

ORDINANCE NO. 2013-2

**Haven Township
Sherburne County, Minnesota**

**ORDINANCE AMENDING HAVEN TOWNSHIP ZONING ORDINANCE NO. 2011-3
BY ADOPTING REGULATIONS FOR NEW FEEDLOTS AND THE EXPANSION OF
EXISTING FEEDLOTS WITHIN THE ORDERLY ANNEXATION AREA**

WHEREAS, Sherburne County adopted Ordinance No. 203 eliminating feedlots as a conditional use in Agricultural Districts effective May 24, 2013; and

WHEREAS, Haven Township and the City of Saint Cloud, both located in Sherburne County, entered into the Orderly Annexation Agreement in 2010 to encourage development and the extension of services to properties within a certain area of Haven Township (the "Orderly Annexation Area") that are contiguous to the City limits; and

WHEREAS, the Orderly Annexation Area has many rural residential housing subdivisions which would be negatively impacted by the absence of regulations for new feedlots or the expansion of existing feedlots; and

WHEREAS, Haven Township has determined that the elimination of the conditional use requirement for feedlots at the County level reduces the oversight of feedlots and does not adequately protect the health, safety and welfare of its citizens within the Orderly Annexation Area; and

WHEREAS, Haven Township wishes to amend its zoning ordinance by adding regulations for new feedlots and the expansion of existing feedlots at the township level by establishing feedlots as interim uses within the Orderly Annexation Area; and

WHEREAS, Haven Township issued a public hearing notice regarding this ordinance amendment on July 16, 2013, and held said public hearing on August 19, 2013; and

WHEREAS, in order to protect the health, safety and general welfare of its citizens, Haven Township adopts this amendment to its zoning code.

NOW, THEREFORE, the Haven Township Board, pursuant to Minnesota Statutes § 368.01, Subd. 19 and § 462.357, Subd. 1, ordains as follows:

The following changes shall be made to the Haven Township Zoning Ordinance.

A. Section 5, Definitions and Rules of Language Construction, Subdivision 2, Definitions, of the Haven Township Zoning Ordinance is hereby amended by adding the following definitions:

Animal Unit (AU): A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting value for the total number of animal units. The following multiplication factors shall apply:

- A. Dairy Cattle:
 - 1. one mature cow (whether milked or dry):
 - 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 unit;

- 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 unit;
 - 3. one cow and calf pair, 1.2 animal unit; and
 - 4. one calf, 0.2 animal unit;

- C. One Head of Swine:
 - 1. over 300 pounds, 0.4 animal unit;
 - 2. between 55 pounds and 300 pounds, 0.3 animal unit; and
 - 3. under 55 pounds, 0.05 animal unit;

- D. One Horse, 1.0 animal unit;

- E. One Sheep or Lamb, 0.1 animal unit;

- F. Chickens:
 - 1. one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
 - 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 unit;

- G. One Turkey:
 - 1. over five pounds, 0.018 animal unit; or
 - 2. under five pounds, 0.005 animal unit;

- 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.

Feedlot: A lot confined area or building or combination of lot confined areas 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 for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

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

Manure Storage Area: An area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and manure composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MN Rule 7020.2000, Subd. 3, are not manure storage Areas.

B. Section 7, Agricultural District, is amended by adding Subdivision 3 as follows:

Subdivision 3 Interim Uses in the Orderly Annexation Area

Land in the Agricultural District within the Orderly Annexation Area as defined in Haven Township Resolution No. 2010-3 adopted in 2010 may be used for the following purpose only with the issuance of an Interim Use Permit. Refer to Section 12 for a description of the requirements for this Interim Use.

1. Feedlots and/or Manure Storage Area meeting the requirements of Section 14, Subd. 17.

C. Section 7, Agricultural District, Subdivision 5, Dimensional Regulations, No. 3, Minimum Setbacks, Principal or Accessory Structures, under the heading “Unplatted parcels,” is amended by adding the following language at the end thereof:

A residence not located on the same property as a feedlot or manure storage area shall meet the minimum setbacks from a feedlot and manure storage area, as set forth in Section 14, Subd. 17. However, a residence existing prior to July 15, 2013, that does not comply with the feedlot or manure storage area setbacks, may continue and may expand without being considered a non-conforming structure.

D. Section 7, Agricultural District, Subdivision 5, Dimensional Regulations, No. 3, Minimum Setbacks, Principal or Accessory Structures, under the heading “Platted Lots,” is amended by adding the following language at the end thereof:

A residence not located on the same property as a feedlot or manure storage area shall meet the minimum setbacks from a feedlot and manure storage area, as set forth in Section 14, Subd. 17. However, a residence existing prior to July 15, 2013, that does not comply with the feedlot or

manure storage area setbacks, may continue and may expand without being considered a non-conforming structure.

E. Section 7, Agricultural District, Subdivision 7, General Regulations, is amended as follows:

Additional regulations for signs, septic systems, accessory buildings, fences, manufactured homes, and site plan reviews, and animals are presented in Section 14, General Development Regulations.

F. Section 7, Agricultural District, Subdivisions 3 – 7 shall be renumbered as follows:

- Subdivision 4
- Subdivision 5
- Subdivision 6
- Subdivision 7
- Subdivision 8

G. Section 12, Interim Use Permits, Subdivision 4, is amended by adding the following:

- 29. Feedlots and/or Manure Storage Areas in the Orderly Annexation Area as defined in Haven Township Resolution No. 2010-3 adopted in 2010.

H. Section 12, Interim Use Permits, Subdivision 5, is amended by adding the following:

- 29. **Feedlots and/or Manure Storage Areas**, provided:
 - A. All Feedlots shall comply with MN Rule 7020.
 - B. Manure Storage Areas shall be designed, constructed and maintained in compliance with MN Rule 7020.2100.
 - C. All feedlots and/or manure storage areas shall comply with Section 14, Subd 17.
 - D. All proposed feedlots and/or manure storage areas requiring an Interim Use Permit shall submit an application to the Town Board, along with the required fee and the following information:
 - 1. A complete Interim Use Permit application with a map or aerial photo indicating dimensions of the feedlot and/or any manure storage area, and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow; and
 - 2. A copy of approval from the MPCA to operate a feedlot.

I. Section 14, General Development Regulations, is amended by adding the following subdivision under the introduction thereof:

Subdivision 17: Feedlots and/or Manure Storage Areas

J. Section 14, General Development Regulations, is amended to include the following as Subdivision 17:

Subdivision 17: Feedlots and/or Manure Storage Areas

- A. All feedlots shall comply with MN Rule 7020.
- B. Manure Storage Areas shall be designed, constructed and maintained in compliance with MN Rule 7020.2100.
- C. For the purposes of this section, Manure Storage Areas shall be regulated according to the number of animal units the Manure Storage Area is designed and constructed to accommodate.
- D. An Interim Use Permit issued for any feedlot and any manure storage area shall authorize the feedlot owner/operator to maintain any number of animal units within the allowable range of the tier designated in the permit. The number of animal units contained in the feedlot must not exceed the maximum number allowed in the designated tier unless the feedlot owner/operator first obtains a new or amended Interim Use Permit for the appropriate higher tier.
- E. An MPCA registered feedlot or manure storage area existing prior to (date of adoption) that does not comply with the setbacks established in this Section may continue as a non-conforming use within the same tier or a lesser tier.
- F. An MPCA registered feedlot or manure storage area existing prior to (date of adoption), that does not comply with the setbacks established in this Section may expand in area so long as the expansion does not further encroach upon the setbacks and the expansion does not result in the feedlot increasing to a higher tier.
- G. New feedlots and manure storage areas, and the expansion of existing feedlots and manure storage areas are prohibited within the Shoreland and Floodplain districts, in compliance with MN Rule 7020.2005.
- H. All proposed feedlots and/or manure storage areas requiring an Interim Use Permit shall submit an application to the Town Board, along with the required fee and the following information:
 - 1. A complete Land Use Permit application with a map or aerial photo indicating dimensions of the feedlot and any manure storage area, and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow; and
 - 2. A copy of approval from the MPCA to operate a feedlot.

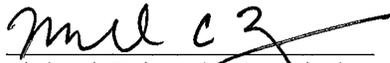
Adopted this 19 day of August, 2013.

Yes 3
No 0

HAVEN TOWNSHIP BOARD

By 
Jeff Schlingmann, Its Chairperson

ATTEST:

By 
Michael Zniwski, Its Clerk

