

AGRICULTURAL USES

FACT SHEET

CASS COUNTY ENVIRONMENTAL SERVICES

Agricultural Use Real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

- a. Chemical and fertilizer spraying
- b. Farm machinery noise
- c. Extended hours of operation
- d. Storage and spreading of manure and biosolids under state permit
- e. Open storage of machinery
- f. Odors produced from normal farm activities
- g. On farm marketing of farm products

1102 AGRICULTURAL USES

- A. Existing agricultural activities are allowed in all districts, but shall not be expanded or intensified in the (UG) Urban Growth, (COM) Commercial, and (RR-1) Rural Residential districts.
- B. For agricultural uses, building permits are required only for the principal dwelling, garage, and individual sewage treatment system. However, all structures shall meet appropriate setbacks.
- C. In addition, in the Agriculture/Forestry(AF), farmers may, without a land use permit, use their land for the landing and takeoff of aircraft for the purpose of performing agricultural crop dusting and similar activities provided there are no permanent service, fuel storage, aircraft storage or other facilities.
- D. An agricultural use shall be considered terminated if no such use has taken place within five (5) years.

1102.1 Agricultural Easements

As a part of any permit for residential development adjacent to land being used for an agricultural use, the owners of the property on which the residential development is located shall grant to the owners of all property adjacent to the development, a perpetual nonexclusive easement as follows:

- A. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operations of machinery, application of irrigation water, spreading of animal manure, and other accepted and customary agricultural activities conducted in accordance with federal and state laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common

law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

- B. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
- C. This easement is appurtenant to all property adjacent to the residential development and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.
- D. This easement shall be filed on forms provided by the Department (See Appendix B, 1.)

1102.2 Feedlots

- A. No person shall expand or create an animal feedlot with three hundred (300) or more animal units without first making application for a conditional use permit meeting the standards set forth in Cass County Feedlot Management Ordinance.

1102.3 Animal Density Regulations

- A. On riparian parcels in the Shoreland zone, only domestic animals commonly kept as pets are permitted.
- B. On non-riparian parcels in the Shoreland zone of less than 2 acres, only domestic animals commonly kept as pets are permitted.
- C. On non-riparian parcels in the Shoreland zone, or parcels in the non-shoreland zone of at least 2 acres, but less than 3 acres, one (1) animal unit of farm animals are permitted.
- D. On non-riparian parcels in the Shoreland zone, or parcels in the non-shoreland zone of at least 3 acres, one (1) animal unit of farm animals may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 6 animal units.
- E. On parcels in the non-shoreland zone of at least 3 acres, one (1) animal unit of farm animals may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 300 animal units.
- F. The keeping of wild or exotic animals shall be permitted only in agricultural/forestry zones with a conditional use permit and other required state and federal permits.

G. Manure shall not be allowed to accumulate. Manure shall be land spread in accordance with the Cass County Feedlot Management Ordinance.

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