

BENTON COUNTY ORDINANCE NO. 293

WHEREAS, the Benton County Board of Commissioners instituted proceedings to amend Ordinance 185 as follows; and,

WHEREAS, on April 28, 1998 Notice of Public Hearing and intent to amend Benton County Ordinance 185, Section 9. was published in the official newspaper of the county; and,

WHEREAS, on May 14, 1998 the Benton County Planning Commission held a public hearing thereon and recommended to the Benton County Board of Commissioners that said amendments be approved; and,

WHEREAS, on May 19, 1998 the Benton County Board of Commissioners took official action to approve the proposed amendment.

WHEREAS, on August 4, 1998 the Benton County Board of Commissioners took official action to approve the proposed amendment.

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:

that Benton County Ordinance 185, Section 9.14 be amended to read as follows:

9.14.1 Definitions: The following terms, as used in sections 9.14.2 through 9.14.5, shall have the meaning given in this section.

Non-Feedlot Residence: Any dwelling that is not located on the same farmstead as the feedlot.

Contiguous Parcel: A parcel, or abutting parcels, upon which the feedlot is located and which is owned by the feedlot permit applicant.

Tier I Feedlot: An area or building, as described in section 3.59, intended and designed for the feeding, breeding, raising or holding of between 25 to 500 animal units.

Tier II Feedlot: An area of building, as described in section 3.59, intended and designed for the feeding, breeding, raising or holding of between 501 and 1500 animal units.

Tier III Feedlot: An area of building, as described in section 3.59, intended and designed for the feeding, breeding, raising or holding of between 1501 and 2500 animal units.

9.14.2 Permitted Uses

Tier I feedlots shall be a permitted use in areas zoned A-1 or A-2, subject to the restrictions set forth in Section 9.14.4.

9.14.3 Conditional Uses

Tier II and Tier III feedlots shall be conditional uses in areas zoned A-1 or A-2.

Conditional use permits for feedlots may only be granted if the following requirements are met:

1. The applicant must obtain a valid MPCA certificate of compliance, as defined in Minnesota Rules Part 7020.0300, pertaining to the feedlot site.
2. The feedlot must be located in compliance with the minimum setbacks and minimum parcel size restrictions described in Section 9.14.4.
3. The feedlot must meet the criteria of Section 11.6.

9.14.4 Minimum Setbacks and Parcel Size

Number of Animal Units (au) Permitted:	Tier I 25-500 au	Tier II 501- 1500 au	Tier III 1501-2500 au
Non-Feedlot Residence	660 feet	990 feet	1320 feet
Road R-O-W	65 feet	125 feet	200 feet
Incorporated City with a population over 500	1320 feet	2640 feet	3960 feet
Lake	1000 feet	1000 feet	1000 feet
River, Creek, Stream or Water course	300 feet	300 feet	300 feet
Property Line	80 feet	100 feet	200 feet
Existing Feedlot	660 feet	660 feet	660 feet
Minimum Contiguous Parcel	35 acres	75 acres	115 acres

9.14.5 Feedlot Expansion

A land use permit or conditional use permit obtained for a Tier I, Tier II, or Tier III Feedlot shall authorize the feedlot owner/operator to maintain any number of animal units within the allowable range for that tier. The number of animal units contained in the feedlot must not exceed the

maximum allowed in the permitted tier. If the number of animal units contained in the feedlot at any time exceeds, or is anticipated to exceed, the number allowed in the permitted tier, the property owner must obtain a new or amended conditional use permit for the appropriate higher tier.

This Ordinance amendment shall be effective on August 4, 1998.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 4th day of August in the year of 1998.



Al Seppelt, Chair
Benton County Board of Commissioners

ATTEST:



Richard Speak, County Clerk

SEAL:



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OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

DEC 22 8 29 AM '98

ALICE G. ENOELMEYER
COUNTY RECORDER

BY  DEPUTY