Animal Feedlot, Existing - A feedlot, containing, utilizing or consisting of at least one building, must have had an assessed value for real estate tax purposes in excess of the value of the underlying land with the five (5) year period preceding the date of the feedlot application. In addition, all feedlots must have been used for the confined feeding, breeding, raising, or holding of ten (10) or more animal units in shoreland areas or fifty (50) or more animal units in other areas within the five (5) year period preceding the date of the feedlot application. Those feedlots without permits must be permitted or have a pending application for a permit on file with the Mower county Feedlot Officer by December 31, 1999, to be considered an "existing feedlot". **Those feedlots with less than ten (10) animal units in shoreland areas or less than fifty (50) animal units in other areas will be considered an "existing feedlot" if the applicant or predecessor in title has obtained or requested a letter from the Mower County Feedlot Officer or the Minnesota Pollution Control Agency by December 31, 1999, indicating that a feedlot exists at the site, but that a feedlot permit was not required because of the size of the operation.**

- A feedlot which is currently registered with the State of Minnesota as a feedlot regardless of Animal units.
- A prior, unregistered feedlot which:
  - **Those feedlots with less than ten (10) animal units in shoreland areas or less than fifty (50) animal units in other areas will be considered an "existing feedlot" if the applicant or predecessor in title has obtained or requested a letter from the Mower County Feedlot Officer or the Minnesota Pollution Control Agency by December 31, 1999, indicating that a feedlot exists at the site, but that a feedlot permit was not required because of the size of the operation.**

Animal Feedlot, Expansion or expanded - ~~When animal units will increase to where new buildings are needed for housing.~~ Expansion or Expanded means construction or any activity that has resulted in or may result in an increase in the number of animal units that an animal feedlot is capable of holding or

an increase in storage capacity of a manure storage area. **[This now matches the definition of animal feedlot, per MN Rules 7020.]**

Mower County will use the following terms to define feedlots based on their size, statutory reporting requirements of MN Rules 7020. Please refer to the “guidance document ‘Feedlots by size’ included.”

- **Hobby Farm:** - Mower County Enrollment required to qualify. Size-wise less than required to register in accordance with MN Rules 7020. Enrollment will be with Mower County.\*
- **Small Feedlot:** Those feedlot sites which are required to register in accordance with MN Rules 7020 and are less than 100 AUs and obtain feedlot permits from Mower County.\*
- **Medium Feedlot** – Those feedlot sites which are required to register in accordance with MN Rules 7020 and are 100 AU up to 299 AUs and obtain feedlot permits from Mower County.\*
- **Large Feedlot** - Those feedlot sites which are required to register in accordance with MN Rules 7020 and are 300 AUs and larger, but yet less than a state-permitted CAFO.\*
- **CAFO** – State permitted feedlot facility.\*
- **CAFO** – State permitted feedlot facility. Mower County defines as an “Industrial feedlot” and requires a conditional use permit.\*

\*Zoning permits may be required from Mower County in addition to State or County “Feedlot Permits” prior to any construction.

**Animal Feedlot, New** - ~~An animal feedlot constructed and operated on a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been unused for a period of five (5) years or more.~~ Means an animal feedlot or manure storage area that is constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or that existed previously and has been unused for five years or more. **[This now matches the definition of animal feedlot, per MN Rules 7020.]**

**Animal Feedlot, Permitted** –

1. A registered feedlot of record
2. An animal feedlot which has obtained a feedlot authorization from the Mower County Feedlot Officer ~~and~~ or a Minnesota Pollution Control Agency (MPCA) Certificate of Compliance and other required State and Federal permits before January 1, 2000.
3. All permits authorized by MPCA prior to June 1, 1996, shall be considered to have lawfully obtained a valid Mower County Feedlot Authorization.

**Concentrated Animal Feeding Operation or CAFO:** is an animal feedlot meeting the definition of a large, medium or small CAFO under Code of Federal Regulations, title 40, Section 122.23.

**County Feedlot Pollution Control Officer** - ~~A County employee or officer who is knowledgeable in agriculture and who is designated by the County Board to receive and process animal feedlot permit applications.~~ means an employee or officer of a delegated county who is knowledgeable in agriculture and who is designed by the county board to perform the duties under part 7020.1600. **[This now matches the definition of animal feedlot, per MN Rules 7020.]**

**Family** - A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family, including the domestic employees thereof. Any group of ~~persons~~ people not so related but inhabiting a single house, shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in each group. A family shall include the livestock operation owner, the livestock operation owner’s parents or stepparents, children or stepchildren.

**Feedlot Modification:** means a change to the facility component or operation practice described, required, or authorized by a permit issued by MN Chapter 7020, including an expansion. Major and minor modifications are defined below. MN Rules 7020.0405, subpart 5 and chapter 7001 govern public notice of changes to feedlot permits. A change to a facility component or operational practice that is not described, required, or authorized by a permit is not a modification. The following items are NOT considered a modification:

A.	The type of crop or manure application rate if consistent with the methodology portion of the manure management plan and reflected in required records;
B.	Routine maintenance;
C.	Feeding or milking schedules;
D.	Animal diets;
E.	Bedding materials so long as consistent with approved design plans and specifications;
F.	Equipment used to clean the facility so long as consistent with approved design plans and specifications;
G	Lands used for pasture;
H.	Facility components not involved directly in animal or manure management such as an office, or machine shed. Mower County also excludes: <ul style="list-style-type: none"> <li>• Silos, grain bins, grain legs, and hay sheds which may be used to support the feedlot operation;</li> <li>• Feed bunks, silage bags, or other supplemental feeding devices when not negatively impacting surface waters;</li> </ul>

**Major Feedlot Modification:** a modification that allows expansion of animal unit or manure storage area capacity, changes the method of manure storage or does not meet the criteria of part 7001.0190, subpart 3, which is: to correct typographical errors, to change an interim compliance date as specified, to change a provision of the permit which will not result in an increase in emission or discharge as specified; or if applicable, to make changes as provided in MN Rules 7001.0730, subp 3; 7001.1150 subp 2 or 7001.03550, subp 3.

**Minor Feedlot Modification:** a modification that changes land identified in a manure management plan for manure application. Nonroutine maintenance such as the replacement of a liquid manure storage area liner, physical changes to structures housing animals or holding manure that do not result in an expansion of animal units or manure storage area capacity, or a modification that meets the criteria of Part 7001.0190, subp 3 which is: to correct typographical errors, to change an interim compliance date as specified, to change a provision of the permit which will not result in an increase in emission or discharge as specified; or if applicable, to make changes as provided in MN Rules 7001.0730, subp 3; 7001.1150 subp 2 or 7001.03550, subp 3.

. Nor NPDES permits, classification as a minor modification under MN Rules 7020 does not release the permitted from federal notice requirements.

**Pastures are:**

A. an area, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season, except that vegetative cover is NOT required:

(1)	In the immediate vicinity of supplemental feeding devices or water devices;
(2)	In associated corrals and chutes where livestock are gathered for the purpose of sorting, providing veterinarian services, loading and unloading trucks and trailers, and other necessary activities related to a good animal husbandry practice;
(3)	In associated livestock access lanes used to convey livestock to and from areas of the pasture; or

B. Agricultural land:

(1)	Where livestock are allowed to forage during the winter;
(2)	That is used for cropping purposes during the growing season, and;
(3)	Where the concentration of animals is such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices.

**Feedlot Special Protection Areas:** are lands within 300 feet of all:

A.	Protected waters and protected wetlands as identified on DNR (Department of Natural Resources) protected waters and wetlands maps; and
B.	Intermittent streams and ditches identified on USGS (United States Geological Survey) quadrangle maps, excluding ditches with berms and segments of intermittent streams which are grassed waterways;

**[Shoreland - is already defined in the ordinance]**

## SECTION 14-18.2. SPECIAL REQUIREMENTS FOR FEEDLOTS.

- (a) Feedlots, in Mower County, that are required to register:
- (1) Any feedlot 10 animal units or greater,
    - (a) Voluntary registration of a feedlot less than 10 animal units is allowed at owners discretion.
  - (2) A new feedlot (as defined)
  - (3) An expansion (as defined)
  - (4) Major Feedlot modification (as defined)
- (b) Exempt from Feedlot Registration:
- (1) Pastures as defined.
  - (2) Feedlots less than 10 AU, which do not voluntarily register.
- (c) Registered Feedlots will be subject to annual feedlot fees as determined by the Mower County Board of Commissioners annual fee schedule.
- (d) **New Hobby Farms:**
- (1) Must meet well setbacks in accordance with Minnesota Department of Health from all proposed or existing wells for feedlots/feedlot structures, (generally 50 or 100 feet depending on the depth of well);
  - (2) Cannot utilize liquid manure storage areas (LMSA's) or contain outdoor permanent manure storage areas (such as permanent manure pads);
  - (3) Cannot be located in the following zoning districts: R-1 (residential), within a platted residential subdivision, Business, Industrial, or Freeway Interchange Districts;
  - (4) Cannot contain open lots. Grazing or pasture areas must maintain a vegetative cover except immediately around feeding or watering facilities;
  - (5) Cannot create a potential pollution problem;
  - (6) Shall be limited to 50 birds or less;
  - (7) Must sign and Record the Hobby Farm disclosure.
- (e) Existing Hobby Farms are exempt:
- Existing Hobby Farms and any new or proposed feedlot construction is exempt from the 1,000 ft setback requirements from neighboring residences until the threshold for state registration is met or exceeded. This would be at a small feedlot status.
    - Thereafter, all future construction must meet the 1000 ft setback from a neighboring residence, or a variance must be granted prior to construction.
  - Any existing Hobby Farm construction shall be further away from the neighboring residence than the existing feedlot structures being used.
    - Encroachment closer to a neighboring residence than existing structures shall require a variance by the Board of Adjustment, prior to construction.
  - If an existing structure is being added onto; the addition cannot encroach closer to a neighboring residence without a variance being granted by the board of Adjustment.
  - New Hobby Farms may not be established within 100 feet from a neighboring residence.
- (f) All feedlots constructing a building or structure must obtain a zoning permit from the Mower County Planning Department for the construction of any building, structure, or facility prior to construction.
- ~~(g) All feedlots (including existing, new and expansions) of ten (10) or more animal units in shoreland areas and fifty (50) or more animal units in other areas require feedlot permits from the Mower County Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA) indicating conformance with Minnesota Rules, Chapter 7020, or successor rules.~~

- (h) Feedlots may expand on contiguous land that the feedlot owner owns but the expansion must begin within 500 feet of the existing feedlot.
- (1) A feedlot expansion that begins further than 500 feet from the existing feedlot shall be considered a "new feedlot".
- (i) A map shall be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit a Notice of Construction or Expansion (permit), a Feedlot Construction Short Form Permit or Zoning permit, showing the location of the existing and/or proposed feedlot buildings or structures, water features within 300 feet, if applicable animal burial areas, and other existing conditions of the area within 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.
- (j) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.
- (k) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable. Fees are used as a financial match for state funding to maintain a local feedlot officer position.
- (l) Herd size limitation may not exceed 3,000 animal units per site.
- (m) An applicant for a new feedlot or feedlot expansion, including those that do not require a County permit but require an MPCA permit, must provide written notice of intent to the township and all property owners within a one (1) mile 5,000 ft radius of the facility. Property owners who reside within the one (1) mile 5,000 ft radius in a municipality will not be notified. Notification will then go to the municipality. A certificate of mailing will be provided to the Feedlot Officer. Proof of mailing shall be required by exercising one of the following two options:
- (1) The feedlot operator shall provide a certificate of mailing (without return receipt of landowner signature) to the Mower County Feedlot Officer, or
- (2) Mower County can send notices of mailing on behalf of the feedlot applicant to the surrounding landowners. Mower County will create a list of landowner mailings from tax-payer records generated per the County's GIS system within the required radius. Mower County will create and sign a letter of Affidavit for when the notices were mailed and by who. Attached to the affidavit shall be a listing of landowners and address mailed.
- (a) The feedlot applicant shall be responsible for providing any landowner data which falls outside of boundaries of Mower County; and
- (b) The feedlot applicant shall be responsible for the cost of mailing the letters to landowners by first class mail at the current rate of the USPO at the time of mailing plus cost of copies in accordance with Mower County's fee schedule; and
- (c) Feedlot and construction permits shall not be issued until repayment for mailing and copy costs have been received.
- (n) The producer of a new feedlot or feedlot expansion has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.
- (o) New feedlots, except for Hobby Farms, shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000-foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All "family related

feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.

- (p) New feedlots, with the exception of Hobby Farms, shall not be located within  $\frac{1}{2}$  mile of an incorporated city limit. Hobby Farms cannot meet or exceed the Hobby Farm threshold.
- (q) Any new dwelling (except for the dwelling of the property owner or feedlot operator), school, church, platted subdivision and/or public park, must be setback at least 1,000 feet from an existing feedlot, except for a Hobby Farm which does not voluntarily complete a feedlot registration and therefore does not have this 1,000 foot setback protection.
- (r) The setback requirements are to be measured from the outermost boundaries of the feedlot to the existing dwelling, church or school. In the case of residential lots of record, public parks, platted subdivisions and incorporated city limits, the measurement will be from the feedlot to the closest property line.

**Division 5 Board of Adjustment, Section 14-24 Application, Appeal:** An appeal from any order, requirement, decision or determination of an administrative official shall be filed with the Board of Adjustment through the Office of the Zoning Administrator [within 30 days, after receipt of written notice](#), together with the required fee. Any Notice of Appeal shall specify the grounds thereof. The Zoning Administrator shall refer the appeal and grounds thereof to the Board of Adjustment