

BENTON COUNTY ORDINANCE NO. 342

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

WHEREAS, on April 2, 2002, Notice of Public Hearing and intent to amend Benton County Ordinance 185 was published in the official newspaper of the county; and,

WHEREAS, on August 14, 2001, the Benton County Planning Commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and,

WHEREAS, on April 16, 2001, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Benton County Ordinance 185 be amended to read as follows:

Amend Section 4.2.1 (1) No nonconforming use or nonconforming structure shall be extended, expanded, enlarged or increased in intensity, except a nonconforming structure meeting the requirements of paragraph (7) or of Section 6.4.1(b) (Ord. #259 adopted 11/21/95), or a nonconforming feedlot meeting the requirements of Section 9.14.5 B.

Amend Section 9.14, Large Scale Animal Feedlots

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 999 animal units.

Tier II Feedlot: An area or building, as described in section 3.59, intended and designed for the feeding, breeding, raising or holding of between 1,000 and 2,500 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

- A. Tier II 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.
- B. Livestock waste storage facilities shall be conditional uses in areas zoned A-1. Conditional use permits for waste storage facilities may only be granted if the following requirements are met:
 - 1. The applicant must have obtained a valid MPCA feedlot permit.
 - 2. The waste storage facility must comply with all applicable state requirements for soil, water and air pollution.
 - 3. The facility shall not be located within six hundred sixty (660) feet of any non-feedlot residence at which the storage facility is located.
 - 4. The facility must be at least 200 feet from a road right-of-way.

9.14.4

Minimum Setbacks and Parcel Size

Number of Animal Units (au) Permitted:	Tier I 25-999 au	Tier II 1,000- 2500 au
Non-Feedlot Residence	660 feet	660 feet
Centerline of Road	100 feet	100 feet
Incorporated City with a population over 500	660 feet	660 feet
Lake	1000 feet	1000 feet
River, Creek, Stream or Water course	300 feet	300 feet
Property Line	80 feet	80 feet
Existing Feedlot	660 feet	660 feet
Minimum Contiguous Parcel	35 acres	75 acres

- 9.14.5 A. Feedlot Expansion A land use permit or conditional use permit obtained for a Tier I or Tier II 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.
- B. Notwithstanding Section 4.2.1, any otherwise lawful feedlot which is rendered nonconforming solely by expansion or extension of a municipal boundary may be expanded, provided that the expansion shall not encroach upon the affected municipality to any greater extent than the preexisting feedlot, and provided that the feedlot owner has obtained an appropriate land use permit or conditional use permit, as required by Section 9.14.2 or 9.14.3.

9.14.6 Residential Setbacks

Non-feedlot residences must meet the minimum setbacks from a feedlot set forth in Section 9.14.4

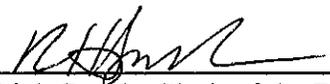
This Ordinance shall be effective upon publication.

The ordinance adopted is too lengthy to be published in its entirety. The full text of the ordinance is available for public inspection at the Benton County Department of Development and the office of the Benton County Auditor/Treasurer.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 16th day of April in the year of 2002.



 Duane Cekalla, Chair
 Benton County Board of Commissioners

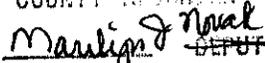
ATTEST:


 Rick Speak, Clerk of the Board

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

APR 16 1 59 PM '02

MARILYN J. ...
 COUNTY RECORDER
 BY  DEPUTY