

**SECTION 1 — GENERAL PROVISIONS
AMENDED NOVEMBER 19, 1996**

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
1.1....Subdivision 1 — Title.....	1
1.2....Subdivision 2 — Statutory Authorization.....	1
1.3....Subdivision 3 — Purpose and Jurisdiction	1
1.4....Subdivision 4 — Compliance and Interpretation.....	1
1.5....Subdivision 5 — Severability	2
1.6....Subdivision 6 — Future Detachment.....	2
1.7....Subdivision 7 — Establishment of Zoning Districts.....	2
1.8....Subdivision 8 — Official Ordinance Maps	2
1.9....Subdivision 9 — Definitions	3

SECTION 1 — GENERAL PROVISIONS
AMENDED: NOVEMBER 19, 1996

1.1. Subdivision 1 — Title

- 1.1.1. Except when referred to herein as the ordinance, this ordinance shall be known, cited, and referred to as the "Chippewa County Land and Related Resources Management Ordinance."

1.2 Subdivision 2 — Statutory Authorization

The County Planning Enabling Act of 1974 makes the following statement: "The Board shall have the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance shall be the basis for official controls adopted under the provisions of Sections 394.21 to 394.37." (Minnesota Statutes 1974, 394.23). The act goes on to specifically mention zoning as a form of official control to carry out the objectives of the comprehensive plan. (Minnesota Statutes 1974, 394.25, Subdivision 2). The Chippewa County Land and Related Resources Plan accompanies and is made part of this ordinance. This ordinance shall conform with the goals and objectives of the Chippewa County Land and Related Resources Plan and shall conform with the following legislation:

- 1.2.1. Minnesota Statutes, Sections 103F.301 - 103F.345, Minnesota Rules, Parts 6105.0010 - 6105.0250. (Identifies minimum development standards and permitted uses of land adjacent to the Minnesota River in order to protect and preserve its scenic and recreational value.)
- 1.2.2. Minnesota Statutes, Sections 103F.101 - 103F.165, Minnesota Rules, Parts 6120.5000 - 6120-6200. (Identifies permitted uses of land lying adjacent to rivers and streams within Chippewa County in order to minimize future flood losses.)
- 1.2.3. Minnesota Statutes, Sections 103F.201 - 103F.221, Minnesota Rules, Parts 6120.2500- 6120.3900. (Identifies minimum development standards on lands that lie adjacent to the lakes, rivers, and streams within Chippewa County.)

1.3. Subdivision 3 — Purpose and Jurisdiction

This ordinance is to regulate the uses and development of land in the unincorporated areas of Chippewa County which adversely affect the public's health, safety, and general welfare.

1.4. Subdivision 4 - Compliance and Interpretation

- 1.4.1. No structure in Chippewa County that lies outside the incorporated limits of any municipality shall be erected or altered which does not comply with the regulations of this ordinance nor shall any structure or premises be used for any purpose other than a use permitted by this ordinance. After the effective date of the ordinance, any existing use of land or structure not in conformity with this ordinance shall be regarded as a non-conforming use.
- 1.4.2. In interpreting the provisions of this ordinance, they shall be considered to be the minimum requirements for the promotion of the public's health, safety, and general welfare. Any statutes, regulations or permanent township zoning ordinances that are in effect or which shall be enacted, during the period covered by this ordinance, which is more restrictive shall apply. Where the provisions of this ordinance impose greater restrictions than those of any statutes, regulations, or township zoning ordinances, the provisions of this ordinance shall apply. Where any area of land is included within the boundaries of more than one zoning district, the most restrictive standards or regulations shall prevail.

1.5. Subdivision 5 — Severability

- 1.5.1. If any section, subdivision, clause, provision, or portion of this ordinance, is adjudged unconstitutional or invalid by a court of competent jurisdictions, the remainder of this ordinance shall not be affected thereby.

1.6. Subdivision 6 — Future Detachment

- 1.6.1. Any land detached from an incorporated municipality and placed under the jurisdiction of this ordinance in the future shall be placed in the appropriate zoning district using the qualifying thresholds specified in the Chippewa County Land Use Plan, upon recommendation of the planning commission.

1.7. Subdivision 7 — Establishment of Zoning Districts

- 1.7.1. For the unincorporated areas of Chippewa County that lie within the jurisdiction of this ordinance, they are hereby divided into six zoning districts. These districts include the Agricultural Preservation District, the Urban Development District, the Natural Areas Preservation District, the Flood Plain Management District, The Shoreland Management District, and the Minnesota River Management District. Unincorporated areas that lie within these districts must conform with the provision of this ordinance. An explanation of each district's boundary limits, its permitted and conditional uses, and development standards is given in Sections 3-8 of this Ordinance. Section 9 contains regulations which apply to all districts.

1.8. Subdivision 8 - Official Ordinance Maps

The following maps are adopted by reference and declared to be a part of this ordinance:

- 1.8.1. Official Ordinance Map #1 — Identifies the geographic location of the A-1 Agricultural Preservation District.
- 1.8.2. Official Ordinance Map #2 — Identifies the geographic location of the A-2 Agricultural Preservation District.
- 1.8.3. Official Ordinance Map #3 - Identifies the geographic location of the Urban Development District.
- 1.8.4. Official Ordinance Map #4 — Identifies the geographic location of the Urban Expansion Subdistrict.
- 1.8.5. Official Ordinance Map #5 — Identifies the geographic location of the Natural Areas Preservation District.
- 1.8.6. Official Ordinance Map #6 — Floodway & Flood Boundary and Flood Insurance Rate Maps included within the Flood Insurance Study for Chippewa County, dated June 17, 1986, as prepared by the Federal Emergency Management Agency.
- 1.8.7. Official Ordinance Map #7 — Taken from "A Management Plan for the Minnesota River," this map is a duplicate of the Land Management Maps (Plates 1 - 6) which identifies the lands that lie within the Minnesota River Management District. In the event of conflict between the map and the property description in Minnesota Rules, Part 6105.1290, the latter shall prevail.
- 1.8.8. Official Map #8 - Identifies the motor roadways of Chippewa County.

Copies of all maps shall be kept on file in the auditor's office and the county zoning administrator's office.

1.9. Subdivision 9 — Definitions

For the purpose of this ordinance, certain terms and words are hereby defined as follows:

Words used in the present tense shall include the future; and words used in the singular number shall include the plural number.

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

Definitions applicable to the Floodplain District are contained in Section 6 of this ordinance.

Additional definitions may be listed with each zoning district.

Abandoned Farmstead — A farmstead that has not been occupied for a period of time yet clear evidence, such as buildings and windbreaks, remains that a farm dwelling once existed here.

Accessory Building — A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Agriculture — The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Agricultural Structure — Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

Agricultural Use — Means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.

Airport — Both private or publicly owned facilities.

Auto Sales Lot — A lot displaying three or more licensed vehicles for sale.

Bluffline — Means a line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

Building — Any structure for the shelter, support, or enclosure of persons, animals, chattel, or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height — The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

Building Line — Means that the line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Campground - Means an area accessible by vehicle and containing campsites or camping spurs for tents and trailer camping.

Clear-Cutting — Means the removal of an entire stand of vegetation.

Cluster Development — A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Commercial — Business activity of a normal wholesale or retail nature and including such travel related facilities as automobile accessory stores and gasoline filling stations, bowling alleys, cafes, dairy product stores, self-service laundries, liquor stores, motels, hotels, restaurants, and resorts and related recreation uses.

Commissioner — Minnesota Commissioner of Natural Resources or his authorized representative.

Community Water and Sewer Systems — Utilities systems serving a group of buildings, lots, or an area of the county, with the design and construction of such utility systems as approved by the county.

Conditional Use — A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this ordinance exist, (2) the use of development conforms to the Chippewa County Land and Related Resources Plan, and (3) is compatible with the existing permitted uses of the particular zoning district.

County — Chippewa County, Minnesota

County Board — Chippewa County Board of Commissioners

Depth of Rear Yard — The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

District — A section of the county for which the regulations governing the height, area, use of buildings and premises are the same.

Dwelling — Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings.

Dwelling, Farm — A dwelling located on a farm where the resident of said dwelling either owns, operates, or is employed thereon.

Dwelling, Non-Farm — Are dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

Easement — A grant by an owner of land for the specific use of said land by the public, generally, or to a person or persons.

Easement, Utility — A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.

Essential Services — Overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by the public utilities, rural electric cooperatives, or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

Extractive Uses — Include the activities related to the extraction of minerals.

Farm — A tract of land, which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such farm may include an agricultural dwelling and accessory building and structures necessary to the operation of the farm and must meet the definition of "farm" under Minnesota's Green Acres Law, M.S.A. Chapter 273.11.

Farming — The cultivation of the soil and all activities incidental thereto; agriculture.

Feedlot, Animal — Is a lot or building or combination of lots 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 used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Feedlot, Commercial — Shall mean the place of confined feeding of more than one thousand (1,000) slaughter steers or heifers or animal units for food, fur, pleasure, or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related wastes may originate by reason of such feeding of animals. The "Animal Unit" is a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of determining animal units, the following equivalents shall apply:

<u>Animal</u>	<u>Animal Units</u>
One slaughter steer or heifer.....	1.0
One mature dairy cow.....	1.4
One horse.....	1.0
One swine over 55 pounds.....	.4
One swine under 55 pounds.....	.05
One duck.....	.2
One sheep1
One turkey018
One chicken01

For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

Field Windbreak — A strip or belt of trees or shrubs established within or adjacent to a field.

Final Plat — Is the drawing or map of a subdivision, meeting all of the requirements of the county and the Minnesota State Statutes regarding the platting of land and in such form as required for the purposes of recording.

Flood Plain Definitions — See Section 6 of this ordinance.

Forestry — Means the use and management, including logging of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration, or maintenance of wood roads, skid-ways, landings, and fences.

Hardship — Means, as used in connection with a variance under this ordinance, the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance.

Home Occupations — Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use.

Individual Sewage Treatment System — An individual sewage treatment system is a sewage

treatment system, other than public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word "system" as it appears in this ordinance means "individual sewage treatment system."

Industrial — Any activity in which the physical or chemical structure of a product or material, either solid, fluid, or gaseous is changed or modified.

Industrial Storage Uses — Include facilities used for the collective storage of agricultural or nonagricultural related products, such as grain and fertilizer bins or beet piles, and the storage of energy-related products, such as propane and natural gas.

Junk Yard — Any establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard containing all parts of five or more unregistered vehicles.

Kennel — Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale.

Land and Related Resource Management Plan — Means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities, including recommendations for plan execution, documented in texts, ordinances, and maps, which constitute the guide for the future development of the county or any portion of the county.

Local Street (Tertiary) — A street designed for access to abutting property and not intended to facilitate through traffic.

Lot — One unit of a recorded plat or subdivision occupied, or to be occupied, by a building and its accessory buildings, and includes as a minimum such open spaces as are required under this ordinance and having frontage on a public street.

Lot Area — The lot area is the land area within the lot lines.

Lot Depth — The mean horizontal distance between the mean front road right-of-way line and mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Lot Lines — The lines bounding a lot, as defined herein. When a lot abuts a road, street, highway, avenue, park, or other public property, except an alley, such line shall be known as right-of-way, and when a lot line abuts an alley, it shall be known as an alley line.

Lot of Record — Shall be any lot which was of record by deed or plat filed in the office of the county recorder on or before the effective date of this ordinance; or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before the effective date of this ordinance.

Lot Width — The width of a lot is its own mean width measured at the building setback line.

Metes and Bounds — A method of property description by means of their direction and distance from any easily identifiable point.

Mining Operation — Means the removal of stone, sand, and gravel, coal, salt, iron, copper, nickel, petroleum, or other mineral from the land for commercial, industrial, or governmental purposes.

Mobile Home Park — (Manufactured Home) Mobile Home means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be a relocatable structure or structures used for any occupancy without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the

intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. Any site, lot, field, or tract of land under single ownership, designed, maintained, or intended for the placement of two (2) or more occupied mobile homes. "Mobile Home Park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

Non-Conforming Use — Means any legal use, structure, or parcel of land already in existence, before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established.

Normal High Water Mark — A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Obstruction — Any dam, well, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collection of debris carried by such water.

Official Control — Means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county or a part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objectives of the Land and Related Resources Management Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, and official maps.

Official Map — Means a map adopted in accordance with Section 394.361 of Minnesota Statutes which may show existing county roads and county state aid highways, proposed future county roads and highways, and the area needed for widening existing public land and facilities and other land needed for future public purpose, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities. When requested in accordance with Section 394.32, Subdivision 3, an official map may include existing and planned public land uses within incorporated areas.

Open Space Recreation Uses — Means recreation uses particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreational areas.

Ordinary High Water Mark — Means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs.

Owner — Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

Persons — Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

Plot — A tract other than one unit of a recorded plat or subdivision and occupied and used, or intended to be occupied and used, as an individual site and improved, or intended to be improved, by the erection thereon of buildings and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this ordinance.

Preliminary Plat — The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and the county board for their consideration.

Primitive Campsites — Means an area that consists of individual remote campsites accessible only by foot or water.

Public Water — A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of this ordinance, recreational pursuit or water supply purpose.

Road — A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service road, place, or however otherwise designated.

Salvage Yard — See Junk Yard.

Sanitary Landfill — A land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required.

Selective Cutting — Means the removal of single scattered trees.

Service Road — A minor street which is parallel and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

Setback — The minimum horizontal distance between a building and a highway or road right-of-way or center line. The minimum horizontal distance from the side property line, and the minimum horizontal distance from the rear property line.

Sewage — Any water-carried domestic waste, exclusive of footings and roof drainage, of any residence, industry, agriculture, or commercial establishment, whether treated or untreated, and includes the liquid waste produced by bathing, laundry, and culinary operations, and from toilets and floor drains.

Sewage Treatment System — Means any system for the collection, treatment, and dispersion of sewage including, but not limited to, septic tanks, soil absorption systems, and drainfields.

Shoreland — Means land located within the following distances from public waters: (1) 1,000 feet from the normal high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Shoreland Setback — The minimum horizontal distance between a structure and the normal high water mark.

Sign — A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

Sign, Advertising — A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign

is located; a billboard.

Sign, Business — A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.

Sign, Flashing — Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, Illuminated — Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign, Pylon — A free standing sign erected upon a single pylon or post which is in excess of the ten (10) feet in height with the sign mounted on the top thereof.

Sign, Rotating — A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of — The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

Soil and Water Conservation Structures — Include water reservoirs, windbreaks, and other measures which conform with the management practices encouraged by the Soil Conservation District, Agricultural Stabilization Conservation Service, Soil and Water Conservation Service, and other agencies for the protection of farmland against erosion and public waters from degradation by sedimentation.

Special Public Uses — Include municipal sewer and water facilities, churches, cemeteries, electrical power substations, and similar public uses, but not public or parochial schools, libraries, nursing homes, hospitals, or municipal buildings.

Structure — Anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

Subdivider — Is an individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

Subdivision — The division or redivision of a lot, tract, or parcel of land regardless of how it is to be used into two or more lots either by plat or by metes and bounds description, or the division or redivision of land involving dedication of a new park, playground, street, or other public right-of-way facility; or the vacation, realignment, or any other change in existing streets, alleys, easements, recreation areas, water or other public improvements of facilities, provided, however, that the following classes shall be exempt:

1. The division of land for agricultural purposes into parcels greater than five (5) acres where no new streets, roads, or other right-of-way are involved.
2. The division of a lot for the purpose of attachment to contiguous lots provided no residual plat is left unattended.

Substandard Shoreland Use — Means any use within the land use district existing prior to the date of enactment of this ordinance which is permitted with the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

Unincorporated Areas — The areas outside a city, village, or borough.

Use — The purpose of which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Accessory — A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Variance — Means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

Wetland — Means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

SECTION 2 — ADMINISTRATION

**AMENDED:
NOVEMBER 19, 1996
AUGUST 17, 1999
JANUARY 22, 2002**

TABLE OF CONTENTS

SUBDIVISIONS PAGE

2.1... Subdivision 1 — County Planning and Zoning Administrator 1

 2.1.1. ... Administrative Responsibility 1

 2.1.2. ... Duties..... 1

2.2... Subdivision 2 — County Planning Commission..... 1

 2.2.1. ... Membership..... 1

 2.2.2. ... By-Laws 1

 2.2.3. ... Duties..... 1

2.3... Subdivision 3 — Board of Adjustment 2

 2.3.1. ... Membership..... 2

 2.3.2. ... Duties..... 2

2.4... Subdivision 4 — Use Permits 5

 2.4.1. ... Securing..... 5

 2.4.2. ... Site Plan Reviews for Zoning Sub-Districts..... 5

2.5... Subdivision 5 — Conditional Use Permits..... 7

 2.5.1. ... Contact for Application Form 7

 2.5.2. ... Application Form, Plans, and Specifications..... 7

 2.5.3. ... Procedures for Evaluating Proposed Conditional Uses 7

 2.5.4. ... Referral to County Planning Commission..... 7

 2.5.5. ... Criteria to Be Met..... 7

 2.5.6. ... Recommendation to County Board 8

 2.5.7. ... Conditions Attached to Conditional Use Permits 8

 2.5.8. ... Recording 9

 2.5.9. ... Appeal to District Court 9

2.6... Subdivision 6 — Variances 11

 2.6.1. ... Contact for Application Form 11

 2.6.2. ... Public Notice 11

 2.6.3. ... Applicant Notification 11

 2.6.4. ... Procedures for Variances..... 11

 2.6.5. ... Public Hearing Rules..... 11

SUBDIVISIONS	PAGE
2.6. .. Subdivision 6 — Variances	11
2.6.6.....Decision to Approve or Disapprove Granting A Variance	11
2.6.7.....Conditions to Be Met	12
2.6.8.....Recording	12
2.6.9.....Appeal to District Court.....	12
2.7. .. Subdivision 7 — Nonconforming Uses	13
2.8. .. Subdivision 8 — Amendments	13
2.9. .. Subdivision 9 — Legal Interpretation	14
2.10. Subdivision 10 — Violations, Penalties, and Enforcement.....	14

SECTION 2 — ADMINISTRATION

**AMENDED: NOVEMBER 19, 1996
 AUGUST 17, 1999
 JANUARY 22, 2002**

2.1. Subdivision 1 — County Planning and Zoning Administrator

- 2.1.1. Administrative responsibility — The provision of this ordinance shall be administered by the county planning and zoning administrator. The county planning and zoning administrator is a key figure in the administration of the Chippewa County Land and Related Resources Plan and the Ordinance. He or she has the responsibility to see that all the provisions of the ordinance are properly and fairly enforced. He or she has no discretion to modify the provisions of this ordinance, but must enforce the ordinance according to its literal interpretation.
- 2.1.2. Duties — The county planning and zoning administrator is responsible to:
 - 2.1.2.1. Become familiar with and be able to clearly explain the underlying purpose of this ordinance.
 - 2.1.2.2. Receive and review application for use permits and issue use permits only if such a use conforms with the provisions of this ordinance.
 - 2.1.2.3. Make inspection to discover violations and check for compliance with the ordinance. If violations are discovered, an order must be sent to the proper individual(s) that such a use must be discontinued and a description of the provisions in the ordinance that have been violated must be given.
 - 2.1.2.4. Provide information about the ordinance upon request.
 - 2.1.2.5. Advise county officials on administrative matters of the ordinance. When necessary, provide technical assistance to the county planning commission and board of adjustment on the interpretation, implementation, and amendments to the Chippewa County Land and Related Resources Plan and the Ordinance.
 - 2.1.2.6. Maintain the official ordinance maps and a record of all procedures regarding the ordinance.

2.2. Subdivision 2 — County Planning Commission

- 2.2.1. Membership — The Chippewa County Board of Commissioners shall appoint a county planning commission that will consist of no fewer than five nor more than eleven members. At least 50% of the members shall be residents of the unincorporated areas of Chippewa County, and no more than one voting member of the county planning commission shall be an officer or employee of the county. State law further provides that no voting member of the county planning commission shall have received any substantial portion of his or her income from business operations involving the development of land within the county for urban or urban-related purposes during the two years prior to appointment.
- 2.2.2. The county planning commission's bylaws which were in effect prior to the enactment of this ordinance, remain in effect.
- 2.2.3. Duties — The county planning commission is responsible to:
 - 2.2.3.1. Cooperate with the county planning and zoning administrator in the preparation of a "Chippewa County Land and Related Resources Plan" and its recommendation to the county board for adoption.

- 2.2.3.2. Cooperate with the county planning and zoning administrator in the recommendations for plan execution (implementation) in the form of a "Chippewa County Land and Related Resources Management Ordinance" and other measures.
- 2.2.3.3. Cooperate with the county planning and zoning administrator in the annual review and update of the land and related resources plan and the ordinance.
- 2.2.3.4. Review application for conditional use permits and make recommendations to the county board regarding such applications.
- 2.2.3.5. Conduct public hearings as a result of amendments to the plan or ordinance and applications for conditional use permits. The county planning commission will keep an accurate, written record of all public hearings.
- 2.2.3.6. Review applications for subdivisions of land and make recommendations to the county board regarding such applications.
- 2.2.3.7. Review any comprehensive plans, official controls, and any plans for public land acquisition and development sent to the county for review purposes by a unit of local government or any state or federal agency. In such cases, the planning commission would be required to provide the county board with a written report.

2.3. Subdivision 3 — Board of Adjustment

- 2.3.1. Membership — The Board of Adjustment is subject to these provisions:
 - 2.3.1.1. Shall consist of at least three, but not more than seven members, and be appointed by the county board.
 - 2.3.1.2. At least one member shall reside in the unincorporated area of Chippewa County, and at least one member shall be a member of the county planning commission.
 - 2.3.1.3. No elected officer of the county nor any employee of the county board shall serve as a member of the board of adjustment.
 - 2.3.1.4. If the board of adjustment consists of only three members, an alternate member shall be appointed by the county board. The chairperson of the board of adjustment shall authorize the alternate member to vote only on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue.
 - 2.3.1.5. The board of adjustment members shall have three year terms and shall be appointed by the county board.
- 2.3.2. Duties — The board of adjustment is responsible to:
 - 2.3.2.1. Order the issuance of variances.
 - 2.3.2.2. Hear and decide appeals from and review any order, requirement, decision, or determination made by the county planning and zoning administrator. The board of adjustment shall keep an accurate, written record of all meetings.

2.4 Subdivision 4 — Use Permits

A use permit shall only be issued for those permitted uses identified by the respective zoning district in this ordinance. Use permits shall be secured only after the county planning and zoning administrator has determined that the applicant has obtained all necessary state and federal permits. Application forms for a use permit are available at the county planning and zoning administrator's office ~~or from the Township Clerk~~. This form accompanies and is made part of this ordinance

2.4.1. Use permits shall be secured prior to:

- 2.4.1.1. The construction of a building or accessory structure within the unincorporated areas of Chippewa County.
- 2.4.1.2. The change of use of a building, accessory structure, or land within the unincorporated areas of Chippewa County.

2.4.2. Site Plan Reviews for Zoning Sub-Districts (Adopted August 17, 1999)

- 2.4.2.1. All requests for a building permit for new construction, additions, and building renovations altering the use or occupancy of a building shall be accompanied by a site plan indicating the following:
 - 2.4.2.1.1. North arrow
 - 2.4.2.1.2. Lot dimensions
 - 2.4.2.1.3. Road right-of-way setbacks
 - 2.4.2.1.4. Side yard setbacks
 - 2.4.2.1.5. Rear yard setbacks
 - 2.4.2.1.6. All structure locations, dimensions, and elevations, sign structures, entry areas, storage sites, and other structural site improvements
 - 2.4.2.1.7. Well location, if applicable
 - 2.4.2.1.8. Septic tank location and distances from well and other structures, if applicable
 - 2.4.2.1.9. Drainfield location, if applicable
 - 2.4.2.1.10. Tree locations
 - 2.4.2.1.11. Driveway locations
 - 2.4.2.1.12. Water locations (lake, river, creek, wetland, ditch, waterway, etc.)
 - 2.4.2.1.13. Distance from nearest feedlot
 - 2.4.2.1.14. If site has been flooded, give details.
 - 2.4.2.1.15. Circulation plans for both pedestrian and vehicular traffic
 - 2.4.2.1.16. Trash and waste disposal facilities
 - 2.4.2.1.17. Storm drainage plans
 - 2.4.2.1.18. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes
 - 2.4.2.1.19. Elevation drawings or illustrations indicating exterior wall materials and design information
 - 2.4.2.1.20. A two-foot contour topographical map of the existing site

- 2.4.2.1.21. A grading plan illustrating the proposed grade changes, from the original topographical map. All site area, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water, and ground water in such a manner as to preclude large scale erosion, unwanted ponding, and surface chemical runoff.
- 2.4.2.1.22. A landscape plan. The site, as developed, shall be landscaped according to a plan approved by the zoning administrator and county engineer. The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas. If it is either physically impossible or impracticable to completely adhere to these landscape requirements, the zoning administrator may, during site plan review, recommend alternative solutions that meet the intent of this ordinance.
- 2.4.2.1.23. A soil erosion control plan for the construction period
- 2.4.2.1.24. General floor plan of each structure
- 2.4.2.1.25. Location and size of all parking spaces
- 2.4.2.1.26. Location, size and system of loading/unloading areas
- 2.4.2.1.27. A survey shall be required if the premises are unplatted and the site plan indicates the use of minimum setbacks or in such other situations as the zoning administrator and county engineer may request.
- 2.4.2.1.28. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- 2.4.2.1.29. Such other information as the zoning administrator or county engineer and other technical agents may reasonably request.
- 2.4.2.1.30. The site plan shall be submitted to the zoning administrator. The zoning administrator may confer with the county engineer or other technical agents, as applicable.

2.5. Subdivision 5 — Conditional Use Permits

A conditional use permit shall only be permitted for those conditional uses identified by the respective zoning district in this ordinance. The process used to obtain a conditional use permit is listed here:

- 2.5.1. A person desiring a conditional use permit contacts the county planning and zoning administrator, who provides that person with an application form for a conditional use permit. This form accompanies and is made part of this ordinance.
- 2.5.2. The application form is filled out by the person and returned, accompanied by plans and specifications as may be prescribed by the planning commission to the county planning and zoning administrator for review and comment. A subdivider who proposes to subdivide land must follow procedures for a preliminary and final plat. Subdivisions are allowed only in the Urban Development District. The platting regulations which are already in effect at the time this ordinance is adopted, shall remain in effect, except for references to lot size. Lot sizes must conform to this ordinance.
- 2.5.3. Procedures for evaluating proposed conditional uses within the General Flood Plain District are contained in Section 6 of this ordinance.
- 2.5.4. The county planning and zoning administrator refers the application for a conditional use permit to the county planning commission. The county planning commission schedules a public hearing and notifies the applicant and all property owners of record within one-fourth mile of the affected property or the ten properties nearest to the affected property, whichever would provide the greatest number, and affected local units of government (e.g. board of town supervisor of the township that the proposed project is located in and the municipality which is located within two miles of the proposed project) of the time, place, and purpose of the public hearing. A public notice that a specific conditional use permit will be considered at the public hearing is placed in a newspaper of general circulation in any affected township or municipality and the official newspaper of the county at least ten (10) days before the public hearing. In regards to the proposals which lie in the Flood Plain Management District, the Shoreland Management District, or the Minnesota River Management District, the commissioner of the DNR shall be notified of the public hearing within the proper time constraints dictated in the DNR regulations.
- 2.5.5. Prior to making a recommendation regarding a conditional use permit, the county planning commission must be sure that the proposed development and/or use meets the following:
 - 2.5.5.1. Be expressly identified in the ordinance.
 - 2.5.5.2. Conform to the conditions enumerated in the ordinance.
 - 2.5.5.3. Not impede the normal and orderly development and improvement of the surrounding vacant property.
 - 2.5.5.4. Have or will have adequate utilities, access roads, drainage and other necessary facilities.
 - 2.5.5.5. Determine that the applicant has obtained all necessary state and federal permits.
 - 2.5.5.6. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

- 2.5.5.7. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 2.5.5.8. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- 2.5.5.9. The use, in the opinion of the planning commission, is reasonably related to the overall needs of the county and to the existing land use.
- 2.5.5.10. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 2.5.5.11. The use is in conformance with the policies plan of the county.
- 2.5.5.12. The use will not cause traffic hazard or congestion.
- 2.5.5.13. Existing land uses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of odors, noise, glare, or general unsightliness.

Based upon the testimonies at the public hearing and the possible effect the proposed use will have on the Chippewa County Land and Related Resources Plan and the development of the area, the county planning commission will make a recommendation regarding the application for a conditional use permit no later than 30 days from the date of the public hearing. The applicant and county board will be notified of the public hearing; if the county planning commission cannot make a final recommendation to either approve or disapprove an application for a conditional use permit due to extenuating circumstances, an additional 60 days may be granted to the county planning commission to reach a final recommendation, provided that the applicant is notified of the delay and extenuating circumstances within 30 days from the date of the public hearing.

- 2.5.6. The county planning commission makes a recommendation to the county board either approving or disapproving the application for a conditional use permit.
- 2.5.7. Conditions attached to conditional use permits. Upon consideration of the factors listed above and the purposes of this ordinance, the planning commission may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - 2.5.7.1. Modification of waste disposal and water supply facilities.
 - 2.5.7.2. Limitations on period of use, occupancy, and operation.
 - 2.5.7.3. Imposition of operational controls, sureties, and deed restrictions.
 - 2.5.7.4. Increasing the required lot size or yard dimension.
 - 2.5.7.5. Limiting the height, size, or location of buildings.
 - 2.5.7.6. Controlling the location and number of vehicle access points.
 - 2.5.7.7. Increasing the street width.
 - 2.5.7.8. Limiting the number, size, location, or lighting of signs.
 - 2.5.7.9. Requiring dikes, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

- 2.5.7.10. Designating sites for open space.
- 2.5.7.11. Establishing a time limit for the conditional use.
- 2.5.8. If granted, a certified copy of a conditional use permit will be filed with the county register of deeds.
- 2.5.9. If the application for a conditional use permit is denied, the applicant may go to district court. Court will determine whether or not the county acted in accordance with the ordinance and law.

2.6. Subdivision 6 — Variances

An application for a variance occurs when the applicant determines that the ordinance, by reason of exceptional circumstances, through strict enforcement of the official controls would cause unnecessary hardship. The process an individual must use in obtaining a variance is outlined below:

- 2.6.1. A person desiring a variance contacts the county planning and zoning administrator, who provides that person with an application form for a variance. This form accompanies and is made part of this ordinance.
- 2.6.2. A public notice that a specific variance will be considered at the next regularly scheduled meeting of the board of adjustment is placed in a newspaper of general circulation in any affected township or municipality and the official newspaper of the county at least ten (10) days before the public hearing.
 Prior to granting a variance, the county planning and zoning administrator shall determine that the applicant has obtained all necessary state and federal permits. In regards to a proposed variance within the Minnesota River Management District, the commissioner of the DNR shall be notified of the proposed variance at least 30 days prior to its being approved or disapproved. Applications for variance within the Minnesota River Management District shall be certified by the commissioner of Natural Resources as described in Minnesota Rules, Part 6105.0230.
- 2.6.3. The appellant or person who appeals the ordinance is notified of the time and place of the public hearing. Notice of the public hearing and variance is sent to all property owners of record within 500 feet of the affected property. Notice must also be sent to the affected board of town supervisors and the municipal council of any municipality within two miles of the affected property.
- 2.6.4. Procedures for variances within the: Floodplain District are contained in Section 6 of this ordinance. The board shall submit by mail to the commissioner of DNR copies of applications for proposed variances in the Shoreland Management District sufficiently in advance so that the commissioner will receive it at least ten (10) days prior to the hearing. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of DNR within ten days of such action.
- 2.6.5. The public hearing shall be opened precisely at the time advertised in the notice. The board of adjustment asks that the following rules be observed:
 - 2.6.5.1. The appellant will state his or her case fully and furnish the board of adjustment with pertinent information concerning the property.
 - 2.6.5.2. Those who favor the proposed change will be heard first, and those who oppose the proposed change will be heard last.
 - 2.6.5.3. Each person making a statement will be asked to state his or her name and address.
 - 2.6.5.4. Testimony should be as factual as possible.
 - 2.6.5.5. The board of adjustment reserves the right to question any speaker.
 - 2.6.5.6. All statements or questions shall be directed to the chair.
- 2.6.6. The decision to approve or disapprove the granting of a variance will not be made during the hearing. Members of the board of adjustment will be given an opportunity to weigh the statements made and will reach a decision no later than thirty (30) days from the date of the public hearing. If within thirty (30) days from the date of the public hearing the board of adjustment cannot make a final decision to either approve

or disapprove an application for a variance due to extenuating circumstances, an additional sixty (60) days may be granted to the board of adjustment to reach a final decision, provided that the applicant is notified of the delay and extenuating circumstances within thirty (30) days from the date of the public hearing.

- 2.6.7. Conditions which the board of adjustment must find present and which must be sustained with evidence presented by the appellant are:
 - 2.6.7.1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan.

"Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances. Variances shall be granted for earth shelters as defined in Section 216C.06, Subd. 2 when in harmony with official controls.
- 2.6.8. A certified copy of the order issued by the board of adjustment must be filed with the register of deeds. The order must include the legal description of the property involved.
- 2.6.9. An applicant may request the district court to review the denial of his or her application for a variance by the board of adjustment. This appeal to the district court must be made within thirty (30) days after receipt of notice of the board of adjustment's denial. If neighboring property owners feel that a decision by the board of adjustment to grant relief of a variance would cause serious depreciation in their property values, they and the county board of commissioners may appeal the decision of the board of adjustment to the district court.

2.7. Subdivision 7 — Nonconforming Uses

A structure or the use of a structure or premises which was lawful before the adoption of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- 2.7.1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- 2.7.2. If any nonconforming use is destroyed by any means, including floods, to an extent of 50% or more of its market value, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- 2.7.3. If a nonconforming use is discontinued for 12 consecutive months, the future use shall conform to this ordinance.
- 2.7.4. Uses or adjuncts which are nuisances shall not be permitted to continue as nonconforming uses.

2.8. Subdivision 8 — Amendments

- 2.8.1. This ordinance may be amended whenever the public necessity and the general welfare requires such amendment, but shall not be amended indiscriminately, and shall only be used as a means to reflect changes in the goals and policies of the county as reflected in the county, by the following procedures specified in this Subdivision 8.
- 2.8.2. Proceedings for amendment of this ordinance shall be initiated by:
 - 2.8.2.1. A petition of the owner of the actual property;
 - 2.8.2.2. A recommendation of the county planning commission;
 - 2.8.2.3. By action of the board of county commissioners.
- 2.8.3. The procedures for an amendment shall be as follows:

The county board may amend the procedures, standards, requirements, and other provisions of this ordinance, upon recommendation of the county planning commission. The county planning commission shall hold a public hearing on the proposed amendment prior to recommending action to the county board.
- 2.8.4. To defray the administrative cost of processing requests for an amendment to this ordinance, a fee shall be paid by the petitioner. Such fee shall be established by the county board.
- 2.8.5. Proposed amendments to this ordinance affecting lands within the Minnesota River Management District shall be certified by the commissioner of Natural Resources as described in Minnesota Rules, Part 6105.0230. Amendments affecting lands within the Flood Plain Management District or Shoreland Management District shall also be reviewed in advance by the commissioner of Natural Resources. All amendments to the Flood Plain Management provisions of this ordinance, including the modification of the Flood Plain District boundaries established herein, shall be subject to the prior approval of the commissioner of Natural Resources.
- 2.8.6. Zoning and policies in the county plan — any change in zoning granted by the governing body shall automatically amend the policies in the county plan in accordance with said zoning change.

2.9. Subdivision 9 — Legal Interpretation

It shall be the responsibility of the county attorney to interpret the legality of this ordinance and its provisions.

2.10. Subdivision 10 — Violations, Penalties, and Enforcement

2.10.1. Violations and Penalties — Any person, firm or corporation who violates any of the provisions of this ordinance or who fails to comply with any of the provisions of this ordinance or who makes any false statement in any document required to be submitted under the provisions of this ordinance, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

2.10.1.1. Fines: Failure to secure a land use permit or failure to comply with the provision of the ordinance shall be subject to a \$50 fine. A second offense shall be subject to a \$100 fine. A third offense shall be subject to a \$500 fine. These fines are in addition to the appropriate permit fee.

2.10.2. Enforcement — This ordinance shall be administered and enforced by the zoning administrator, who is hereby designated the enforcing officer.

2.10.2.1. In the event of a violation or a threatened violation of this ordinance, the zoning administrator or the board of county commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the county attorney to institute such action.

2.10.2.2. Any taxpayer of the county may institute mandamus proceedings in the district court to compel specific performance by the proper official of any duty required by this ordinance.

SECTION 3 — AGRICULTURAL PRESERVATION DISTRICT

**AMENDED: JULY 25, 2000
JUNE 19, 2001
JANUARY 22, 2002**

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
3.1....Subdivision 1 — District’s Boundaries.....	1
3.2....Subdivision 2 — Permitted and Conditional Uses	1
3.3....Subdivision 3 — Standards for Permitted and Conditional Uses.....	3
3.4....Subdivision 4 — Height, Side Yard, Rear Yard, Lot Width, Lot Area Regulations.....	4
3.5....Subdivision 5 — Existing Uses and Accessory Structures.....	4

SECTION 3 — AGRICULTURAL PRESERVATION DISTRICT**AMENDED: JULY 25, 2000****JUNE 19, 2001****JANUARY 22, 2002****3.1. Subdivision 1 — District's Boundaries**

All lands that are not classified in accordance with Section 4 and Section 5 of this ordinance shall lie within the Agricultural Preservation District. The Agricultural Preservation District is divided into two separate districts: the A-1 Agricultural Preservation District and the A-2 Agricultural Preservation District. The A-1 Agricultural Preservation District is illustrated by Official Ordinance Map #1. The A-2 Agricultural Preservation District is illustrated by Official Ordinance Map #2. The A-1 Agricultural Preservation District contains lands which are predominately of Soil Conservation Service Classes I, II, and III soils. The A-2 Agricultural Preservation District contains lands which are predominately of Soil Conservation Service Classes IV, V, VI, VII, and VIII soils.

3.2. Subdivision 2 — Permitted and Conditional Uses

The chart below indicates the permitted and conditional uses allowed within each Agricultural Preservation District. The letter "P" indicates a permitted use. The letter "C" indicates a conditional use. A use which is not listed is not allowed. A use which is listed but is not followed with a "P" or a "C" is not allowed. Definitions of the types of land uses follow the chart and are in addition to definitions in Section 1, Subdivision 9. Where a conflict in definitions appears to exist, the definition following the chart shall be controlling.

TYPE OF LAND USE	A-1 DISTRICT	A-2 DISTRICT
Commercial Feedlots	C	C
Agriculture Uses	P	P
Open Space and Recreational Uses	P	P
Non-Farm Dwellings	P	P
Roads	C	C
Airports	C	C
Special Public Uses	C	C
Industrial & Industrial Storage Uses	C	C
Commercial Uses	C	C
Extractive Uses	C	C
Soil and Water Conservation Structures	P	P
Animal Feedlots (See Chippewa County Animal Feedlot Ordinance)	P	P
Home Occupations	P	P
Non-Farm Dwelling on Abandoned Farmstead	P	P

(SEE SUBDIVISION 3.3. FOR STANDARDS)

Accessory Uses — any incidental machinery, structure, or building necessary to the conduct of agricultural operations or other permitted uses.

Agricultural Uses — means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals, including farm dwellings and agricultural buildings.

Open Space and Recreational Uses — include public and private parks and recreation areas, multi-purpose trail systems, environmental and education sites, historic sites, and interpretive centers.

Non-Farm Dwellings — are dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

Roads — consist of either paved or gravel surfaces maintained with federal, state, and/or local funds built on new alignment.

Airports — consist of both public and privately owned facilities.

Special Public Uses — include municipal sewer and water facilities, sanitary landfill sites (either privately or publicly owned), churches, cemeteries, electrical power substations and similar public uses, but not public or parochial schools, libraries, nursing homes, hospitals, or municipal buildings.

Industrial Storage Uses — include facilities used for the collective storage of agricultural or non-agricultural related products, such as grain and fertilizer bins or beet piles, and the storage of energy-related products, such as propane and natural gas.

Commercial Uses — include gasoline stations, beauty shops, dog kennels, salvage yards, and similar uses provided they meet the minimum standards of this ordinance.

Extractive Uses — include the activities related to the extraction of minerals.

Soil and Water Conservation Structures — include water reservoirs, windbreaks, and other measures which conform with the management practices encouraged by the Soil Conservation Service, Agricultural Stabilization Conservation Service, Soil and Water Conservation Service, and other agencies for the protection of farmland against erosion and public waters from degradation by sedimentation.

Animal Feedlot — is a lot or building or combination of lots 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 used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Commercial Feedlot — shall mean the place of confined feeding of more than one thousand (1,000) slaughter steers or heifers or animal units for food, fur, pleasure, or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related wastes may originate by reason of such feeding of animals. The "Animal Unit" is a unit of measure used to compare differences in the production of animal manures. This measure uses as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of determining animal units, the following equivalents shall apply:

--	--

ANIMAL	ANIMAL UNITS
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse	1.0
One swine over 55 pounds	.4
One duck	.2
One sheep	.1
One swine under 55 pounds	.05
One turkey	.018
One chicken	.01

For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

Home Occupations — include any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use.

Abandoned Farmstead — is a farmstead that has not been occupied for a period of time; yet clear evidence, such as buildings and windbreaks, remains that a farm dwelling once existed here.

3.3. Subdivision 3 — Standards for Permitted and Conditional Uses

The standards listed below shall be enforced for the permitted and conditional uses to which they relate.

- 3.3.1. All farm and non-farm buildings and accessory structures within the Agricultural Preservation District shall be set back from all state, county, township roads, and all other public roads at least seventy-five (75) feet from the right-of-way. Field windbreaks, homestead groves, implement storage, and hay bales must also comply with these standards.
 - 3.3.1.1. Field windbreaks and homestead groves may be placed closer than 75 feet from the road right-of-way when the appropriate road authority gives written consent. A waiver form shall be provided to verify consent. It shall be the applicant's responsibility to have the waiver form executed.
- 3.3.2. Sanitary landfill sites shall conform with the regulations of the Minnesota Pollution Control Agency and the county solid waste plan.
- 3.3.3. A conditional use permit may be allowed on any soil class provided the proposed use is directly related to, or promotes, agriculture in Chippewa County.
- 3.3.4. A conditional use permit may be allowed where the proposed use will not take prime agricultural land out of production (i.e., existing farm sites).
- 3.3.5. A use permit may be granted for a non-farm dwelling within the Agricultural Preservation District provided it is located on an abandoned farmstead.

- 3.3.6. A dwelling owned or occupied by a retired or retiring farm family located on the farm owned or previously owned by the retiring farm family for the purpose of this ordinance shall be classified as a farm dwelling. Lot area requirements shall be one (1) acre minimum except in the Minnesota River District and Shoreland Districts, where the respective lot size requirements shall apply.
- 3.3.7. All setbacks for animal feedlots shall comply with the Chippewa County Animal Feedlot Ordinance.
- 3.3.8. Animal feedlots shall conform with the minimum standards set by the Chippewa County Animal Feedlot Ordinance and Minnesota Pollution Control Agency.

3.4. Subdivision 4 — Height, Side Yard, Rear Yard, Lot Width, Lot Area Regulations

- 3.4.1. Height Regulation — No building shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height with the exception of farm structures.
- 3.4.2. Side Yard Regulation — A thirty (30) foot side yard setback shall be required.
- 3.4.3. Rear Yard Regulation — A thirty (30) foot rear yard setback shall be required.
- 3.4.4. Lot Width Regulation — Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.
- 3.4.5. Lot Area Regulation — The lot for non-farm dwellings shall consist of at least three (3) acres of land per site.

EXCEPTION: Existing building sites may be less than three (3) acres if approved by the zoning administrator.

- 3.4.6. No non-farm dwelling shall be erected within three-fourths ($\frac{3}{4}$) mile of an existing animal feedlot, unless it replaces an existing dwelling or is located on an abandoned farmstead.

3.5 Subdivision 5 — Existing Uses and Accessory Structures

3.5.1. Amended Conditional Use Permit

- 3.5.1.1. This ordinance recognizes that at the time of adoption, certain land uses exist which have been incorporated as "conditional uses." It is the intent of this ordinance to allow these existing conditional uses, some of them being businesses in the Agricultural Preservation District, to continue in their activity of the same general character that existed at the time of adoption.
- 3.5.1.2. An amended or new conditional use permit is only required if the new or expanded use would:
 - 3.5.1.2.1. Substantially vary in character of type of business and activity from that existing at the time of adoption.
 - 3.5.1.2.2. Necessitate the purchase or utilization of additional land which at the time of adoption is of a different land use or not in close proximity to the existing use.
 - 3.5.1.2.3. Not meet the standards in Section 2, 2.5., 2.5.5.

The planning commission may, at the motion of any member, decide if such a new or amended permit is needed. The commission may hear such evidence at a regular meeting as appears proper with such notice as appears appropriate. This ordinance expressly recognizes that the existing uses which have been incorporated with a conditional use permit shall be allowed to continue. The commission may also consider the criteria governing the granting of all future conditional use permits, but shall be mindful of the goal

to allow expansion of the same general character of all existing uses without a new or amended permit.

If the intended new or expanded use is substantially the same in character as the use at the time of the ordinance adoption, the new or expanded use shall be permitted provided it meets the standards in Section 2, 2.5., 2.5.5.

If the new use involves substantial change or land purchase, the conditional use permit shall be amended.

Accessory structures shall be permitted.

SECTION 4 — URBAN MANAGEMENT
AMENDED: DECEMBER 20, 1995
MARCH 3 & 17, 1998
JULY 11, 2000

TABLE OF CONTENTS

A.	SUBDIVISIONS	PAGE
4.1.	Subdivision 1 — Urban Development District and Urban Expansion	
	Sub-District Boundaries.....	1
	4.1.1. ... Permitted Uses	1
	4.1.2. ... Conditional Uses.....	1
	4.1.3. ... Standards for Permitted and Conditional Uses	1
	4.1.4. ... Mobile Home Parks and Recreational Camping Areas	2
	4.1.5. ... Feedlot Operations.....	2
	4.1.6. ... Minimum Lot Size, Maximum Building Height, Setback Requirements.....	2
4.2.	Subdivision 2 — Zoning Sub-Districts and Sub-District Provisions	7
	4.2.1. ... Single Family Residential (R-1) (Adopted July 11, 2000)	7
	4.2.2. ... Multi-Family Residential (R-2) (Medium Density) (Adopted July 11, 2000)	9
	4.2.3. ... Multi-Family Residential (R-3) (High Density) (Adopted July 11, 2000).....	10
	4.2.4. ... Business District (B-1) (Adopted March 3, 1998).....	12
	4.2.5. ... Highway Business District (B-2) (Adopted March 3 and 17, 1998)	14
	4.2.6. ... Light Industry District (I-1) (Adopted March 3, 1998)	16
	4.2.7. ... Heavy Industry District (I-2) (Adopted March 3 and 17, 1998).....	18
4.3.	Subdivision 3 — Guidelines for “Pre-Code” Manufactured (Mobile) Homes	
	<i>(Adopted December 20, 1995)</i>	21
	4.3.1. ... Exits and Egress Windows	21
	4.3.2. ... Flame Spread	21
	4.3.3. ... Smoke Detectors.....	22
	4.3.4. ... Solid Fuel Burning Stove and Fireplace.....	22
	4.3.5. ... Support System.....	22
	4.3.6. ... Aluminum Electrical Wiring	23
	4.3.7. ... Replacement Furnaces and Water Heaters	23
	4.3.8. ... Gas Lines/Testing.....	23

B. SUBDIVISIONSPAGE

4.4. Subdivision 4 — Mobile Home Parks and Recreational Camping Areas
(Amended December 20, 1995).....25

4.4.1.... What the Mobile Home Parks/Recreational Camping Areas Shall Offer25

4.4.2.... Compliance25

4.4.3.... Definitions.....25

4.4.4.... Applications for a Mobile Home Park or Recreational Camping Area.....25

4.4.5.... Design Standards — Mobile Home Parks; Recreational Camping Areas26

4.4.6.... Minimum Lot Size, Maximum Building Height, Setback Requirements for
Mobile Home Parks/Recreational Camping Areas27

4.4.7.... License Fee27

SECTION 4 — URBAN MANAGEMENT

4.1. Subdivision 1 — Urban Development District and Urban Expansion Sub-District Boundaries

The Urban Development District is identified by Official Ordinance Map #3. The lands in this district have been identified by the Chippewa County Land and Related Resources Plan as partial urban service areas, perimeter urban service areas, potential urban service areas, or freestanding urban concentrations. The UE Urban Expansion Sub-District consists of the lands near the city of Montevideo which the plan identifies as potential urban service areas. The UE Urban Expansion Sub-District is identified by Official Map #4. All that follows in Subdivision 1 of Section 4 shall apply to both the U Urban Development District and its sub-district, the UE Urban Expansion Sub-District, except where noted otherwise.

4.1.1. Permitted uses

- 4.1.1.1. Single family homes, provided that they conform to the standards set forth in Section 4, Subdivision 1, 4.1.3.;
- 4.1.1.2. Agricultural uses, except for feedlot operations;
- 4.1.1.3. Public and private open space and recreation use;
- 4.1.1.4. Private and public roads;
- 4.1.1.5. Accessory uses;
- 4.1.1.6. Home occupations.

4.1.2. Conditional uses

- 4.1.2.1. Mobile home parks;
- 4.1.2.2. Subdivision for residential uses;
- 4.1.2.3. Commercial and/or industrial uses;
- 4.1.2.4. Planned unit developments (PUDs);
- 4.1.2.5. Extractive mining;
- 4.1.2.6. Special public uses as defined by Section 3, Subdivision 2, of this ordinance.

4.1.3. Standards for permitted and conditional uses

Single-family homes are subject to the following regulations:

- 4.1.3.1. Lots must conform with existing public facilities presently being provided by the neighboring municipality, such as sewer and water lines and paved or gravel service roads. If these public facilities are presently not being provided, the proposed development must be compatible with the future urban expansion of the respective municipality and the township in which it is located and not be detrimental to the health, safety, and general welfare of the public. Lots shall be no closer to existing feedlot operations than the setbacks required in the Chippewa County Animal Feedlot Ordinance.
- 4.1.3.2. Manufactured homes must conform to the following standards:
 - 4.1.3.2.1. No such house shall have ground-floor floor space of less than eight hundred (800) square feet.
 - 4.1.3.2.2. No such house shall have a width of less than twenty feet (20') at its narrowest point.
 - 4.1.3.2.3. Such houses shall be placed on permanent foundations which are solid for the complete circumference of the house.

- 4.1.3.2.4. Any such manufactured house shall have exterior siding extending from within six inches (6") of the dirt or two inches (2") of concrete, which siding shall be of a conventional exterior dwelling type material.
- 4.1.3.2.5. Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches (6").
- 4.1.3.2.6. All such manufactured houses shall be built in compliance with Minnesota Statutes 327.31-327.35.

VARIANCES: Manufactured houses which vary from these requirements may be permitted by the residential zones when authorized by a special use permit granted by the board of adjustment. Before any such special use permit is granted, the board shall find as a fact that the value of the adjacent property will not be diminished by the placement of the manufactured house. The special use permit shall state any conditions which may be set by the board in granting this special use permit.

EXEMPTIONS: This section shall have no application to manufactured houses built in compliance with the Uniform Building Code as adopted in the state or to manufactured housing placed in a mobile home park.

- 4.1.3.3. The minimum standards for lot size and setback of structures located on each lot are addressed in Section 4, Subdivision 1, 4.1.6. of this ordinance
- 4.1.3.4. Accessory uses
 - 4.1.3.4.1. Private garage.
 - 4.1.3.4.2. Private swimming pool and/or ponds, when completely enclosed with a chain link or similar fence five (5) feet high with self-closing self-locking gates.
 - 4.1.3.4.3. Living quarters of persons employed on the premises.
 - 4.1.3.4.4. Other accessory uses, including solar collectors and fences.
- 4.1.4. Mobile Home Parks and Recreational Camping Areas
 - 4.1.4.1. The regulations for mobile home parks and recreational camping areas are addressed in the amended ordinance, Section 4, Subdivision 4.
- 4.1.5. Feedlot Operations
 - 4.1.5.1. Proposed animal feedlots shall be located no closer to the U Urban Development District and its sub-district, the UE Urban Expansion Sub-District, than the setbacks required in the Chippewa County Animal Feedlot Ordinance.
 - 4.1.5.2. Animal feedlots shall conform with the minimum standards set by the Chippewa County Animal Feedlot Ordinance and Minnesota Pollution Control Agency.
- 4.1.6. Minimum lot size, maximum building height, setback requirements
 - 4.1.6.1. Single family homes
 - 4.1.6.1.1. Maximum building height — 35 feet;
 - 4.1.6.1.2. Minimum lot width — 100 feet;
 - 4.1.6.1.3. Minimum lot depth — 120 feet;

- 4.1.6.1.4. Front yard — 30 feet;
- 4.1.6.1.5. Side yard — 15 feet, interior; 30 feet, corner;
- 4.1.6.1.6. Rear yard — 30 feet;
- 4.1.6.1.7. Lot size:
 - 4.1.6.1.7.1. The minimum lot area required shall be three (3) acres in the U Urban Development District, except in the UE Urban Expansion Sub-District where the minimum lot area required shall be one (1) acre.
 - 4.1.6.1.7.2. Subdivisions may be made in the U Urban Development District. The minimum lot size in the subdivisions shall be one (1) acre.
 - 4.1.6.1.7.2.1. In subdivisions where municipal sewer and water are not presently available, the county board may require that the developer convey two or more lots for the purpose of transfer of ownership or building development, and, further, that any such building development be confined to one of the multiple lots conveyed at the setbacks described in this section. At such time as municipal sewer and water becomes available, and upon connection of the existing building development to same, the undeveloped lots may be conveyed to other persons or entities and building development may be permitted on the previously undeveloped lots at the setbacks as described in this section.
 - 4.1.6.1.7.2.2. In cases where the county board requires the conveyance of two or more lots to establish a building site, all provisions of this ordinance shall apply on an individual lot basis.
 - 4.1.6.1.7.2.3. In subdivisions where municipal water and sewer service will be available at the time of acceptance of the final plat by the county board, the purchase of only one lot for development purposes is required. The minimum lot size is set forth in this section.

4.1.6.2. Mobile home parks

4.1.6.2.1. Minimum lot size, maximum building height, and setback requirements for mobile home parks and recreational camping areas are set forth in Section 4, Subdivision 4.

4.1.6.3. Commercial and/or industrial uses

4.1.6.3.1. Maximum building height — 35 feet;

4.1.6.3.2. Front yard — 50 feet;

4.1.6.3.3. Side yard — 50 feet;

4.1.6.3.4. Rear yard — 30 feet.

4.1.6.4. Existing uses and accessory structures

4.1.6.4.1. Amended conditional use permit

This ordinance recognizes that at the time of adoption, certain land uses exist which have been incorporated as "conditional uses." It is the intent of this ordinance to allow these existing conditional uses, some of them being businesses in the Urban District, to continue in their activity of the same general character that existed at the time of adoption. Such activity includes normal growth and expansion so that a new or amended conditional use permit is not required.

An amended or new conditional use permit is only required if the new or expanded use would:

4.1.6.4.1.1. Substantially vary in character of type of business and activity from that existing at the time of adoption;

4.1.6.4.1.2. Necessitate that purchase or utilization of additional land which at the time of adoption is of a different land use — or not in close proximity to the existing use;

4.1.6.4.1.3. Not meet the standards in Section 2, Subdivision 5.5.

The planning commission may, at the motion of any member, decide if such a new or amended permit is needed. The commission may hear such evidence at a regular meeting as appears proper with such notice as appears appropriate. This ordinance expressly recognizes that the existing uses which have been incorporated with a conditional use permit shall be allowed to continue. The commission may also consider the criteria governing the granting of all future conditional use permits, but shall be mindful of the goal to allow expansion of the same general character of all existing uses without a new or amended permit.

If the intended new or expanded use is substantially the same in character as the use at the time of the ordinance adoption, the new or expanded use shall be permitted, provided it meets the standards in Section 2, Subdivision 5.5.

If the new use involves substantial change or land purchase, the conditional use permit shall be amended.

Accessory structures shall be permitted.

4.2. Subdivision 2 — Zoning Sub-Districts and Sub-District Provisions

The following zoning districts are so designed as to assist in carrying out the intents and purposes of the comprehensive plan and are based upon the comprehensive plan, which has the purpose of protecting the public health, safety, convenience, and general welfare.

Symbol Name

R-1	Single Family Residential (Low Density) (<i>Adopted July 11, 2000</i>)
R-2	Multi-Family Residential (Medium Density) (<i>Adopted July 11, 2000</i>)
R-3	Multi-Family Residential (High density) (<i>Adopted July 11, 2000</i>)
B-1	Business District (<i>Adopted March 3, 1998</i>)
B-2	Highway Business District (<i>Adopted March 3 and 17, 1998</i>)
I-1	Light Industry District (<i>Adopted March 3, 1998</i>)
I-2	Heavy Industry District (<i>Adopted March 3 and 17, 1998</i>)

4.2.1. Single Family Residential (R-1) (*Adopted July 11, 2000*)

- 4.2.1.1. Purpose: The major purpose of this district is to allow the continuation of existing residential development and infilling of existing lots in the older residential areas of urban areas and also new dwelling units in the developing areas of the county.
- 4.2.1.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.
- 4.2.1.1.2. Municipal sewer and water services must be utilized within the R-1 districts that adjoin incorporated areas.
- 4.2.1.1.3. Residential structures within unincorporated areas must be able to ensure adequate sewer and water systems according to state and local regulations.
- 4.2.1.2. Permitted uses: Single family residential structures, twin homes, public recreation, including parks and playgrounds, historic sites, signs subject to standards in Section 9, Subdivision 10, essential services, including necessary equipment and structures, solar and earth-sheltered residential structures. Permitted home occupations.
- 4.2.1.3. Accessory uses: Any incidental structures or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools, storage buildings for use of occupants of the principal structures, and television towers and satellite dishes when erected in the rear yard.
- 4.2.1.4. Conditional uses: Schools (public and private), nursing homes/care centers, hospitals, home occupations, public office buildings, religious facilities, golf courses, planned unit developments (PUDs) or subdivisions, public swimming pools, day care centers, townhouses, condominiums, and bed & breakfasts. ~~Also, private garages on existing lots that are 50 feet in width or less and which contain no principal structure.~~
- 4.2.1.5. Performance standards:
- 4.2.1.5.1. Height regulations: The maximum height of all buildings shall not exceed thirty-five (35) feet.

- 4.2.1.5.2. Front yard regulations:
 - 4.2.1.5.2.1. There shall be a front yard of not less than twenty-five (25) feet.
 - 4.2.1.5.2.2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the corner lot.
 - 4.2.1.5.2.3. Where a uniform front yard setback on a street between intersections exists that is less than twenty-five (25) feet, any building or structure hereafter erected, structurally altered, or enlarged must conform to the established setback; but in no case shall a setback of less than fifteen (15) feet be allowed.

Where a uniform front yard setback on a street between intersections does not exist, the minimum required setback shall be the average of the setback of the two adjacent principal buildings; but in no case shall a setback of less than fifteen (15) feet be allowed.
- 4.2.1.5.3. Side yard regulations:
 - 4.2.1.5.3.1. There shall be a minimum side yard of not less than ten (10) feet for principal structures and attached accessory structures.
 - 4.2.1.5.3.2. The minimum side yard for existing substandard lots less than 100 feet in width shall be not less than 10% of the lot width.
 - 4.2.1.5.3.3. There shall be a minimum side yard of not less than three (3) feet for detached accessory structures located in the rear yard.
- 4.2.1.5.4. Rear yard regulations:
 - 4.2.1.5.4.1. There shall be a rear yard of not less than fifteen (15) feet for principal buildings, including attached accessory buildings, and three (3) feet for detached accessory buildings.
- 4.2.1.5.5. Lot area and density with R-1 development adjoining incorporated areas:
 - 4.2.1.5.5.1. The minimum lot area shall be 12,000 square feet.
 - 4.2.1.5.5.2. The minimum lot area for twinhomes, condominiums, and townhomes shall be 7,800 square feet per unit.
 - 4.2.1.5.5.3. The maximum density shall be five (5) units per acre.
- 4.2.1.5.6. Lot width and depth regulations: Minimum lot width shall be 100 feet. Minimum lot depth shall be 120 feet.

4.2.1.6. **General Regulations:** Additional requirements for parking, signs, sewage systems, and other regulations are set forth in other sections of this ordinance.

4.2.2. **Multi-Family Residential (R-2) (Medium Density) (*Adopted July 11, 2000*)**

4.2.2.1. **Purpose:** To provide areas within the county for multiple-family residential development with the maximum density of eight (8) dwelling units per acre, including condominiums and townhouses.

4.2.2.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.

4.2.2.1.2. Municipal sewer and water services must be utilized within the R-2 districts that adjoin incorporated areas.

4.2.2.1.3. Residential structures within unincorporated areas must be able to ensure adequate sewer and water systems according to state and local regulations.

4.2.2.2. **Permitted Uses:** Single-family dwellings, twin homes, quad-plex, townhouses, condominiums, public recreation, including parks and playgrounds, signs subject to standards in Section 9, Subdivision 10. essential services, including necessary equipment and structures, solar and earth-sheltered residential structures. Permitted home occupations.

4.2.2.3. **Accessory Uses:** Any incidental structure or buildings necessary to the conduct of a permitted use including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures and television towers and satellite dishes when erected in the rear yard.

4.2.2.4. **Conditional Uses:** Manufactured home parks, religious facilities, free-standing day care centers and child nurseries, schools (public and private), public buildings, home occupations, planned unit developments (PUDs) or subdivisions, mortuaries, bed & breakfasts, hospitals, nursing homes/care centers, and private garages on existing lots 50' in width or less which contain no principal structure.

4.2.2.5. **Performance Standards:**

4.2.2.5.1. **Height Regulations:** The maximum height of all buildings shall not exceed 35 feet.

4.2.2.5.2. **Front Yard Regulations:** There shall be a minimum front yard of not less than 25 feet.

4.2.2.5.2.1. Where a uniform front yard setback on a street between intersections exists that is less than 25 feet, any building or structure hereafter erected, structurally altered or enlarged must conform to the established setback, but in no case shall a setback of less than 15 feet be allowed.

4.2.2.5.2.2. Where a uniform front yard setback on a street between intersections does not exist, the minimum required setback shall be the average of the setback of the two adjacent principal buildings; but in no case shall a setback of less than 15 feet

be allowed.

4.2.2.5.2.3. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

4.2.2.5.3. Side Yard Regulations:

4.2.2.5.3.1. There shall be a minimum side yard of not less than 10 feet.

4.2.2.5.3.2. The minimum side yard for existing substandard lots less than 80 feet in width shall be not less than 10% of the lot width.

4.2.2.5.3.3. There shall be a minimum side yard of not less than 3 feet for detached accessory structures located in the rear yard.

4.2.2.5.4. Rear Yard Regulations:

4.2.2.5.4.1. There shall be a rear yard of not less than 15 feet for principal buildings including attached accessory buildings and 3 feet for detached accessory buildings.

4.2.2.5.5. Lot Area and Density Standards:

4.2.2.5.5.1. The minimum lot area shall be 9,600 square feet for single-family residences and 5,000 square feet per unit for twinhomes, quadplex, townhouses and condominiums.

4.2.2.5.5.2. The maximum density shall be eight (8) units per acre.

4.2.2.5.6. Lot Width and Depth Regulations: There shall be a minimum lot width of 80 feet and a minimum lot depth of 120 feet.

4.2.2.5.7. General Regulations: Additional requirements for parking, signs, sewage systems, and other items are set forth in other sections of this ordinance.

4.2.3. Multi-Family Residential (R-3) (High Density) (*Adopted July 11, 2000*)

4.2.3.1. Purpose: To provide areas within the county for multiple-family residential development with the maximum density of 20 dwelling units per acre.

4.2.3.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.

4.2.3.1.2. Municipal sewer and water services must be utilized within the R-3 districts that adjoin incorporated areas.

4.2.3.1.3. Residential structures within unincorporated areas must be able to ensure adequate sewer and water systems according to state and local regulations.

4.2.3.2. Permitted Uses: Multi-family dwellings, nursing homes/care centers, hospitals, senior citizen housing, twinhomes, townhouses, apartments, condominiums, public recreation, including parks and playgrounds, signs subject to standards in Section 9, Subdivision 10, essential services,

including necessary equipment and structures. Permitted Home Occupations.

- 4.2.3.3. Accessory Uses: Any incidental structures or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools, and storage buildings for use of occupants of the principal structures.
- 4.2.3.4. Conditional Uses: Religious facilities, free-standing day care centers and nurseries, schools (public and private), public buildings, home occupations, planned unit developments (PUDs) or subdivisions, manufactured home parks, bed & breakfasts, and convenience stores.
- 4.2.3.5. Performance Standards:
 - 4.2.3.5.1. Height Regulations: The maximum height of all buildings shall not exceed two and one-half stories or 35 feet.
 - 4.2.3.5.2. Front Yard Regulations: There shall be a minimum front yard of not less than 25 feet.
 - 4.2.3.5.2.1. Where a uniform front yard setback on a street between intersections exists that is less than 25 feet, any building or structure hereafter erected, structurally altered, or enlarged must conform to the established setback, but in no case shall a setback of less than 15 feet be allowed.
 - 4.2.3.5.2.2. Where a uniform front yard setback on a street between intersections does not exist, the minimum required setback shall be the average of the setback of the two adjacent principal buildings; but in no case shall a setback of less than 15 feet be allowed.
 - 4.2.3.5.2.3. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.
 - 4.2.3.5.3. Side Yard Regulations:
 - 4.2.3.5.3.1. There shall be a minimum side yard of not less than 10 feet.
 - 4.2.3.5.3.2. There shall be a minimum side yard of not less than 3 feet for detached accessory structures located in the rear yard.
 - 4.2.3.5.4. Rear Yard Regulations: There shall be a rear yard of not less than 15 feet for principal buildings including attached accessory buildings and 3 feet for detached accessory buildings.
 - 4.2.3.5.5. Lot Area and Density Standards:
 - 4.2.3.5.5.1. The minimum lot area for each multi-family dwelling unit shall be 2,150 square feet and 5,000 square feet per unit for twinhomes, townhomes, and condominiums.
 - 4.2.3.5.5.2. The maximum density shall be 20 units per acre.

- 4.2.3.5.6. Lot Width and Depth Regulations: Minimum lot width shall be 80 feet; minimum lot depth shall be 120 feet.
- 4.2.3.5.7. General Regulations: Additional requirements for parking, signs, sewage systems, and other items are set forth in other sections of this ordinance.
- 4.2.4. Business District (B-1) (*Adopted March 3, 1998*)
 - 4.2.4.1. Purpose: The purpose of this district is to encourage the continuation of a viable business area by allowing retail, service, office, and entertainment facilities, as well as public and semi-public uses. In addition, residential uses will be allowed as a conditional use.
 - 4.2.4.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.
 - 4.2.4.1.2. All facilities must be able to ensure adequate sewer and water systems according to state and local regulations.
 - 4.2.4.2. Permitted Uses: Business establishments offering merchandise or services to the general public in return for compensation. Such establishments to include the following.
 - 4.2.4.2.1. Art gallery
 - 4.2.4.2.2. Auto-related retail and service use located inside a building
 - 4.2.4.2.3. Automobile parking lot, parking garage, bus and transportation station
 - 4.2.4.2.4. Bakery
 - 4.2.4.2.5. Financial institution
 - 4.2.4.2.6. Barber/Beauty shop
 - 4.2.4.2.7. Bowling alley
 - 4.2.4.2.8. Business and professional office
 - 4.2.4.2.9. Camera and photographic supplies and studio
 - 4.2.4.2.10. Convenience store
 - 4.2.4.2.11. Dry cleaning
 - 4.2.4.2.12. Drug store
 - 4.2.4.2.13. Essential services
 - 4.2.4.2.14. Fitness center and dance studio
 - 4.2.4.2.15. Florist shop
 - 4.2.4.2.16. Funeral home
 - 4.2.4.2.17. Furniture store
 - 4.2.4.2.18. Grocery, fruit, or vegetable store, but not including sales from moveable, motorized vehicles
 - 4.2.4.2.19. Hardware and enclosed building material sales
 - 4.2.4.2.20. Hospital with medical center
 - 4.2.4.2.21. Laundromat
 - 4.2.4.2.22. Licensed daycare, group family daycare, and residential facilities

- 4.2.4.2.23. Locksmith
- 4.2.4.2.24. Meat market, but not including slaughtering facilities
- 4.2.4.2.25. Motel and hotel
- 4.2.4.2.26. Newspaper publishing
- 4.2.4.2.27. Restaurant/Delicatessen
- 4.2.4.2.28. Retail sales and service
- 4.2.4.2.29. Shoe repair
- 4.2.4.2.30. Tavern, off-sale liquor, private club, and lodge
- 4.2.4.2.31. Theater
- 4.2.4.3. Accessory Uses: Uses incidental to the principal uses, such as off-street parking, loading and unloading areas, storage buildings, fencing, and signage.
- 4.2.4.4. Conditional Uses:
 - 4.2.4.4.1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community
 - 4.2.4.4.2. Single and multiple family dwellings
 - 4.2.4.4.3. Public or semi-public recreational buildings or uses and neighborhood or community centers; public and private educational institutions; religious institutions; and governmental and public buildings and structures
 - 4.2.4.4.4. Animal clinics or hospitals
 - 4.2.4.4.5. Drive-ins and convenience food establishments
 - 4.2.4.4.6. Car washes (drive through, mechanical, and self-service)
 - 4.2.4.4.7. Service stations, auto repair, and auto body repair
 - 4.2.4.4.8. Open or outdoor service, sales, and rental as a principal or accessory use, including motor vehicle and recreational equipment sales
 - 4.2.4.4.9. Custom or limited manufacturing, compounding, assembly, or treatment of articles or merchandise from previously prepared materials
 - 4.2.4.4.10. Bed & breakfast
 - 4.2.4.4.11. Commercial communication towers
 - 4.2.4.4.12. Other uses which in the opinion of the Chippewa County Planning Commission and Chippewa County Board of Commissioners are of the same general character as the permitted uses and which will not be detrimental to the business district
- 4.2.4.5. Performance Standards
 - 4.2.4.5.1. Height Regulations: The maximum height of any building shall be 35 feet.
 - 4.2.4.5.2. Front Yard Regulations: There shall be a front yard setback having a depth of not less than 10 feet except in a block where

two or more structures have been built facing the same street, the setback for the remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.

- 4.2.4.5.3. Side Yard Regulations: There shall be no minimum side yard requirements except that no building shall be located within 10 feet of any side lot line abutting a lot in any residential district not buffered by a street or alleyway.
 - 4.2.4.5.4. Rear Yard Regulations: There shall be no minimum rear yard requirements except that no building shall be located within 10 feet of any rear lot line abutting a lot in any residential district not buffered by a street or alleyway.
 - 4.2.4.5.5. Lot Area: Lot area restrictions — none.
 - 4.2.4.5.6. Screening and Fencing: Screening or fencing of commercial uses may be required on side and rear yards which face residential districts.
 - 4.2.4.5.7. General Regulations: Requirements for signs are set forth in Section 9, Subdivision 10.
- 4.2.5. Highway Business District (B-2) (*Adopted March 3 and 17, 1998*)
- 4.2.5.1. Purpose: This district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access. A B-2 District shall typically be located adjacent to existing or proposed county state aid and state trunk highways or municipal state aid streets. Multi-family residential uses will be allowed to locate within the commercial establishment area as a conditional use.
 - 4.2.5.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.
 - 4.2.5.1.2. All facilities must be able to ensure adequate sewer and water systems according to state and local regulations.
 - 4.2.5.2. Permitted Uses:
 - 4.2.5.2.1. Retail sales and service uses
 - 4.2.5.2.2. Essential services
 - 4.2.5.2.3. Financial institutions
 - 4.2.5.2.4. Health and day care centers
 - 4.2.5.2.5. Grocery store
 - 4.2.5.2.6. Restaurants
 - 4.2.5.2.7. Convenience stores
 - 4.2.5.2.8. Business and professional offices, barber/beauty shops, laundromat/dry cleaning, photography studios
 - 4.2.5.2.9. Hotels and motels
 - 4.2.5.2.10. Recreation vehicles and equipment sales and service
 - 4.2.5.2.11. Commercial recreational and entertainment facilities when contained within a building

- 4.2.5.2.12. Farm implement sales and service
- 4.2.5.2.13. Auto sales and service
- 4.2.5.2.14. Nursery and landscape supplies
- 4.2.5.2.15. Billboards (See Sign Regulations Ordinance in Section 9, Subdivision 10)
- 4.2.5.3. Conditional Uses:
 - 4.2.5.3.1. Rental shop (no outdoor display or storage)
 - 4.2.5.3.2. Manufactured home sales
 - 4.2.5.3.3. Adult entertainment
 - 4.2.5.3.4. Mini-storage
 - 4.2.5.3.5. Seasonal produce stands
 - 4.2.5.3.6. Building material sales (no outdoor display or storage)
 - 4.2.5.3.7. Car wash operation
 - 4.2.5.3.8. Small engine and appliance repair
 - 4.2.5.3.9. Outdoor display, sales, or storage conducted on an accessory use to a permitted or conditional home business use
 - 4.2.5.3.10. Off-sale liquor
 - 4.2.5.3.11. Multiple dwellings when integrated into multi-use structures
 - 4.2.5.3.12. Private clubs and lodges not operated for a profit
 - 4.2.5.3.13. Service stations, auto or truck repair, and auto body repair
 - 4.2.5.3.14. Bed & breakfasts
 - 4.2.5.3.15. Commercial communication towers
 - 4.2.5.3.16. Animal hospitals or clinics
 - 4.2.5.3.17. Light manufacturing when located in an existing building
- 4.2.5.4. Accessory Uses: The same accessory uses as permitted in the B-1 District and including outdoor garden centers and sidewalk cafes in conjunction with a freestanding restaurant.
- 4.2.5.5. Performance Standards
 - 4.2.5.5.1. Height Regulations: The maximum height of all buildings shall not exceed two and one-half (2½) stories or 35 feet
 - 4.2.5.5.2. Front Yard Regulations: There shall be a front yard of not less than 25 feet.
 - 4.2.5.5.3. Side Yard Regulations: There shall be a minimum side yard of not less than 10 feet.
 - 4.2.5.5.4. Rear Yard Regulations: There shall be a minimum rear yard of not less than 20 feet.
 - 4.2.5.5.5. Lot Area: The minimum lot area shall be 15,000 square feet.
 - 4.2.5.5.6. Screening and Fencing: Screening and fencing may be required along any lot line adjacent to a residential district.
- 4.2.5.6. General Standards:

4.2.5.6.1. Other standards and regulations related to signs are set forth in Section 9, Subdivision 10.

4.2.6. Light Industry District (I-1) (*Adopted March 3, 1998*)

4.2.6.1. Purpose: This district is intended to provide for light industrial and commercial uses that may be suitably located in areas of relatively close proximity to non-industrial development. Industries that pose problems of air or noise pollution, odor, vibration, smoke, liquid or solid wastes, heat, glare, dust, or other adverse influences will be restricted from this district.

4.2.6.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.

4.2.6.1.2. All facilities must be able to ensure adequate sewer and water systems according to state and local regulations.

4.2.6.2. Permitted Uses:

4.2.6.2.1. Research laboratory

4.2.6.2.2. Trade school

4.2.6.2.3. Machine shop

4.2.6.2.4. Paint mixing

4.2.6.2.5. Bus terminal and maintenance garage

4.2.6.2.6. Warehouse and mini-storage warehouse

4.2.6.2.7. Laboratory

4.2.6.2.8. Essential services

4.2.6.2.9. Governmental and public utility building and structure

4.2.6.2.10. Blacksmith, welding, or other metal shop

4.2.6.2.11. Bottling establishment

4.2.6.2.12. Building material sales and storage

4.2.6.2.13. Commercial communications towers

4.2.6.2.14. Light manufacturing

4.2.6.2.15. Dry cleaning establishment and laundry

4.2.6.2.16. Animal clinic

4.2.6.2.17. Contractor shop

4.2.6.2.18. Automobile repair and auto body shop

4.2.6.2.19. Truck and freight terminal and maintenance garage

4.2.6.2.20. Electric light or power generating station, electrical service shop

4.2.6.2.21. Engraving, printing, and publishing

4.2.6.2.22. Medical, dental, and optical laboratory

4.2.6.2.23. Wholesale business and office establishment

4.2.6.2.24. Greenhouse

4.2.6.3. Accessory Uses:

4.2.6.3.1. All permitted accessory uses as allowed in the "B-1" District

4.2.6.3.2. Buildings temporarily located for purposes of construction for

the construction period only

4.2.6.4. Conditional Uses:

- 4.2.6.4.1. Open or outdoor service, sales and rental as a principal or an accessory use and including sales in or from motorized vehicles, trailers, or wagons
- 4.2.6.4.2. Fuel tank and LP gas storage
- 4.2.6.4.3. Open and outdoor storage as an accessory use
- 4.2.6.4.4. Farm implement sales and service
- 4.2.6.4.5. Manufactured home sales
- 4.2.6.4.6. Automobile sales and service
- 4.2.6.4.7. Outdoor animal clinic pens and animal kennels
- 4.2.6.4.8. Car wash
- 4.2.6.4.9. Food processing manufacture
- 4.2.6.4.10. Commercial communications towers
- 4.2.6.4.11. Adult entertainment

4.2.6.5. Performance Standards:

- 4.2.6.5.1. Height Regulations: The maximum height of all buildings shall not exceed 50 feet
- 4.2.6.5.2. Front Yard Setback:
 - 4.2.6.5.2.1. There shall be a minimum front yard of not less than 30 feet.
 - 4.2.6.5.2.2. Any lot which abuts or adjoins a residential district shall require a front yard setback of not less than 50 feet.
 - 4.2.6.5.2.3. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.
 - 4.2.6.5.2.4. Fencing and screening may be required along lot lines adjacent to residential districts.
- 4.2.6.5.3. Side Yard Regulations:
 - 4.2.6.5.3.1. There shall be a minimum side yard of not less than 10 feet.
 - 4.2.6.5.3.2. Any lot which abuts or adjoins a residential district not bordered by a street or alleyway shall require a side yard of not less than 50 feet.
- 4.2.6.5.4. Rear Yard Regulations:
 - 4.2.6.5.4.1. There shall be a minimum rear yard of not less than 15 feet.
 - 4.2.6.5.4.2. Any lot which abuts or adjoins a residential district

not bordered by a street or alleyway shall require a rear yard of not less than 50 feet.

- 4.2.6.5.5. Lot Area: The minimum lot area shall be 20,000 square feet.
- 4.2.6.5.6. General Regulations: Standards and regulations related to signs are set forth in Section 9, Subdivision 10.
- 4.2.6.5.7. Lot Width & Depth Regulations: There shall be a minimum lot width of not less than 100 feet and a minimum lot depth of not less than 200 feet.

4.2.7. Heavy Industry District (I-2) (*Adopted March 3 and 17, 1998*)

- 4.2.7.1. Purpose: This district is created to allow general industry to locate in designated areas of the county.
 - 4.2.7.1.1. All site plans must meet satisfactory approval with the county engineer or local road authority regarding road access.
 - 4.2.7.1.2. All facilities must be able to ensure adequate sewer and water systems according to state and local regulations.
- 4.2.7.2. Permitted Uses:

Any use permitted in the "I-1" Light Industry District.
- 4.2.7.3. Accessory Uses: All permitted accessory uses allowed in an "I-1" Light Industry District.
 - 4.2.7.3.1. Open storage (secondary use) of any type.
- 4.2.7.4. Conditional Uses:
 - 4.2.7.4.1. Auto wrecking, junk yard, used auto parts (open storage), and similar uses
 - 4.2.7.4.2. Concrete ready-mix plants and asphalt plants
 - 4.2.7.4.3. Refuse and garbage disposal
 - 4.2.7.4.4. Commercial stockyards and slaughtering of animals
 - 4.2.7.4.5. Extracting, processing, and storage of sand, gravel, stone, or other raw materials
 - 4.2.7.4.6. Recycling centers and impound lots
 - 4.2.7.4.7. Outdoor storage of vehicles or materials or open sales lots
 - 4.2.7.4.8. Manufacturing and industrial uses not defined in I-1 District
 - 4.2.7.4.9. Commercial communications towers
- 4.2.7.5. Performance Standards:
 - 4.2.7.5.1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed 50 feet in height.
 - 4.2.7.5.2. Front Yard Regulations:
 - 4.2.7.5.2.1. There shall be a minimum front yard of not less than 50 feet.
 - 4.2.7.5.2.2. Any lot which abuts or adjoins a residential district shall require a front yard of not less than 50 feet.
 - 4.2.7.5.2.3. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard

setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.

- 4.2.7.5.3. Side Yard Regulations:
 - 4.2.7.5.3.1. There shall be a minimum side yard of not less than 50 feet.
 - 4.2.7.5.3.2. Any lot which abuts or adjoins a residential district shall require a side yard of not less than 50 feet.
- 4.2.7.5.4. Rear Yard Regulations:
 - 4.2.7.5.4.1. There shall be a minimum rear yard of not less than 15 feet.
 - 4.2.7.5.4.2. Any lot which abuts or adjoins a residential district shall require a rear yard of not less than 50 feet.
- 4.2.7.5.5. Lot Area: The minimum lot area shall be 20,000 square feet.
- 4.2.7.5.6. Lot Width and Depth Regulations: There shall be a minimum lot width of not less than 100 feet and a minimum lot depth of not less than 200 feet.
- 4.2.7.5.7. Screening and Fencing: The county may require total screening or fencing of industrial uses to prevent visual blight, especially on side and rear yards which face residential or agricultural districts.
- 4.2.7.5.8. General Regulations: Other regulations related to signs are set forth in Section 9, Subdivision 10.

**4.3. Subdivision 3 — Guidelines for “Pre-Code” Manufactured (Mobile) Homes
(Adopted December 20, 1995)**

These are homes prior to HUD CFR 3280 Standards, effective June 15, 1976, or built prior to individual states inspection and certification in accordance with ANSI STANDARDS A119.1, July 1, 1972.

This ordinance will permit “pre-code” manufactured (mobile) homes that only meet the following health and safety guidelines in accordance with HUD 3280 Standards.

4.3.1. Exits and Egress Windows

4.3.1.1. The home has at least one egress window in each bedroom that meets the minimum specification of HUD 3280.106 and .404 for manufactured homes. These standards require that the window be at least 22 inches in the horizontal or vertical least dimension and at least five square foot in area, the bottom of the window opening shall be not more than 36 inches above the floor, and that locks and latches which need to be operated to permit exiting not be located more than 54 inches above the finished floor. May also meet requirements of 1988 State Building Code and/or ANSI A119.1 1972.

4.3.1.2. The home is required to have two exterior exit doors located remote from each other as required in HUD 3280.105. These standards require single section manufactured homes have the doors not less than 12 foot center to center from each other, and multi-section manufactured home doors not less than 20 foot center to center from each other, measured in straight line direction regardless of length of path of travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet. Exterior swing door shall have a minimum 28 inch by 74 inch clear opening, and sliding glass doors shall have a 28 inch by 72 inch clear opening. Each exterior door other than screen/storm doors shall have a key-operated lock that has a deadlocking latch or a key-operated dead bolt with a passage latch, and locks shall not require the use of a key or special tool for operation from the inside of the home.

4.3.2. Flame Spread

4.3.2.1. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with flame spread rating not exceeding 25. Sealants and other trim materials two inches or less used to finish adjacent surfaces within these spaces are exempt from this provision provided all joints are supported by framing members or materials with a 25 or less flame spread rating. Combustible doors providing interior or exterior access to furnace and water heater spaces shall be covered with materials of limited combustion (i.e. 5/16 inch gypsum board, etc.) with the surface allowed to be interrupted for louvers ventilating the space. However, the louvers shall not be of materials of greater combustibility than the door itself (i.e., plastic louvers and a wooden door). Reference HUD 3280.203.

4.3.2.2. Exposed interior finished adjacent (surfaces include vertical surfaces between range top and overhead cabinets and/or ceiling) shall have a flame speed rating not exceeding 50 as required by HUD 3280.203. Back splashes not exceeding 6 inches in height are exempted. Vertical clearance above

cook tops and ranges shall be not less than 24 inches as required by HUD 3280.709.

4.3.3. Smoke Detectors

- 4.3.3.1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom as required by HUD 3280.208. Homes with bedroom areas separated by any one or combination of common-use areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall be required to have one detector for each bedroom area.
- 4.3.3.2. Smoke detectors shall not have switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. The detector shall be attached to an electrical outlet box and connected by a permanent wiring method into a general electrical circuit. The detector shall not be placed on a branch circuit or any circuit protected by a ground fault circuit interrupter.

4.3.4. Solid Fuel Burning Stove and Fireplace

- 4.3.4.1. Solid fuel-burning factory-built fireplaces and fireplace stoves may be used in manufactured (mobile) homes provided that they are listed for use in manufactured homes and installed as per their listing/manufacture's instructions and minimum requirements of HUD 3280.710.
- 4.3.4.2. A solid fuel-burning fireplace or fireplace stove shall be equipped with integral doors designed to close the fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, hearth extension, and means to securely attach the unit to the manufactured home structure.
 - 4.3.4.2.1. A listed factory-built chimney designed to be attached directly to the fireplace/fireplace-stove and equipped with, in accordance with the listing, a termination device and spark arrester shall be required. The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the manufactured home within ten feet of the chimney.
 - 4.3.4.2.2. An air intake assembly shall be installed in accordance with the terms of listings/manufacturers' instructions. A combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping onto the area beneath the manufactured home.
 - 4.3.4.2.3. The hearth extension shall be of noncombustible material minimum 3/8 inch thick, shall extend a minimum 16 inches in from and eight inches beyond each side of of the fireplace/fireplace-stove opening. The hearth shall also extend over the entire surface beneath a fireplace stove and beneath an elevated or overhanging fireplace.

4.3.5. Support System

- 4.3.5.1. Pre-code homes built prior to June 15, 1976, are required to be installed (set-up) to any generic installation standard that has been adopted and accepted by the authority having jurisdiction (i.e., NCSBCS ANSI A225) or individual

standards developed by states; MSB Chapter 1350.

4.3.6. Aluminum Electrical Wiring

4.3.6.1. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit is of aluminum conductors, all receptacles and switches rated 20 amperes or less directly connected to the aluminum conductor shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum/ or copper clad aluminum) must be connected in accordance with NEC Section 110.14.

4.3.7. Replacement Furnaces and Water Heaters

4.3.7.1. If the manufactured (mobile) home has had or is to receive a replacement furnace or water heater, it shall be listed for use in a manufactured (mobile) home. Vents, roof jacks, and chimneys necessary for the installation shall be listed for use with the furnace or water heater.

4.3.7.2. The furnace and water heater shall be secured in place to avoid displacement. Every furnace and water heater shall be accessible for servicing and/or replacement.

4.3.7.3. Furnaces and water heaters shall be installed to provide complete separation of the combustion system from the interior atmosphere of the manufactured home as required by HUD 3280.709.

4.3.7.3.1. Installation of direct vent system (seal combustion system) furnace and water heater.

4.3.7.3.2. Installation of furnace and water heater within enclosures which separate the furnace and water heater venting system from the atmosphere of the home. There shall be no doors, grills, removable access panels, or other openings into the enclosure from the inside of the manufactured home. All openings for ducts, piping, wiring, etc., shall be sealed.

4.3.7.4. The floor area in the water heater area shall be free from damage from moisture, etc., to assure that the floor will support the weight of the water heater and water contained within.

4.3.8. Gas Lines/Testing

4.3.8.1. The unit's gas piping shall be tested with the appliance valves removed from the piping and capped at those areas. The piping shall withstand a pressure of at least 6 inches mercury or 3 psi gauge for a period of not less than 10 minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than 1/10 pound or equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than 10 inches nor more than 14 inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or bubble solution.

**4.4. Subdivision 4 — Mobile Home Parks and Recreational Camping Areas
(Amended December 20, 1995)**

- 4.4.1. The proposed site shall offer an existing safe and continuing water supply, safe sewage disposal, electricity, on-site parking space equal to one space for each mobile home or recreational camping spot, garbage and trash disposal facilities, and safe entrance and exit to public roads in the event of emergencies.
- 4.4.2. All mobile home parks and recreational camping areas constructed after the adoption of this ordinance shall comply to Minnesota Statutes Chapter 327, Sections 327.10-327.28, laws regulating mobile home parks and recreational camping areas, and Chapter 13, MHD 187-197, Minnesota State Board of Health Regulations governing mobile home parks and recreational camping areas.
- 4.4.3. Definitions:
 - 4.4.3.1. Campground — The term “campground” means an area accessible by vehicle and containing campsites or camping spurs for tents and trailer camping.
 - 4.4.3.2. Essential Services — The term “essential services” shall mean overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures, or collection, communication, supply, or disposal systems and structures, used by the public utilities, rural electric cooperatives, or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
 - 4.4.3.3. Mobile Home Park — The term “manufactured home (mobile home)” is defined as a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be a relocatable structure or structures used for any occupancy without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term “mobile home park” is defined as any site, lot, field, or tract of land under single ownership, designed, maintained, or intended for the placement of two (2) or more occupied mobile homes. “Mobile home park” shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
 - 4.4.3.4. Open Space Recreation Uses — The term “open space recreation uses” means recreation uses particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreational areas.
 - 4.4.3.5. Primitive Campsites — The term “primitive campsites” shall mean an area that consists of individual remote campsites accessible only by foot or water.
- 4.4.4. Applications for a Mobile Home Park or Recreational Camping Area:
 - 4.4.4.1. Application to establish a mobile home park or recreational camping facility shall follow the procedure set in Section 2 for conditional uses.
 - 4.4.4.2. In addition to the requirements of 4.4.4.1., immediately above, an applicant for a mobile home park or recreational camping facility shall submit a plan

for the proposed park or facility for review by the planning commission and board of county commissioners. The plan shall include the name and address of the developer, the legal description and post office address of the property, and a general description of the construction schedule, and shall be accompanied by plans which show the following:

- 4.4.4.2.1. Location and size of the park;
- 4.4.4.2.2. Location and size of all lots, storage areas, recreation areas, central laundry areas, central refuse disposal, roadways, parking spaces, and all setback dimensions;
- 4.4.4.2.3. Detailed landscaping plans;
- 4.4.4.2.4. Location and width of sidewalks, if required by the county engineer or planning commission;
- 4.4.4.2.5. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service, gas service, street lighting, sidewalks, streets, entrances, and access to existing streets;
- 4.4.4.2.6. The method of disposing of garbage and refuse;
- 4.4.4.2.7. Description of maintenance procedures and grounds supervision;
- 4.4.4.2.8. Such other information as may be required or requested by the zoning administrator or planning commission.

4.4.5. Design Standards — Mobile Home Parks; Recreational Camping Areas

- 4.4.5.1. A park shall be capable of providing at least twenty (20) fully developed lots. Existing parks are exempt from this provision.
- 4.4.5.2. All homes shall be connected to central sewer and water through a central water supply and sanitary sewer distribution system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the county engineer. All water systems shall provide an adequate water supply and number of hydrants for firefighting as per the Uniform Fire Code.
- 4.4.5.3. All streets and lots shall be numbered in accordance with a standard numbering policy as approved by the zoning administrator. The house or lot numbers for each home shall be clearly marked for ease of visibility from the street or roadway.
- 4.4.5.4. All parks shall be required to have one (1) or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. These recreational areas shall be subject to approval by the planning commission. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
- 4.4.5.5. All utilities shall be underground. Plans for the disposal of surface storm water shall be approved by the county engineer; such water shall be retained on the site, if possible. If a connection is made to an in-place public system, a connection fee or assessment may be charged for this service.
- 4.4.5.6. Park exterior boundary lines shall be screened by trees, shrubs, or fences. Such boundary areas shall be at least twenty (20) feet wide. Existing parks

are exempt from these provisions.

- 4.4.5.7. Any home sites adjacent to a public street shall be subject to the same setbacks and requirements as a standard residential unit for that district.
 - 4.4.5.8. The area beneath all homes shall be skirted with a material that is generally uniform throughout the mobile home park. Such skirting shall be so constructed that the underside of the home is subject to reasonable inspection.
 - 4.4.5.9. Each mobile home lot shall be served by a central fuel supply system such as natural gas or a central LP system. No separate private fuel containers, such as fuel oil tanks or LP cylinders, shall be allowed in any mobile home park. Recreational camping areas shall be exempt from this design standard.
 - 4.4.5.10. Adequate sized, screened areas shall be set aside for storage of boats, boat trailers, hauling trailers, recreational vehicles, and all other equipment tenants may have need to store. Such equipment shall not be stored upon individual home lots nor upon the streets within the park.
 - 4.4.5.11. Each home lot within a park shall abut on and have access directly to a street. Streets shall be paved with concrete or bituminous and be of similar construction to other residential streets. The paved surface with concrete curb and gutter shall be at least thirty (30) feet in width from curb to curb. Access drives from streets to all parking spaces and home sites shall be paved. Parking on one side only shall be permitted on thirty (30) foot wide streets; parking on both sides would be permitted if the street width is increased to forty (40) feet. All streets shall have curves/turns with adequate radii to accommodate emergency vehicles. Fire lanes shall be clearly indicated. Existing parks are exempt from the curb and gutter requirement. The minimum allowable width for streets within existing parks shall be twenty-two (22) feet.
- 4.4.6. Minimum Lot Size, Maximum Building Height, Setback Requirements for Mobile Home Parks/Recreational Camping Areas
- 4.4.6.1. Maximum building height — 35 feet;
 - 4.4.6.2. Minimum lot width — 45 feet;
 - 4.4.6.3. Minimum lot depth — 90 feet;
 - 4.4.6.4. Front yard — 10 feet
 - 4.4.6.5. Side yard — 10 feet;
 - 4.4.6.6. Rear yard — 15 feet.
- 4.4.7. License Fee: The fee for every mobile home park/recreational camping area license shall be \$150.00 to cover the initial expense of the public hearing requirements. Thereafter, the annual fee for renewal shall be \$50.00. If a license is allowed to expire for more than 12 consecutive months, the licensing process shall commence from the beginning.

SECTION 5 — NATURAL AREA PRESERVATION DISTRICT

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
5.1....Subdivision 1 — District’s Boundaries.....	1
5.2....Subdivision 2 — Permitted Uses	1
5.3....Subdivision 3 — Conditional Uses	1
5.4....Subdivision 4 — Height, Side Yard, Rear Yard, Lot Area, Setback Regulations	1

SECTION 5 — NATURAL AREA PRESERVATION DISTRICT**5.1. Subdivision 1 — District's Boundaries**

The OS Natural Area Preservation District is identified by Official Ordinance Map #5. This district identifies areas of the county that are suitable for open space and recreational uses. Included in this district are all public lands, lakes, and areas with marginal and non-tillable soils not presently in agricultural use. Some of the land in the OS Natural Area Preservation District is included in the general Flood Plain Management District, the Shoreland Management District, or the Minnesota River Management District. Wherever areas of the OS Natural Area Preservation District coincide or overlap with areas included in the other three districts named in this subdivision, the other districts shall supersede, and the area will be subject to the regulations of the respective district.

5.2. Subdivision 2 — Permitted Uses

- 5.2.1. Agricultural uses as defined in Section 3, Subdivision 2
- 5.2.2. Soil and water conservation structures as defined in Section 3, Subdivision 2
- 5.2.3. Home occupations as defined in Section 3, Subdivision 2
- 5.2.4. Golf courses, resorts, vacation farms, group camps, riding stables, and similar private outdoor recreation areas, provided all applicable Minnesota Department of Health regulations are followed
- 5.2.5. Nature trails, ski trails, and similar facilities
- 5.2.6. Greenhouses, plant nurseries
- 5.2.7. Golf driving ranges, trap shooting ranges, and related outdoor recreation areas

5.3. Subdivision 3 — Conditional Uses

- 5.3.1. Public parks, wildlife management areas, and similar public outdoor recreation areas.

5.4. Subdivision 4 — Height, Side Yard, Rear Yard, Lot Area, Setback Regulations

- 5.4.1. Maximum building height — 35 feet with the exception of farm dwellings
- 5.4.2. Minimum side yard — 30 feet
- 5.4.3. Minimum rear yard — 30 feet
- 5.4.4. Minimum lot area — 5 acres
- 5.4.5. Minimum front yard setback — 75 feet

Floodway Schematic

The floodways presented in this study were computed on the basis of equal conveyance reduction from each side of the floodplain. The results of these computations were tabulated at selected cross sections for each stream segment for which a floodway was computed and are presented in Table 2, Floodway Data.

As shown on the Flood Boundary and Floodway Map, the floodway boundaries were computed at cross sections. Between cross sections, the boundaries were interpolated. In cases where the floodway and the 100-year floodplain boundaries are either close together or collinear, only the floodway boundary has been shown. Portions of the floodway of the Minnesota River lie outside the county boundary.

The area between the floodway and the 100-year floodplain boundaries is termed the floodway fringe. The floodway fringe thus encompasses the portion of the floodplain that could be completely obstructed without increasing the water-surface elevation of the 100-year flood more than 0.5 foot at any point. Typical relationships between the floodway and the floodway fringe and their significance to floodplain development are shown in Figure 2.

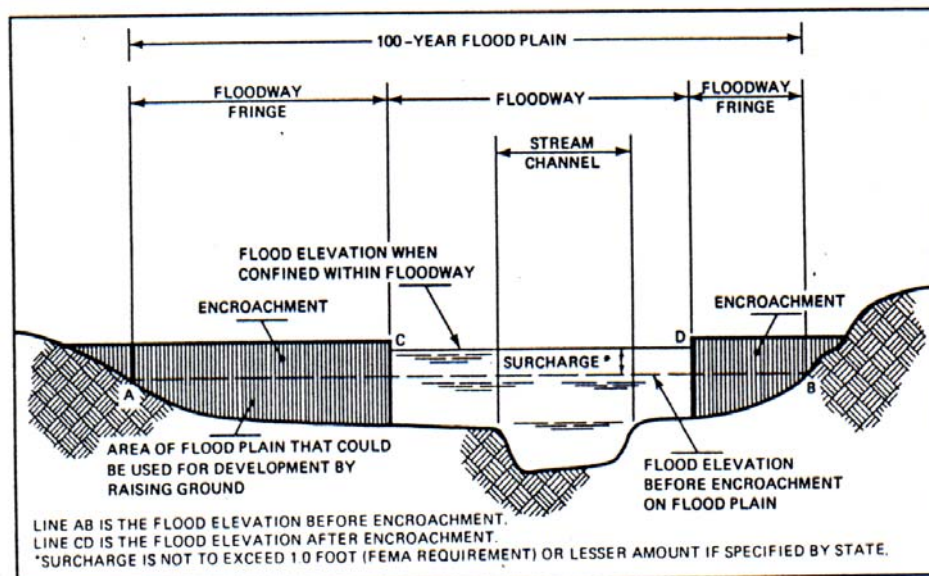


FIGURE 2 - Floodway Schematic

SECTION 6 — FLOODPLAIN MANAGEMENT DISTRICT

**Completely Revised
Amended June 17, 1997**

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
6.1... Subdivision 1 — Statutory Authorization, Findings of Fact and Purpose	1
6.1.1. ... Statutory Authorization	1
6.1.2. ... Findings of Fact	1
6.1.3. ... Statement of Purpose	1
6.2... Subdivision 2 — General Provisions	1
6.2.1. ... Lands to Which Section Applies	1
6.2.2. ... Establishment of Official Zoning Map	1
6.2.3. ... Regulatory Flood Protection Elevation	1
6.2.4. ... Interpretation	1
6.2.5. ... Abrogation and Greater Restrictions	2
6.2.6. ... Warning and Disclaimer of Liability	2
6.2.7. ... Severability	2
6.2.8. ... Definitions	2
6.3... Subdivision 3 — Establishment of Zoning Districts	5
6.3.1. ... Districts	5
6.3.2. ... Compliance	5
6.4... Subdivision 4 — Floodway District (FW)	5
6.4.1. ... Permitted Uses	5
6.4.2. ... Standards for Floodway Permitted Uses	5
6.4.3. ... Conditional Uses	6
6.4.4. ... Standards for Floodway Conditional Uses	6
6.5... Subdivision 5 — Flood Fringe District (FF)	9
6.5.1. ... Permitted Uses	9
6.5.2. ... Standards for Flood Fringe Permitted Uses	9
6.5.3. ... Conditional Uses	9
6.5.4. ... Standards for Flood Fringe Conditional Uses	9
6.5.5. ... Standards for All Flood Fringe Uses	11
6.6... Subdivision 6 — General Flood Plain District	13
6.6.1. ... Permissible Uses	13
6.6.2. ... Procedures for Floodway and Flood Fringe Determinations	13

SUBDIVISIONS	PAGE
6.7. ...Subdivision 7 — Subdivisions	15
6.7.1.... Land Suitability Review Criteria	15
6.7.2.... Requirements for Floodway/Flood Fringe Determinations.....	15
6.7.3.... Removal of Special Flood Hazard Area Designation	15
6.8. ...Subdivision 8 — Public Utilities, Railroads, Roads, and Bridges	15
6.8.1.... Public Utilities.....	15
6.8.2.... Public Transportation Facilities	15
6.8.3.... On-Site Sewage Treatment and Water Supply Systems	15
6.9. ...Subdivision 9 — Manufactured Homes/Travel Trailers and Travel Vehicles.....	17
6.9.1.... New Manufactured Home Parks	17
6.9.2.... Replacement Manufactured Homes — Existing Parks	17
6.9.3.... Travel Trailers/Travel Vehicles	17
6.10. .Subdivision 10 — Administration	19
6.10.1.. Zoning Administrator.....	19
6.10.2.. Permits, Certification Requirements and Record Keeping	19
6.10.3.. Appeals and Variances/Duties of the Board of Adjustment.....	20
6.10.4.. Conditional Uses — Standards and Evaluation Procedures.....	21
6.11. .Subdivision 11 — Nonconforming Uses	25
6.12. .Subdivision 12 — Penalties for Violation	25
6.13. .Subdivision 13 — Amendments	26

SECTION 6 — FLOODPLAIN MANAGEMENT DISTRICT

Amended June 17, 1997

6.1. Subdivision 1.0 — Statutory Authorization, Findings of Fact and Purpose

- 6.1.1. Statutory Authorization: The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and County Planning Enabling Act of 1974 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the County Board of Commissioners of Chippewa County, Minnesota, does ordain as follows:
- 6.1.2. Findings of Fact:
 - 6.1.2.1. The flood hazard areas of Chippewa County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - 6.1.2.2. Methods used to analyze flood hazards. This section is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- 6.1.3 Statement of Purpose: It is the purpose of this section to promote the public health, safety, and general welfare and to minimize those losses described in Subdivision 6.1.2.1. by provisions contained herein.

6.2. Subdivision 2.0. — General Provisions

- 6.2.1. Lands to which section applies: This section shall apply to all lands within the jurisdiction of Chippewa County shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.
- 6.2.2. Establishment of official zoning map: The official zoning map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The attached material shall include the Flood Insurance Study for Chippewa County prepared by the Federal Insurance Administration dated May 19, 1987, and the Flood Boundary and Floodway Map and Flood Insurance Rate Map dated May 19, 1987, therein. The official zoning map shall be on file in the office of the county auditor and the county zoning administrator.
- 6.2.3. Regulatory flood protection elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 6.2.4. Interpretation:
 - 6.2.4.1. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 - 6.2.4.2. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official

zoning map, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board and to submit technical evidence.

- 6.2.5. Abrogation and greater restrictions: It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.
- 6.2.6. Warning and disclaimer of liability: This section does not imply that areas outside the Flood Plain Districts or land uses permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of Chippewa County or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
- 6.2.7. Severability: If any subdivision, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- 6.2.8. Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.
 - 6.2.8.1. Accessory use or structure — a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of structure.
 - 6.2.8.2. Basement — means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
 - 6.2.8.3. Conditional use — means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (1) certain conditions as detailed in the zoning ordinance exist, and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
 - 6.2.8.4. Equal degree of encroachment — a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
 - 6.2.8.5. Flood — a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
 - 6.2.8.6. Flood frequency — the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
 - 6.2.8.7. Flood fringe — that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe," used in the Flood Insurance Study for Chippewa County.

- 6.2.8.8. Flood plain — the beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.
- 6.2.8.9. Flood-proofing — a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 6.2.8.10. Floodway — the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- 6.2.8.11. Obstruction — any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- 6.2.8.12. Principal use or structure — means all uses or structures that are not accessory uses or structures.
- 6.2.8.13. Reach — a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 6.2.8.14. Regional flood — a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.
- 6.2.8.15. Regulatory flood protection elevation — The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 6.2.8.16. Structure — anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Subdivision 6.9.3.1. of the section and other similar items.
- 6.2.8.17. Variance — means a modification of a specific permitted development standard required in an official control including this section to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty, or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

6.3. Subdivision 3.0 — Establishment of Zoning Districts

6.3.1. Districts:

- 6.3.1.1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map adopted in Subdivision 6.2.2.
- 6.3.1.2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in Subdivision 6.2.2.
- 6.3.1.3. General Flood Plain District. The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Subdivision 6.2.2.

6.3.2. Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this section. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Subdivisions 6.4.0., 6.5.0., and 6.6.0. that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- 6.3.2.1. New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this section and, specifically, Subdivision 6.9.0.;
- 6.3.2.2. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by the general provisions of this section and, specifically, Subdivision 6.11.0.; and
- 6.3.2.3. As-built elevations for elevated or flood-proofed structures must be certified by ground surveys, and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this section and, specifically, as stated in Subdivision 6.10. of this section.

6.4. Subdivision 4.0. — Floodway District (FW)

6.4.1. Permitted uses:

- 6.4.1.1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 6.4.1.2. Industrial-commercial loading areas, parking areas, and airport landing strips.
- 6.4.1.3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- 6.4.1.4. Residential lawns, gardens, parking areas, and play areas.

6.4.2. Standards for Floodway permitted uses:

- 6.4.2.1. The use shall have a low flood damage potential.
- 6.4.2.2. The use shall be permissible in the underlying zoning district if one exists.
- 6.4.2.3. The use shall not obstruct flood flows or increase flood elevations and shall

not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

6.4.3. Conditional uses:

- 6.4.3.1. Structures accessory to the uses listed in 6.4.1. above and the uses listed in 6.4.3.2. – 6.4.3.8. below.
- 6.4.3.2. Extraction and storage of sand, gravel, and other materials.
- 6.4.3.3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 6.4.3.4. Railroads, streets, bridges, utility transmission lines, and pipelines.
- 6.4.3.5. Storage yards for equipment, machinery, or materials.
- 6.4.3.6. Placement of fill.
- 6.4.3.7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subdivision 6.9.3. of this section.
- 6.4.3.8. Structural works for flood control, such as:
 - 6.4.3.8.1. levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures; and
 - 6.4.3.8.2. levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

6.4.4. Standards for Floodway conditional uses:

- 6.4.4.1. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 6.4.4.2. All floodway conditional uses shall be subject to the procedures and standards contained in Subdivision 6.10.4. of this section.
- 6.4.4.3. The conditional use shall be permissible in the underlying zoning district if one exists.
- 6.4.4.4. Fill:
 - 6.4.4.4.1. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
 - 6.4.4.4.2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - 6.4.4.4.3. As an alternative, and consistent with Subsection 6.4.4.4.2. of Subdivision 6.4.4.4. immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which

assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.

- 6.4.4.5. Accessory structures:
 - 6.4.4.5.1. Accessory structures shall not be designed for human habitation.
 - 6.4.4.5.2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - 6.4.4.5.2.1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
 - 6.4.4.5.2.2. so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - 6.4.4.5.3. Accessory structures shall be elevated on fill or structurally dry flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the state building code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood-proofed accessory structures must meet the following additional standards, as appropriate:
 - 6.4.4.5.3.1. The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - 6.4.4.5.3.2. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.
- 6.4.4.6. Storage of materials and equipment:
 - 6.4.4.6.1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - 6.4.4.6.2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.
- 6.4.4.7. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

- 6.4.4.8. A levee, dike, or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

6.5 Subdivision 5.0 — Flood Fringe District (FF)

- 6.5.1. Permitted uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Subdivision 6.5.2. and the standards for all Flood Fringe "Permitted and Conditional Uses" listed in Subdivision 6.5.5.
- 6.5.2. Standards for Flood Fringe permitted uses:
- 6.5.2.1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, including basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation, and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- 6.5.2.2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood-proofed in accordance with Subdivision 6.4.4.5.3.
- 6.5.2.3. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Subdivision 6.5.2.1. of this section.
- 6.5.2.4. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- 6.5.2.5. The provisions of Subdivision 6.5.5. of this section shall apply.
- 6.5.3. Conditional Uses: Any structure that is not elevated on fill or flood-proofed in accordance with Subdivision 6.5.2.1. – 6.5.2.2. or any use of land that does not comply with the standards in Subdivision 6.5.2.3. – 6.5.2.4. shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Subdivisions 6.5.4. – 6.5.5. and 6.10.4. of this section.
- 6.5.4. Standards for Flood Fringe Conditional Uses:
- 6.5.4.1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck-under garages.
- The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: (1) the enclosed area is above-grade on at least one side of the structure; (2) is designed to internally flood and is constructed with flood resistant materials; and (3) is used solely for parking of vehicles, building access, or storage.
- The above-noted alternative elevation methods are subject to the following additional standards:
- 6.5.4.1.1. Design and Certification — The structure's design and as-built

condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

- 6.5.4.1.2. Specific Standards for Above-Grade, Enclosed Areas — Above-grade, fully enclosed areas, such as crawl spaces or tuck-under garages, must be designed to internally flood, and the design plans must stipulate:
 - 6.5.4.1.2.1. The minimum area of openings in the walls where internal flooding is to be used as a flood-proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - 6.5.4.1.2.2. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles, or storage.
- 6.5.4.2. Basements, as defined by Subdivision 6.2.8.12. of this section, shall be subject to the following:
 - 6.5.4.2.1. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - 6.5.4.2.2. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood-proofed in accordance with Subdivision 6.5.4.3. of this section.
- 6.5.4.3. All areas of non-residential structures, including basements, to be placed below the regulatory flood protection elevation shall be flood-proofed in accordance with the structurally dry flood-proofing classifications in the state building code. Structurally dry flood-proofing must meet the FP-1 or FP-2 flood-proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classification shall not be permitted.
- 6.5.4.4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil

disposal, or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

6.5.4.5. Storage of Materials and Equipment:

6.5.4.5.1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

6.5.4.5.2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

6.5.4.6. The provisions of Subdivision 6.5.5. of this section shall also apply.

6.5.5. Standards for All Flood Fringe Uses:

6.5.5.1. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the board of adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

6.5.5.2. Commercial Uses — accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

6.5.5.3. Manufacturing and Industrial Uses — measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses, such as yards and parking lots, may be at lower elevations subject to requirements set out in Subdivision 6.5.5.2. above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

6.5.5.4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover, or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation — FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of

special flood hazard area designation will be requested.

- 6.5.5.5. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
- 6.5.5.6. Standards for travel trailers and travel vehicles are contained in Subdivision 6.9.3.
- 6.5.5.7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

6.6. Subdivision 6.0 — General Flood Plain District

6.6.1. Permissible Uses:

- 6.6.1.1. The uses listed in Subdivision 6.4.1. of this section shall be permitted uses.
- 6.6.1.2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Subdivision 6.6.2. below. Subdivision 6.4.0. shall apply if the proposed use is in the Floodway District, and Subdivision 6.5.0. shall apply if the proposed use is in the Flood Fringe District.

6.6.2. Procedures for Floodway and Flood Fringe determinations within the General Flood Plain District.

- 6.6.2.1. Upon receipt of an application for a conditional use permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
 - 6.6.2.1.1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - 6.6.2.1.2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 - 6.6.2.1.3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- 6.6.2.2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 – 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - 6.6.2.2.1. Estimate the peak discharge of the regional flood.
 - 6.6.2.2.2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - 6.6.2.2.3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the

stream within the reach shall be assumed in computing floodway boundaries.

- 6.6.2.3. The zoning administrator shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources, or the planning commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the governing body shall refer the matter back to the zoning administrator, who shall process the permit application consistent with the applicable provisions of Subdivisions 6.4.0. and 6.5.0. of this section.

6.7. Subdivision 7.0 — Subdivisions

- 6.7.1. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this section and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the Flood Plain, the Floodway, and Flood Fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- 6.7.2. Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Subdivision 6.6.2. of this section to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries, and the regulatory flood protection elevation for the subdivision site.
- 6.7.3. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

6.8. Subdivision 8.0 — Public Utilities, Railroads, Roads, and Bridges

- 6.8.1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.
- 6.8.2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 6.4.0. and 6.5.0. of this section. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- 6.8.3. On-Site Sewage Treatment and Water Supply Systems: Where public utilities are not provided:
 - 6.8.3.1. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - 6.8.3.2. new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this subdivision.

6.9. Subdivision 9.0 — Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles

- 6.9.1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 6.7.0. of this section.
- 6.9.2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subdivision 6.5.0. of this section. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subdivision 6.5.5.1., then replacement manufactured homes will not be allowed until the property owner(s) develop(s) a flood warning emergency plan acceptable to the governing body.
- 6.9.2.1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- 6.9.3. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Subdivision 6.9.3.1. below shall be subject to the provisions of this section and as specifically spelled out in Subdivisions 6.9.3.3. – 6.9.3.4. below.
- 6.9.3.1. Exemption — Travel trailers and travel vehicles are exempt from the provisions of this section if they are placed in any of the areas listed in Subdivision 6.9.3.2. below and they meet the following criteria:
- 6.9.3.1.1. Have current licenses required for highway use.
- 6.9.3.1.2. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- 6.9.3.1.3. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- 6.9.3.2. Areas Exempted For Placement of Travel/Recreational Vehicles:
- 6.9.3.2.1. Individual lots or parcels of record.
- 6.9.3.2.2. Existing commercial recreational vehicle parks or campgrounds.
- 6.9.3.2.3. Existing condominium type associations.
- 6.9.3.3. Travel trailers and travel vehicles exempted in Subdivision 6.9.3.1. lose this exemption when development occurs on the parcel exceeding 1,000 dollars for a structural addition to the travel trailer/travel vehicle, and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Subdivisions 6.4.0. and 6.5.0. of this section.
- 6.9.3.4. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- 6.9.3.4.1. Any new or replacement travel trailer or travel vehicle will be

allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Subdivision 6.5.5.1. of this section. No fill placed in the floodway to meet the requirements of this subdivision shall increase flood stages of the 100-year or regional flood.

- 6.9.3.4.2. All new or replacement travel trailers or travel vehicles not meeting the criteria of 6.9.3.4.1. above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 6.10.4. of this section. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 6.8.3. of this section.

6.10. Subdivision 10.0. — Administration

- 6.10.1. Zoning administrator: A zoning administrator designated by the governing body shall administer and enforce this section. If the zoning administrator finds a violation of the provisions of this section, the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subdivision 6.12.0. of this section.
- 6.10.2. Permit Requirements:
- 6.10.2.1. Permit required: A permit issued by the zoning administrator in conformity with the provisions of this section shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- 6.10.2.2. Application for permit: Application for a permit shall be made in duplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
- 6.10.2.3. State and federal permits: Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.
- 6.10.2.4. Certificate of zoning compliance for a new, altered, or nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator, stating that the use of the building or land conforms to the requirements of this section.
- 6.10.2.5. Construction and use to be as provided on applications, plans, permits, variances and certificates of zoning compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this section, and punishable as provided by Subdivision 6.12.0. of this section.
- 6.10.2.6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this section. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
- 6.10.2.7. Record of first floor elevation. The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The zoning administrator shall also maintain a record of the elevation to

which structures and/or alterations/additions to structures are flood-proofed.

6.10.3. Board of Adjustment:

- 6.10.3.1. Rules. The board of adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.
- 6.10.3.2. Administrative review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this section.
- 6.10.3.3. Variances. The board may authorize upon appeal in specific cases such relief or variance from the terms of this section as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- 6.10.3.4. Hearings. Upon filing with the board of adjustment of an appeal from a decision of the zoning administrator, or an application for a variance, the board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing.
- 6.10.3.5. Decisions. The board shall arrive at a decision on such appeal or variance within 30 days. In passing upon an appeal, the board may, so long as such action is in conformity with the provisions of this section, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the board may prescribe appropriate conditions and safeguards such as those specified in Subdivision 6.10.4.6. which are in conformity with the purposes of this section. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this section punishable under Section 6.12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- 6.10.3.6. Appeals. Appeals from any decision of the board may be made, and as specified in this community's official controls and also Minnesota Statutes.
- 6.10.3.7. Flood insurance notice and record keeping. The zoning administrator shall notify the applicant for a variance that:

- 6.10.3.7.1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- 6.10.3.7.2. such construction below the 100-year or regional flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the National Flood Insurance Program.

- 6.10.4. Conditional uses. The county planning commission shall hear applications for conditional uses permissible under this section. The county board of commissioners will make final decisions on all applications. Applications shall be submitted to the zoning administrator, who shall forward the application to the planning commission for consideration.
 - 6.10.4.1. Hearings. Upon filing with the county planning commission an application for a conditional use permit, the county planning commission shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive it with at least ten days' notice of the hearing.
 - 6.10.4.2. Decisions. The county board of commissioners shall arrive at a decision on a conditional use within 30 days after receiving a recommendation from the county planning commission. In granting a conditional use permit, the county board of commissioners shall prescribe appropriate conditions and safeguards, in addition to those specified in Subdivision 6.10.4.6., which are in conformity with the purposes of this section. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this section punishable under Subdivision 6.12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
 - 6.10.4.3. Procedures to be followed by the county planning commission and county board of commissioners in passing on conditional use permit applications within all flood plain districts:
 - 6.10.4.3.1. Require the applicant to furnish such of the following information and additional information as deemed necessary by the county planning commission for determining the suitability of the particular site for the proposed use:
 - 6.10.4.3.1.1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
 - 6.10.4.3.1.2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of

materials, water supply, and sanitary facilities.

- 6.10.4.3.2. Transmit one copy of the information described in Subsection 6.10.4.3.1. of Subdivision 6.10.4.3. to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- 6.10.4.3.3. Based upon the technical evaluation of the designated engineer or expert, the county planning commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- 6.10.4.4. Factors upon which the decision of the county board of commissioners shall be based. In passing upon conditional use applications, the county board of commissioners shall consider all relevant factors specified in other subdivisions of this section, and:
 - 6.10.4.4.1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 6.10.4.4.2. The danger that materials may be swept onto other lands or downstream to the injury of others or that may block bridges, culverts, or other hydraulic structures.
 - 6.10.4.4.3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - 6.10.4.4.4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 6.10.4.4.5. The importance of the services provided by the proposed facility to the community.
 - 6.10.4.4.6. The requirements of the facility for a waterfront location.
 - 6.10.4.4.7. The availability of alternative locations not subject to flooding for the proposed use.
 - 6.10.4.4.8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - 6.10.4.4.9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - 6.10.4.4.10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 6.10.4.4.11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - 6.10.4.4.12. Such other factors which are relevant to the purposes of this section.
- 6.10.4.5. Time for acting on application: The county board of commissioners shall act on an application in the manner described above within 30 days from receiving the application, except that where additional information is required pursuant to 6.10.4.4. of this section. The county board of

commissioners shall render a written decision within 30 days from the receipt of such additional information.

- 6.10.4.6. Conditions attached to conditional use permits: Upon consideration of the factors listed above and the purpose of this section, the county board of commissioners shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:
 - 6.10.4.6.1. Modification of waste treatment and water supply facilities.
 - 6.10.4.6.2. Limitations on period of use, occupancy, and operation.
 - 6.10.4.6.3. Imposition of operational controls, sureties, and deed restrictions.
 - 6.10.4.6.4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - 6.10.4.6.5. Flood-proofing measures, in accordance with the state building code and this section. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

6.11. Subdivision 11.0 — Nonconforming Uses

- 6.11.1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may be continued subject to the following conditions:
- 6.11.1.1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - 6.11.1.2. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood-proofing techniques (i.e., FP-1 through FP-4 flood-proofing classifications) allowable in the state building code, except as further restricted in 6.11.3. below.
 - 6.11.1.3. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this subdivision are satisfied. The cost of all structural alterations and additions constructed since the adoption of the county's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Subdivisions 6.4.0. and 6.5.0. of this section for new structures, depending upon whether the structure is in the Floodway or Flood Fringe, respectively.
 - 6.11.1.4. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this section. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.
 - 6.11.1.5. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more if its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this section. The applicable provisions for establishing new uses or new structures in Subdivisions 6.4.0, 6.5.0, and 6.6.0 will apply, depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.

6.12. Subdivision 12.0 — Penalties for Violation

- 6.12.1. Violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- 6.12.2. Nothing herein contained shall prevent the county board of commissioners from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
 - 6.12.2.1. In responding to a suspected section violation, the zoning administrator and county board of commissioners may utilize the full array of enforcement actions available to it, including, but not limited to, prosecution and fines,

injunctions, after-the-fact permits, orders for corrective measures, or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct section violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

- 6.12.2.2. When a section violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the county's plan of action to correct the violation to the degree possible.
- 6.12.2.3. The zoning administrator shall notify the suspected party of the requirements of this section and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the county. If the construction or development is already completed, then the zoning administrator may either:
 - 6.12.2.3.1. issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or
 - 6.12.2.3.2. notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
- 6.12.2.4. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this section and shall be prosecuted accordingly. The zoning administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this section.

6.13. Subdivision 13.0 — Amendments

The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this section, including amendments to the official zoning map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10 days' written notice of all hearings to consider an amendment to this section, and said notice shall include a draft of the section amendment or technical study under consideration.

SECTION 7 — SHORELAND MANAGEMENT DISTRICT

AMENDED: FEBRUARY 6, 1996

NOVEMBER 19, 1996

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
7.1.... Subdivision 1— Statutory Authorization & Policy.....	1
7.1.1. Statutory Authorization	1
7.1.2. Policy	1
7.2.... Subdivision 2 — General Provisions & Definitions	3
7.2.1. Jurisdiction	3
7.2.2. Compliance.....	3
7.2.3. Enforcement	3
7.2.4. Definitions	3
7.2.5. Policy	7
7.2.6. Scope	7
7.2.7. Shoreland Management Classification System	10
7.2.8. Land Use Districts	12
7.2.9. Criteria for Land Use Zoning District Designation	13
7.3.... Subdivision 3 — Administration	15
7.3.1. Permits Required	15
7.3.2. Certificate of Zoning Compliance	15
7.3.3. Variances	15
7.3.4. Notifications to DNR.....	16
7.3.5. Nonconformities	16
7.4.... Subdivision 4 — Shoreland Classification System and Land Use Districts.....	17
7.4.1. Shoreland Classification System	17
7.4.2. Land Use District Descriptions.....	20
7.5.... Subdivision 5 — Zoning and Water Supply/Sanitary Provisions.....	25
7.5.1. Lot Area and Width Standards	25
7.5.2. Placement, Design, and Height of Structures	28
7.5.3. Shoreland Alterations	32
7.5.4. Placement and Design of Roads, Driveways and Parking Areas	35
7.5.5. Stormwater Management.....	35

SUBDIVISIONS	PAGE
7.5.6.... Special Provisions for:	
— Commercial, Industrial, Public and Semipublic Uses.....	36
— Agricultural Uses	37
— Forestry	38
— Extractive Uses	38
— Mining of Metallic Minerals and Peat	38
7.5.7.... Conditional Uses	38
7.5.8.... Water Supply and Sewage Treatment	39
7.6. ...Subdivision 6 — Nonconformities.....	41
7.6.1.... Construction on Nonconforming Lots of Record.....	41
7.6.2.... Additions/Expansions to Nonconforming Structures.....	41
7.6.3.... Nonconforming Sewage Treatment Systems	42
7.7 ...Subdivision 7 — Subdivision/Platting Provisions.....	43
7.7.1.... Land Suitability	43
7.7.2.... Consistency with Other Controls	43
7.7.3.... Information Requirements	43
7.7.4.... Dedications.....	43
7.7.5.... Platting	44
7.7.6.... Controlled Access or Recreational Lots.....	44
7.8. ...Subdivision 8 — Planned Unit Developments.....	45
7.8.1.... Types of PUDs Permissible	45
7.8.2.... Processing of PUDs	45
7.8.3.... Application for a PUD	45
7.8.4.... Site “Suitable Area” Evaluation.....	45
7.8.5.... Residential and Commercial PUD Density Evaluation.....	46
7.8.6.... Maintenance and Design Criteria.....	48
7.8.7.... Conversions.....	51
APPENDICES	PAGE
Appendix A — Considerations for Township Zoning	53
Appendix B — Ordinance Certification Checklist.....	54

SECTION 7 — SHORELAND MANAGEMENT DISTRICT
AMENDED FEBRUARY 6, 1996
AMENDED NOVEMBER 19, 1996

7.1. Subdivision 1.0. – Statutory Authorization and Policy

7.1.1. Statutory Authorization

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

7.1.2. Policy

The uncontrolled use of shorelands of Chippewa County, Minnesota, affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Chippewa County.

7.2. Subdivision 2.0. — General Provisions and Definitions

7.2.1. Jurisdiction

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 7.4.0. of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than ten (10) acres in size in municipalities or twenty-five (25) acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

7.2.2. Compliance

The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

7.2.3. Enforcement

The zoning administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 7.3.1. of this ordinance.

7.2.4. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- ◆ “Accessory structure” or “facility” means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- ◆ “Bluff” means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- a. part or all of the feature is located in a shoreland area;
- b. the slope rises at least 25 feet above the ordinary high water level of the waterbody;
- c. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- d. the slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

- ◆ “Bluff impact zone” means a bluff and land located within 20 feet from the top of a bluff.
- ◆ "Boathouse" means a structure designed and used solely for the storage of boats

or boating equipment.

- ◆ “Building line” means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- ◆ "Commercial planned unit developments" are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- ◆ “Commercial use” means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- ◆ “Commissioner” means the commissioner of the Department of Natural Resources.
- ◆ “Conditional use” means a use as this term is defined in Minnesota Statutes, Chapter 394.
- ◆ "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- ◆ "Duplex," triplex," and "quad" means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- ◆ "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- ◆ “Dwelling unit” means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- ◆ “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- ◆ "Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.
- ◆ "Guest cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- ◆ “Hardship” means the same as that term is defined in Minnesota Statutes, Chapter 394.
- ◆ "Height of building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
- ◆ “Industrial use” means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

- ◆ "Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- ◆ "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- ◆ "Lot width" means the shortest distance between lot lines measured at the midpoint of the building line.
- ◆ "Nonconformity" means the same as that term is defined or described in Minnesota Statutes, Chapter 394.
- ◆ "Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- ◆ "Planned unit development" means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- ◆ "Public waters" means any waters as defined in Minnesota Statutes, Section 103G.005, Subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of Parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from Parts 6120.2500 to 6120.3900.
The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the commissioner.
- ◆ "Residential planned unit development" means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
- ◆ "Semipublic use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- ◆ "Sensitive resource management" means the preservation and management of

areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

- ◆ “Setback” means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- ◆ “Sewage treatment system” means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080.
- ◆ "Sewer system" means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- ◆ "Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
- ◆ “Shoreland” means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
- ◆ "Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- ◆ "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- ◆ “Structure” means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
- ◆ “Subdivision” means land that is divided for the purpose of sale, rent, or lease, including planned unit development.
- ◆ "Surface water-oriented commercial use" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of

the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

- ◆ "Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent.
- ◆ "Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- ◆ "Variance" means the same as that term is defined or described in Minnesota Statutes, Chapter 394 (for counties) or Chapter 462 (for municipalities).
- ◆ "Water-oriented accessory structure or facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
- ◆ "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.
- ◆

7.2.5. Policy

The uncontrolled use of shorelands adversely affects the public health, safety, and general welfare by contributing to pollution of public waters and by impairing the local tax base. In furtherance of the policies declared in Minnesota Statutes, Chapters 103F, 103G, 115, 116, 394, 396, and 462, the commissioner provides the following minimum standards and criteria for the subdivision, use, and development of the shorelands of public waters. The standards and criteria are intended to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of water and related land resources of the state.

7.2.6. Scope

- 7.2.6.1. Responsibilities and authorities. These minimum standards and criteria apply to those shorelands of public waters of the state which are subject to local government land use controls. They are intended to be incorporated into local government shoreland management controls. Each local government is responsible for administration and enforcement of its shoreland management controls adopted in compliance with these standards and criteria. Nothing in these standards and criteria shall be construed as prohibiting or discouraging a local government from adopting and enforcing controls that are more restrictive.
- 7.2.6.2. Adoption schedule. Counties, and those cities designated by the commissioner in consultation with the appropriate county, must adopt or amend land use controls to bring them into substantial compliance with these standards and criteria within two years of being notified by the commissioner.
- 7.2.6.3. Implementation flexibility. Local governments may, under special circumstances and with the commissioner's approval, adopt shoreland management controls that are not in strict conformity with these minimum

standards and criteria, provided the purposes of Minnesota Statutes, Section 103F.201 – 103F.221 are satisfied.

- 7.2.6.3.1. Special circumstances may include the following situations:
 - 7.2.6.3.1.1. where shorelands have been developed with an assortment of urban land uses for many years and much of the development does not meet the standards in Parts 6120.2500 to 6120.3900;
 - 7.2.6.3.1.2. cities with central business districts located within shorelands;
 - 7.2.6.3.1.3. cities whose only shorelands are along rivers classified as tributary;
 - 7.2.6.3.1.4. small cities that have not had, and do not anticipate, much development activity within shorelands;
 - 7.2.6.3.1.5. counties or portions of counties with topography or vegetation characteristics that would make use of particular minimum state standards impractical;
 - 7.2.6.3.1.6. shorelands that are managed under other water and related land resource management programs authorized by state or federal legislation with goals compatible with Minnesota Statutes, Section 103F.201-103F.221, and Parts 6120.2500 to 6120.3900; or
 - 7.2.6.3.1.7. individual lakes or systems of lakes that are being managed under standards developed specifically for these water resources after a comprehensive study and planning effort.
- 7.2.6.3.2. Alternative management standards may use the following concepts and approaches, or others:
 - 7.2.6.3.2.1. expanded or different public waters classification systems;
 - 7.2.6.3.2.2. designation of areas where land use districts and associated standards are more restrictive than these standards and criteria as trade-offs for other areas where they are less restrictive;
 - 7.2.6.3.2.3. standards and other management approaches that are developed for specific water resources after a comprehensive evaluation and planning effort;
 - 7.2.6.3.2.4. standards developed to take into account commonly occurring hydrologic, geologic, property ownership, topographic, and vegetation patterns and shoreland accessibility issues that would make use of these standards and criteria impractical; or
 - 7.2.6.3.2.5. other types of management or acquisition programs such as stormwater management and

public land acquisition programs that reduce the need for use of specific standards in Parts 6120.2500 to 6120.3900.

- 7.2.6.3.3. Local governments must request consideration of an alternative approach under this subpart and must provide written justification and supporting information, maps, and documents, as appropriate, to justify the request to the commissioner, including the following:
 - 7.2.6.3.3.1. existing land use plans and controls for shorelands of each public water;
 - 7.2.6.3.3.2. for the shorelands of each public water, the number, average size, and percent of shoreline occupied by undeveloped lots of record and land in public ownership;
 - 7.2.6.3.3.3. characteristics of existing development, including types, densities, heights, colors, and presence or absence of screening vegetation or topography;
 - 7.2.6.3.3.4. presence or absence of public sewer and stormwater management practices or facilities; and
 - 7.2.6.3.3.5. explanations of how deviations from state standards are justified.
- 7.2.6.3.4. The commissioner shall respond to the local government's request for consideration of an alternative approach under this subpart in accordance with subitems 7.2.6.3.4.1. to 7.2.6.3.4.5.
 - 7.2.6.3.4.1. The commissioner shall in writing acknowledge and approve or deny the request within 60 days of receipt of the request and all necessary supporting documents and technical data. For extraordinarily complex issues and requests involving multi-government coordination or multi-organization coordination, the commissioner and the affected local units of government may mutually agree to an extension of the 60-day response.
 - 7.2.6.3.4.2. The commissioner in the approval or denial pursuant to this subpart shall state to the local governments the reasons for the approval or denial and, as appropriate, suggest alternative solutions or regulatory approaches that would be acceptable to the commissioner.
 - 7.2.6.3.4.3. The local governments proposing the alternative control and the commissioner shall solicit the input of the public and other governmental bodies that could be affected by the alternate control.
 - 7.2.6.3.4.4. Alternate shoreland controls must be approved by other units of government having adjacent land use authority impacted by the alternate controls.
 - 7.2.6.3.4.5. The local government either proposing an alternate

local control or a local government being impacted by an alternate local control may request a contested case hearing under Minnesota Statutes, Section 103G.311.

7.2.7. Shoreland Management Classification System

7.2.7.1. Criteria. The commissioner shall classify all public waters in accordance with the following criteria:

- 7.2.7.1.1. size and shape;
- 7.2.7.1.2. amount and type of existing development;
- 7.2.7.1.3. road and service center accessibility;
- 7.2.7.1.4. existing natural characteristics of the waters and shorelands;
- 7.2.7.1.5. state, regional, and local plans and management programs;
- 7.2.7.1.6. existing land use restrictions; and
- 7.2.7.1.7. presence of significant historic sites.

7.2.7.2. Classes. The classes of public waters are natural environment lakes, recreational development lakes, general development lakes, remote river segments, forested river segments, transition river segments, agricultural river segments, urban river segments, and tributary river segments. All of the river classes except tributary consist of watercourses that have been identified as being recreationally significant on a statewide basis. The tributary class consists of all other watercourses identified in the protected waters inventory. General descriptions of each class follow:

- 7.2.7.2.1. Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
- 7.2.7.2.2. Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
- 7.2.7.2.3. General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.
- 7.2.7.2.4. Remote river segments are primarily located in roadless, forested, sparsely-populated areas of the northeastern part of the

- state. Common land uses include multiple-use forestry, some recreation facilities, and occasional seasonal or year-round residential. Low intensity recreational uses of these river segments and adjacent lands are common. This class has limited potential for additional development and recreational use due to land suitability and road access constraints.
- 7.2.7.2.5. Forested river segments are located in forested, sparsely to moderately populated areas with some roads in the north-central part of the state. Predominant land uses include multiple-use forestry, some recreation facilities, seasonal residential, and, within commuting distances of several cities, some year-round residential. Low-intensity recreational uses of these rivers and adjacent lands are common. This class has substantial potential for additional development and recreational use.
- 7.2.7.2.6. Transition river segments are generally either located within the Minnesota and Mississippi River valleys, or within the middle reaches of several rivers in all regions except the north-central and northeast. Common land uses include forested within riparian strips and mixtures of cultivated, pasture, and forested beyond. Some seasonal and year-round residential development exists, particularly within commuting distance of major cities. The types and intensities of recreational uses within this class vary widely.
- 7.2.7.2.7. Agricultural river segments are located in well-roaded, intensively cultivated areas of the western and southern regions of the state. Cultivated crops are the predominant land use, with some pasture and occasional feedlots, small municipalities, and small forested areas. Residential development is not common, but some year-round residential use is occurring within commuting distances of major cities. Some intensive recreational use occurs on these river segments in particular areas, but overall recreational use of these waters and adjacent lands is low. Although potential exists for additional development and recreation, water quality constraints and competing land uses, particularly agriculture, will inhibit expansions.
- 7.2.7.2.8. Urban river segments are located within or adjacent to major cities throughout the state. A variety of residential and other urban land uses exists within these segments. Recreational uses of these segments and adjacent lands are common, but vary widely in types and intensities. These segments have potential for additional development, for redevelopment, and for additional recreational use, although recreational use on some of these segments competes with commercial river traffic.
- 7.2.7.2.9. Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes in items 7.2.7.2.4. to 7.2.7.2.8. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for

additional development and recreational use, particularly those located near roads and cities.

- 7.2.7.3. Supporting data. Supporting data for shoreland management classifications is supplied by the records and files of the Department of Natural Resources, including maps, lists, and other products of the Protected Waters Inventory; data and publications of the Shoreland Update Project; the Minnesota Department of Natural Resources Statewide Outstanding Rivers Inventory; Bulletin No. 25 (1968); and Supplementary Report No. 1 — Shoreland Management Classification System for Public Waters (1976) of the Division of Waters, Minnesota's Lakeshore, Part 2, Statistical Summary, Department of Geography, University of Minnesota; and additional supporting data may be supplied, as needed, by the commissioner. These publications are incorporated by reference, are available through the Minitex interlibrary loan system, and are not subject to frequent change.
- 7.2.7.4. Classification procedures. Public waters shall be classified by the commissioner. The commissioner shall document each classification with appropriate supporting data. A preliminary list of classified public waters shall be submitted to each affected local government. Each affected local government shall be given an opportunity to request a change in the proposed classification. If a local government feels such a change is needed, a written request with supporting data may be submitted to the commissioner for consideration. If a local government requests a change in a proposed shoreland management classification and the public water is located partially within the jurisdiction of another governmental unit, the commissioner shall review the recommendations of the other governmental units before making a final decision on the proposed change.
- 7.2.7.5. Reclassification. The commissioner may, as the need arises, reclassify any public water. Also, any local government may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the commissioner for consideration.
- 7.2.7.6. Modification and expansion of system. The commissioner may, as the need arises, modify or expand the shoreland classification system to provide specialized shoreland management standards based upon unique characteristics and capabilities of any public waters.

7.2.8. Land Use Districts

The development of shorelands of public waters must be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters in Part 6120.3000. Land use zoning districts may be established to provide for:

- 7.2.8.1. the management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, presence of significant historic sites, or any other feature likely to be harmful to the health, safety, or welfare of the residents of the community;
- 7.2.8.2. the reservation of areas suitable for residential development from encroachment by commercial and industrial uses;
- 7.2.8.3. the centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development;

- 7.2.8.4. the management of areas for commercial or industrial uses which, by their nature, require location in shoreland areas;
 - 7.2.8.5. the protection of valuable agricultural lands from conversion to other uses; and
 - 7.2.8.6. the preservation and enhancement of the quality of water-based recreational use of public waters including provisions for public accesses.
- 7.2.9. Criteria for Land Use Zoning District Designation
- 7.2.9.1. Criteria. The land use zoning districts established by local governments must be based on considerations of:
 - 7.2.9.1.1. preservation of natural areas;
 - 7.2.9.1.2. present ownership and development of shoreland areas;
 - 7.2.9.1.3. shoreland soil types and their engineering capabilities;
 - 7.2.9.1.4. topographic characteristics;
 - 7.2.9.1.5. vegetative cover
 - 7.2.9.1.6. in-water physical characteristics, values, and constraints;
 - 7.2.9.1.7. recreational use of the surface water;
 - 7.2.9.1.8. road and service center accessibility;
 - 7.2.9.1.9. socioeconomic development needs and plans as they involve water and related land resources;
 - 7.2.9.1.10. the land requirements of industry which, by its nature, requires location in shoreland areas; and
 - 7.2.9.1.11. the necessity to preserve and restore certain areas having significant historical or ecological value.
 - 7.2.9.2. Designation of zoning districts. Local governments with adopted land use zoning districts in effect on the date of adoption of Parts 6120.2500 to 6120.3900 may continue to use the districts until revisions are proposed. When amendments to zoning districts on lakes are considered, local governments, at least for all the shoreland within the community of the public water involved and preferably for all shoreland areas within the community, must revise existing zoning district and use provisions to make them substantially compatible with the framework in Subpart 4. On a river, zoning districts and use provisions for all shoreland on both sides within the same class in the community must be revised to make them substantially compatible with the framework in Subpart 5. If the same river class is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles up and down stream or to the class boundary, if closer, need be evaluated. When an interpretation question arises about whether a specific land use fits within a category in Subpart 4 or 5, the question must be resolved through procedures in local government official controls and state statutes.
 - 7.2.9.3. Land use district descriptions. Land use district descriptions are as follows:
 - 7.2.9.3.1. A special protection district is intended to be used for two basic purposes. The first purpose is to limit and properly manage development in areas that are generally unsuitable for development or uses due to flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints. A

second purpose is to manage and preserve areas with special historical, natural, or biological characteristics.

- 7.2.9.3.2. A residential district is primarily intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.
- 7.2.9.3.3. A high density residential district is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited to residential development using standard, lot-block subdivisions. This approach enables such areas to be developed, often even with higher than lot-block densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses, such as residential planned unit development, surface water-oriented commercial, multiple unit single-family, parks, historic sites, and semipublic, are also allowed, primarily as conditional uses.
- 7.2.9.3.4. A water-oriented commercial district is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity.
- 7.2.9.3.5. A general use district is intended to be used only for lands already developed or suitable for development with concentrated urban, particularly commercial, land uses. It should not generally be used on natural environment lakes or remote river classes. Several other intensive urban uses such as industrial and commercial planned unit development are allowed in this district if handled as conditional uses.

7.3. Subdivision 3.0 — Administration

Administration and Enforcement. Local governments must provide for the administration and enforcement of their shoreland management controls by establishing permit procedures for building construction, installation of sewage treatment systems, and grading and filling.

7.3.1. Permits Required

7.3.1.1. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 7.5.3. of this ordinance. Application for a permit shall be made to the zoning administrator on the forms provided. The application shall include the necessary information so that the zoning administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

7.3.1.2. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 7.5.8., shall be reconstructed or replaced in accordance with the provisions of this ordinance.

7.3.2. Certificate of Zoning Compliance

The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 7.3.1. of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 7.2.3. of this ordinance.

7.3.3. Variances

7.3.3.1. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

7.3.3.2. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 7.3.4.2. below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

7.3.3.3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

- 7.3.4. Notifications to the Department of Natural Resources
 - 7.3.4.1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
 - 7.3.4.2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.
- 7.3.5. Nonconformities
 - 7.3.5.1. Local governments must require upgrading or replacement of any existing, on-site sewage treatment system identified as a nonconformity under a program established under Section 7.5.8. of this ordinance. Systems installed according to all applicable local shoreland management standards adopted under Minnesota local shoreland management standards adopted under Minnesota Statutes, Section 103F.201 – 103F.221, in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by Minnesota Rules, Chapter 7080, shall be considered nonconforming.
 - 7.3.5.2. All nonconformities other than on-site sewage treatment systems must be managed according to applicable state statutes and local government official controls.

7.4. Subdivision 4.0 — Shoreland Classification System and Land Use Districts

7.4.1. Shoreland Classification System

The public waters of Chippewa County have been classified below consistent with the criteria found in Minnesota Rules, Part 6120.3000, and the Protected Waters Inventory Map for Chippewa County, Minnesota.

7.4.1.1. The shoreland area for the waterbodies listed in Sections 7.4.1.3. and 7.4.1.4. shall be as defined as any land located within the following distances from public waters (1) 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner. This is shown on the official zoning map.

7.4.1.2. Listed below are the townships of Chippewa County and the township/range numbers in which they occur.

Township Name	Township No.	Range No.
Big Bend	119	41
Crate	118	38
Grace	119	39
Granite Falls	115; 116	39
Havelock	118	39
Kragero	118; 119	42; 43
Leenthrop	117	39
Lone Tree	118	37
Louriston	119	38
Mandt	119	40
Rheiderland	117	37
Rosewood	118	40
Sparta	116; 117	40; 41
Stoneham	117	38
Tunsberg	118	41
Woods	119	37

7.4.1.3. The following public waters (P) and wetlands (W) are classified Natural Environment Lakes:

Natural Environment Lakes			
Number and Name	Section	Township	Range
12-13 P: Unnamed	14,15	117	38
12-16 P: Norberg Lake	26	117	38
12-28 P: Unnamed	17, 20	119	38
12-30 P: Shakopee Lake	6, 7; 1, 12; 31	119; 119; 120	38; 39; 38
12-31 W: Unnamed	18; 13	119	38; 39
12-32 P: Unnamed	SE 6	116	39
12-36 P: Unnamed	5; 32, 33	116; 117	39
12-43 P: Unnamed	20, 28, 29	119	39
12-45 P: Unnamed	NE 28	119	39
12-47 P: Unnamed	28	119	39
12-50 P: County Slough	8	117	40
12-56 W: Unnamed	19, 20	117	40
12-57 W: Unnamed	20, 29	117	40
12-59 P: Carlton Lake	SE 29	117	40
12-60 W: Long Slough	29	117	40
12-61 P: Unnamed	34, 35	117	40
12-63 P: Unnamed	4, 9, 10	118	40
12-67 W: Unnamed	5; 31; 32	118; 119	40
37-46 P: Lac qui Parle	Various	118; 119; 120	41; 42; 43

7.4.1.4. Rivers and Streams

A — Agriculture T — Transition Tr — Tributary
 WSR — Wild, Scenic, & Recreational — Please also see Section 8
 (Minnesota River Management District) of this ordinance

Rivers and Streams			
Class	River	From	To
T	Minnesota (MR)	Outlet of Lac qui Parle in Sec. 14, T 118N, R 42W	Lac qui Parle Dam, south section line, Sec. 13, T 118N, R 42W
WSR	Minnesota (MR)	Lac qui Parle Dam, south section line, Sec. 13, T 118N, R 42W	Border of Chippewa and Renville Counties
A	Chippewa (CR)	All reaches entering Chippewa County from Swift County	Confluence with Minnesota R. in Sec. 18, T 117N, R 40W

Rivers and Streams			
Class	River	From	To
A	Hawk Creek	NE¼, Sec. 1, T 116N, R 39W	Border of Chippewa and Renville Counties
TR	All other non-classified watercourses as shown on the following chart and on the Protected Waters Inventory Map and List for Chippewa County, a copy of which is hereby adopted by reference.		

Tributary Watercourses						
Name	Section	From Township	Range	Section	To Township	Range
Unnamed to Lac qui Parle (LqP)	18	119	42	34	119	42
Unnamed to LqP	35	119	42	2	118	42
Unnamed to MR	11	117	41	13	117	41
Unnamed to CR	1	117	41	7	117	40
Unnamed to CR	33	119	41	15	118	41
Unnamed to CR	28	119	41	34	119	41
Cottonwood Creek	4	119	41	4	119	41
Unnamed to CR	5	119	40	5	119	40
Unnamed to CR	22	119	41	27	119	41
Unnamed to CR	36	119	41	27	119	41
Dry Weather Creek	11	118	41	2	118	41
Spring Creek (SC)	4	117	40	6	117	40
Unnamed to SC	4	117	40	4	117	40
Unnamed to MR	8 (Basin 50)	117	40	28	117	40
Unnamed to MR	26	117	40	35	117	40
Unnamed to Unnamed	16	117	40	27	117	40
Brafees Creek	29	117	39	35	117	40
Unnamed to MR	18	116	39	18	116	39
Palmer Creek	9	116	39	20	116	39
Unnamed to MR	27	116	39	34	116	39
Shakopee Creek (ShC)	6	119	37	12	119	38
Unnamed to ShC	6	119	37	6	119	37
Unnamed to ShC	29	119	38	7 (Basin 30)	119	38
Unnamed to ShC	2	119	37	4	119	37
Chetomba Creek	32	117	38	32	117	38

7.4.2. Land Use District Descriptions

7.4.2.1. Criteria For Designation. The land use districts in Section 7.4.2.2., and the delineation of a land use district's boundaries on the official zoning map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan (when available) and the following criteria, considerations, and objectives:

7.4.2.1.1. General Considerations and Criteria for All Land Uses:

- 7.4.2.1.1.1. preservation of natural areas;
- 7.4.2.1.1.2. present ownership and development of shoreland areas;
- 7.4.2.1.1.3. shoreland soil types and their engineering capabilities;
- 7.4.2.1.1.4. topographic characteristics;
- 7.4.2.1.1.5. vegetative cover;
- 7.4.2.1.1.6. in-water physical characteristics, values, and constraints;
- 7.4.2.1.1.7. recreational use of the surface water;
- 7.4.2.1.1.8. road and service center accessibility;
- 7.4.2.1.1.9. socioeconomic development needs and plans as they involve water and related land resources;
- 7.4.2.1.1.10. the land requirements of industry which, by its nature, requires location in shoreland areas; and
- 7.4.2.1.1.11. the necessity to preserve and restore certain areas having significant historical or ecological value.

7.4.2.1.2. Factors and Criteria for Planned Unit Developments:

- 7.4.2.1.2.1. existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- 7.4.2.1.2.2. physical and aesthetic impacts of increased density;
- 7.4.2.1.2.3. suitability of lands for the planned unit development approach;
- 7.4.2.1.2.4. level of current development in the area; and
- 7.4.2.1.2.5. amounts and types of ownership of undeveloped lands.

7.4.2.2. Land Use District Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the official zoning map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3:

P — Permitted Uses N — Prohibited Uses C — Conditional Uses

7.4.2.2.1. Land Use Districts for Lakes	
7.4.2.2.1.1. Special Protection District — Uses	Natural Environment Lakes
Forest management	P
Sensitive resource management	P
Agricultural: cropland and pasture	P
Agricultural feedlots	C
Parks and historic sites	C
Extractive use	C
Single residential	C
Mining of metallic minerals and peat	P
7.4.2.2.1.2. Residential District — Uses	
Single residential	P
Semipublic	C
Parks and historic sites	C
Extractive use	C
Duplex, triplex, quad residential	C
Forest management	P
Mining of metallic minerals and peat	P
7.4.2.2.1.3. High Density Residential District — Uses	
Residential planned unit developments	C
Single residential	P
Surface water oriented commercial *	C
Semipublic	C
Parks and historic sites	C
Duplex, triplex, quad residential	P
Forest Management	P
7.4.2.2.1.4. Water Oriented Commercial District — Uses	
Surface water-oriented commercial	C
Commercial planned unit development**	C
Public, semipublic	C

7.4.2.2.1. Land Use Districts for Lakes (cont.)	
7.4.2.2.1.4. Water Oriented Commercial District — Uses	Natural Environment Lakes
Parks and historic sites	C
Forest management	P
7.4.2.2.1.5. General Use District — Uses	
Commercial	C
Commercial planned unit development **	C
Industrial	N
Public, semipublic	C
Extractive use	C
Parks and historic sites	C
Forest management	P
Mining of metallic minerals and peat	P

- * As accessory to a residential planned unit development
- ** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 7.8.0. of this ordinance are satisfied.

7.4.2.2.2. Land Use Districts for Rivers and Streams

T — Transition A — Agriculture Tr — Tributary

7.4.2.2.2. Land Use Districts for Rivers and Streams			
7.4.2.2.2.1. Special Protection District — Uses	T	A	Tr
Forest management	P	P	P
Sensitive resource management	P	P	P
Agricultural cropland and pasture	P	P	P
Agricultural feedlots	C	C	C
Parks and historic sites	C	C	C
Extractive use	C	C	C
Single residential	C	C	C
Mining of metallic minerals and peat	P	P	P
7.4.2.2.2.2. Residential District — Uses			
Single residential	P	P	P
Semipublic	C	C	P
Parks and sites	C	C	P
Extractive use	C	C	C

7.4.2.2.2. Land Use Districts for Rivers and Streams			
7.4.2.2.2.2. Residential District — Uses (cont.)	T	A	Tr
Duplex, triplex, quad residential	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	P	P	P
7.4.2.2.2.3. High Density Residential District — Uses			
Residential planned unit developments	C	C	C
Single residential	P	P	P
Surface water oriented commercial *	C	C	C
Semipublic	C	C	C
Parks and historic sites	C	C	C
Duplex, triplex, quad residential	P	P	P
Forest management	P	P	P
7.4.2.2.2.4. Water Oriented Commercial District — Uses			
Surface water-oriented commercial	C	C	C
Commercial planned unit development *	C	C	C
Public, semipublic	C	P	P
Parks and historic sites	C	C	C
Forest management	P	P	P
7.4.2.2.2.5. General Use District — Uses			
Commercial	C	C	C
Commercial planned unit development **	C	C	C
Industrial	N	N	C
Public, Semipublic	C	C	C
Extractive Use	C	C	C
Parks and historic sites	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	P	P	P

* As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 7.8.0. of this ordinance are satisfied.

7.4.2.3. Use and Upgrading of Inconsistent Land Use Districts.

7.4.2.3.1. The land use districts adopted in Section 7.7., as they apply to shoreland areas, and their delineated boundaries on the official zoning map, are not consistent with the land use district designation criteria specified in Section 7.4.2.2. herein. These inconsistent land use district designations may continue until

revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the official zoning map or to modify the boundary of an existing land use district shown on the official zoning map.

- 7.4.2.3.2. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:
 - 7.4.2.3.2.1. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 7.4.2.1. and 7.4.2.2. of this ordinance.
 - 7.4.2.3.2.2. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this ordinance must be revised to make them substantially compatible with the framework in Sections 7.4.2.1. and 7.4.2.2. of this ordinance. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of two and one-half (2.5) miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.
- 7.4.2.3.3. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the board of adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the official zoning map, this decision shall be made by the Chippewa County Board of Commissioners.
- 7.4.2.3.4. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The Chippewa County Board of Commissioners will direct the zoning administrator to provide such additional information for this waterbody as is necessary to satisfy Items 7.4.2.3.1. and 7.4.2.3.2.
- 7.4.2.3.5. The Chippewa County Board of Commissioners must make a detailed finding of facts and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 7.4.2.

7.5. Subdivision 5.0 — Zoning and Water Supply/Sanitary Provisions

Zoning Provisions

Purpose. To manage the effects of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the state, to provide ample space on lots for sewage treatment systems, to minimize flood damages, to maintain property values, to maintain historic values of significant historic sites, and to maintain natural characteristics of shorelands and adjacent water areas, shoreland controls must regulate lot sizes, placement of structures, and alterations of shoreland areas.

7.5.1. Lot Area and Width Standards

The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex, and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are the following:

7.5.1.1. Unsewered Lakes				
7.5.1.1.1. Natural Environment	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

7.5.1.2. Sewered Lakes				
7.5.1.2.1. Natural Environment	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

7.5.1.3. River/Stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex, and quad residential developments for the three river/stream classifications are:

7.5.1.3. River/Stream				
	Transition	Agriculture	Urban and Tributary	
			No Sewer	Sewer
Single	250	150	100	75
Duplex	375	225	150	115
Triplex	500	300	200	150
Quad	625	375	250	190

7.5.1.4. Additional Special Provisions

- 7.5.1.4.1. Lots must not be occupied by any more dwelling units than indicated in Sections 7.5.1.1.–7.5.1.3. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 7.5.1.2. and 7.5.1.3. can only be allowed if designed and approved as residential planned unit developments under Section 7.8.0. of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 7.5.1.2. can only be used if publicly owned sewer system service is available to the property.
- 7.5.1.4.2. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
 - 7.5.1.4.2.1. Each building must be set back from any lake, stream, or river at least two hundred (200) feet from the ordinary high water level;
 - 7.5.1.4.2.2. each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - 7.5.1.4.2.3. watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - 7.5.1.4.2.4. no more than twenty-five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- 7.5.1.4.3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 7.5.1.1., 7.5.1.2., and 7.5.1.3., provided the following standards are met:
 - 7.5.1.4.3.1. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - 7.5.1.4.3.2. a guest cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height; and
 - 7.5.1.4.3.3. a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- 7.5.1.4.4. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
 - 7.5.1.4.4.1. They must meet the width and size requirements

for residential lots, and be suitable for the intended uses of controlled access lots.

- 7.5.1.4.4.2. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of Lake Size to Shore Length (acres/mile)	Required Increase in Frontage (percent)
Less than 100	25
100 – 200	20
201 – 300	15
301 – 400	10
Greater than 400	5

- 7.5.1.4.4.3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- 7.5.1.4.4.4. covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

7.5.2. Placement, Design, and Height of Structures.

7.5.2.1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

Unless otherwise noted within this ordinance, all sections under Minnesota Rules Chapter 7080 of the MPCA Individual Sewage Treatment Systems apply.

7.5.2.1.1. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level *			
Classes of Public Waters	Structures		Sewage Treatment System
	Sewered	Unsewered	
Lakes			
Natural Environment	150	150	150
Rivers			
Transition	150	150	100
Agriculture and Tributary	100	50	75

* One water-oriented accessory structure designed in accordance with Section 7.5.2.2. of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

7.5.2.1.2. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:	
Setback From	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Historic site	50
Right-of-way line of town road, public street, or other roads or streets not classified	20

7.5.2.1.3. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

7.5.2.1.4. Steep Slopes. Local government officials must evaluate possible soil erosion impacts and development visibility from public

waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

- 7.5.2.1.5. Uses Without Water-Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

7.5.2.2. Design Criteria For Structures.

- 7.5.2.2.1. High water elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

7.5.2.2.1.1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;

7.5.2.2.1.2. for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

7.5.2.2.1.3. water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

- 7.5.2.2.2. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards.
- 7.5.2.2.3. Water-oriented accessory structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 7.5.2.1. of this ordinance if this water-oriented accessory structure complies with the following provisions:
 - 7.5.2.2.3.1. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point;
 - 7.5.2.2.3.2. the setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
 - 7.5.2.2.3.3. the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - 7.5.2.2.3.4. the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - 7.5.2.2.3.5. the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
 - 7.5.2.2.3.6. as an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.
- 7.5.2.2.4. Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - 7.5.2.2.4.1. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - 7.5.2.2.4.2. landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square

- feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- 7.5.2.2.4.3. canopies or roofs are not allowed on stairways, lifts, or landings;
 - 7.5.2.2.4.4. stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - 7.5.2.2.4.5. stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - 7.5.2.2.4.6. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems 7.5.2.2.4.1. to 7.5.2.2.4.5. are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- 7.5.2.2.5. Decks. Except as provided in item 7.5.2.2.3., decks must meet the structure setback standards. Decks that do not meet setback requirements from public waters may be allowed without a variance to be added to structures existing on the date the shoreland structure setbacks were established by ordinance, if all of the following criteria and standards are met:
- 7.5.2.2.5.1. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - 7.5.2.2.5.2. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - 7.5.2.2.5.3. the deck is constructed primarily of wood, and is not roofed or screened.
- 7.5.2.2.6. Significant historic sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- 7.5.2.2.7. Steep slopes. The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other

improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

7.5.2.3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed twenty-five (25) feet in height.

7.5.3. Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

7.5.3.1. Vegetation Alterations.

7.5.3.1.1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 7.5.4. of this ordinance are exempt from the vegetation alteration standards that follow.

7.5.3.1.2. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 7.5.6.2. and 7.5.6.3., respectfully, is allowed subject to the following standards:

7.5.3.1.2.1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the SWCD in which the property is located.

7.5.3.1.2.2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

7.5.3.1.2.2.1. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

7.5.3.1.2.2.2. along rivers, existing shading of water surfaces is preserved; and

7.5.3.1.2.2.3. the above provisions are not

applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

7.5.3.2. Topographic Alterations/Grading and Filling.

7.5.3.2.1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

7.5.3.2.2. Public roads and parking areas are regulated by Section 7.5.4. of this ordinance.

7.5.3.2.3. Notwithstanding Items 7.5.3.2.1. and 7.5.3.2.2. above, a grading and filling permit will be required for:

7.5.3.2.3.1. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

7.5.3.2.3.2. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

7.5.3.2.4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:

7.5.3.2.4.1. Grading or filling in any Type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:*

7.5.3.2.4.1.1. sediment and pollutant trapping and retention;

7.5.3.2.4.1.2. storage of surface runoff to prevent or reduce flood damage;

7.5.3.2.4.1.3. fish and wildlife habitat;

7.5.3.2.4.1.4. recreational use;

7.5.3.2.4.1.5. shoreline or bank stabilization; and

7.5.3.2.4.1.6. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other

local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- 7.5.3.2.4.2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 - 7.5.3.2.4.3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 - 7.5.3.2.4.4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - 7.5.3.2.4.5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 - 7.5.3.2.4.6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - 7.5.3.2.4.7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - 7.5.3.2.4.8. Fill or excavated material must not be placed in bluff impact zones;
 - 7.5.3.2.4.9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245;
 - 7.5.3.2.4.10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - 7.5.3.2.4.11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- 7.5.3.2.5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips,

canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

7.5.4. Placement and Design of Roads, Driveways, and Parking Areas.

7.5.4.1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

7.5.4.2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

7.5.4.3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 7.5.3.2. of this ordinance must be met.

7.5.5. Stormwater Management.

The following general and specific standards shall apply:

7.5.5.1. General Standards:

7.5.5.1.1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

7.5.5.1.2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

7.5.5.1.3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

7.5.5.2. Specific Standards:

7.5.5.2.1. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.

7.5.5.2.2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified

individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

- 7.5.5.2.3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

7.5.6. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses, and Mining of Metallic Minerals and Peat.

7.5.6.1. Standards for Commercial, Industrial, Public, and Semipublic Uses.

- 7.5.6.1.1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

- 7.5.6.1.1.1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

- 7.5.6.1.1.2. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

- 7.5.6.1.1.3. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

- 7.5.6.1.1.3.1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

- 7.5.6.1.1.3.2. signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than

ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

7.5.6.1.1.3.3. other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

7.5.6.1.2. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

7.5.6.2. Agriculture Use Standards.

7.5.6.2.1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

7.5.6.2.2. Animal feedlots must meet the following standards:

7.5.6.2.2.1. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the ordinary high water level of all public waters basins; and

7.5.6.2.2.2. modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

7.5.6.3. Forest Management Standards. The harvesting of timber and associated

reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

7.5.6.4. Extractive Use Standards.

7.5.6.4.1. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

7.5.6.4.2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

7.5.6.5. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

7.5.7. Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

7.5.7.1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

7.5.7.1.1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

7.5.7.1.2. the visibility of structures and other facilities as viewed from public waters is limited;

7.5.7.1.3. the site is adequate for water supply and on-site sewage treatment; and

7.5.7.1.4. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

7.5.7.2. Conditions attached to conditional use permits. The Chippewa County Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

7.5.7.2.1. increased setbacks from the ordinary high water level;

7.5.7.2.2. limitations on the natural vegetation to be removed or the

requirement that additional vegetation be planted; and

- 7.5.7.2.3. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

7.5.8. Water Supply and Sewage Treatment

7.5.8.1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

7.5.8.2. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- 7.5.8.2.1. Publicly-owned sewer systems must be used where available.
- 7.5.8.2.2. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080," a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
- 7.5.8.2.3. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 7.5.2.1. of this ordinance.
- 7.5.8.2.4. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in Subitems 7.5.8.2.4.1.-7.5.8.2.4.4. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- 7.5.8.2.4.1. depth to the highest known or calculated ground water table or bedrock;
- 7.5.8.2.4.2. soil conditions, properties, and permeability;
- 7.5.8.2.4.3. slope;
- 7.5.8.2.4.4. the existence of lowlands, local surface depressions, and rock outcrops;
- 7.5.8.2.5. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 7.5.8.2. of this ordinance.

7.6. Subdivision 6.0. — Nonconformities

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

- 7.6.1. Construction on nonconforming lots of record.
 - 7.6.1.1. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 7.5.1. and Sections 7.5.1.1.–7.5.1.3. of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
 - 7.6.1.2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
 - 7.6.1.3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 7.5.1. of this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 7.5.1. of this ordinance as much as possible.
- 7.6.2. Additions/expansions to nonconforming structures.
 - 7.6.2.1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 7.5.0. of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 7.3.3.
 - 7.6.2.2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - 7.6.2.2.1. The structure existed on the date the structure setbacks were established;
 - 7.6.2.2.2. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - 7.6.2.2.3. the deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
 - 7.6.2.2.4. the deck is constructed primarily of wood, and is not roofed or screened.

7.6.3. Nonconforming sewage treatment systems.

7.6.3.1. A sewage treatment system not meeting the requirements of Section 7.5.8. of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

7.6.3.2. The governing body of Chippewa County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. Chippewa County will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time, which will not exceed two (2) years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.201 – 103F.221, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

7.7. Subdivision 7.0. — Subdivision/Platting Provisions

- 7.7.1. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 7.8.0. of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the Chippewa County Planning Commission shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- 7.7.2. Consistency with other controls. Subdivisions must conform to all official controls of Chippewa County. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 7.5.2. and 7.5.8. can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 7.5.1., including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- 7.7.3. Information requirements. Sufficient information must be submitted by the applicant for Chippewa County Planning Commission to make a determination of land suitability. The information shall include at least the following:
- 7.7.3.1. topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - 7.7.3.2. the surface water features required in Minnesota Statutes to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - 7.7.3.3. adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - 7.7.3.4. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 - 7.7.3.5. location of hundred (100)-year flood plain areas and floodway districts from existing adopted maps or data; and
 - 7.7.3.6. a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- 7.7.4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding

areas for management of stormwater and significant wetlands.

- 7.7.5. **Platting.** All subdivisions that create five or more lots or parcels that are two and one-half (2-1/2) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
- 7.7.6. **Controlled Access or Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 7.5.1.4. of this ordinance.

7.8. Subdivision 8.0. — Planned Unit Developments (PUDs)

7.8.1. Types of PUDs Permissible

Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 7.4.2. of this ordinance and the official zoning map.

7.8.2. Processing of PUDs

Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 7.8.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

7.8.3. Application for a PUD

The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

7.8.3.1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

7.8.3.2. A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 7.8.6. of this ordinance.

7.8.3.3. Deed restrictions, covenants, permanent easements or other instruments that:

7.8.3.3.1. properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and

7.8.3.3.2. ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 7.8.6. of this ordinance.

7.8.3.4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

7.8.3.5. Those additional documents as requested by the Chippewa County Planning Commission that are necessary to explain how the PUD will be designed and will function.

7.8.4. Site "Suitable Area" Evaluation

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 7.8.5.

7.8.4.1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at

the following intervals, proceeding landward:

Shoreland Tier Dimensions	Unsewered (Feet)	Sewered (Feet)
Natural environment lakes	400	320
All river classes	300	300

7.8.4.2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

7.8.5. Residential and Commercial PUD Density Evaluation

The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

7.8.5.1. Residential PUD "Base" Density Evaluation:

7.8.5.1.1. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 7.8.6.

7.8.5.2. Commercial PUD "Base" Density Evaluation:

7.8.5.2.1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

7.8.5.2.2. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios * Public Waters Classes			
* Average Unit Floor Area (Sq. Ft.)	Agricultural, Tributary, River Segments	Transition River Segments	Natural Environment Lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016

Commercial Planned Unit Development			
Floor Area Ratios *			
Public Waters Classes			
* Average Unit Floor Area (Sq. Ft.)	Agricultural, Tributary, River Segments	Transition River Segments	Natural Environment Lakes
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 7.8.5.2.3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- 7.8.5.2.4. Divide the total floor area by tier computed in Item 7.8.5.2.3. above by the average inside living area size determined in Item 7.8.5.2.1. above. This yields a base number of dwelling units and sites for each tier.
- 7.8.5.2.5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 7.8.6.

7.8.5.3. Density Increase Multipliers:

- 7.8.5.3.1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 7.5.0. are met or exceeded and the design criteria in Section 7.8.6. are satisfied. The allowable density increases in Item 7.8.5.3.2. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative

management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

7.8.5.3.2. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (Percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

7.8.6. Maintenance and Design Criteria

7.8.6.1. Maintenance and Administration Requirements.

- 7.8.6.1.1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- 7.8.6.1.2. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - 7.8.6.1.2.1. commercial uses prohibited (for residential PUDs);
 - 7.8.6.1.2.2. vegetation and topographic alterations other than routine maintenance prohibited;
 - 7.8.6.1.2.3. construction of additional buildings or storage of vehicles and other materials prohibited; and
 - 7.8.6.1.2.4. uncontrolled beaching of watercraft prohibited.
- 7.8.6.1.3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - 7.8.6.1.3.1. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - 7.8.6.1.3.2. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - 7.8.6.1.3.3. assessments must be adjustable to accommodate changing conditions; and

7.8.6.1.3.4. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

7.8.6.2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

- 7.8.6.2.1. At least 50 percent of the total project area must be preserved as open space;
- 7.8.6.2.2. dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- 7.8.6.2.3. open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- 7.8.6.2.4. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- 7.8.6.2.5. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- 7.8.6.2.6. open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
- 7.8.6.2.7. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- 7.8.6.2.8. the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.

7.8.6.3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

- 7.8.6.3.1. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

7.8.6.3.2. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 7.5.3.

7.8.6.4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

7.8.6.4.1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and PCA and Sections 7.5.2. and 7.5.8. of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

7.8.6.4.2. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 7.8.5.3. of this ordinance for developments with density increases;

7.8.6.4.3. shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one (1) for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

7.8.6.4.4. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to Chippewa County, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

7.8.6.4.5. accessory structures and facilities, except water oriented

accessory structures, must meet the required principal structure setback and must be centralized; and

- 7.8.6.4.6. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.5.2. of this ordinance and are centralized.

7.8.7. Conversions

Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

- 7.8.7.1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- 7.8.7.2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- 7.8.7.3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - 7.8.7.3.1. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - 7.8.7.3.2. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - 7.8.7.3.3. if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- 7.8.7.4. Existing dwelling unit or dwelling site densities that exceed standards in Section 7.8.5. may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

APPENDIX A

CONSIDERATIONS FOR TOWNSHIP ZONING

Townships may adopt shoreland management controls under authority of Minnesota Statutes, Section 394.33, Subdivision 1, if the controls are not inconsistent with or less restrictive than the controls adopted by the county in which the township is located. This must be accomplished in accordance with the following conditions:

- For the purposes of Minnesota Regulations, Parts 6120.2500 to 6120.3900, shoreland management controls adopted by townships will only be considered to be consistent with county controls if they cover the same full range of shoreland management provisions covered by the county controls, contain dimensional standards at least as restrictive as those in the county controls, and do not allow land uses in particular areas that are not allowed under the county's official controls.
- The township must demonstrate to the county board that their proposed ordinance and administration is at least as restrictive as the county's prior to final adoption by the township. This will include, at a minimum, that the township has the staff necessary to administer the ordinance, has sufficient building permit application and certification forms and procedures, and an enforcement mechanism to enforce the ordinance should violations occur.
- Townships must provide for administration and enforcement of shoreland management controls at least as effective as county implementation. Townships that adopt shoreland controls must provide the notifications in Section 7.3.4. of the sample ordinance to the commissioner or the commissioner's designee and to the zoning official of the county.
- After adequate shoreland management controls are adopted by a township, property owners must only obtain necessary permits and approvals as required in the township shoreland management controls. Property owners do not have to obtain similar permits or approvals under the county's shoreland controls.

The Commissioner of the Department of Natural Resources must also approve a township's shoreland ordinance. The DNR and the respective county should work together to make a joint determination as to whether the township's ordinance is in compliance with state and county standards.

APPENDIX B

**ORDINANCE CERTIFICATION CHECKLIST
MONTEVIDEO/CHIPPEWA COUNTY**

Once all the below listed tasks are completed, please sign and return the checklist and all required documents to the appropriate DNR area hydrologist.

1. _____ Date of published hearing notice.
2. _____ Date of postmark of hearing notice to commissioner of the Department of Natural Resources/area hydrologist.
3. _____ Date of hearing(s).

4. _____ Date of ordinance adoption.
5. _____ If ordinance is published in entirety, date and affidavit of newspaper publication of adopted ordinance. (Include three copies of ordinance.)
6. _____ If only ordinance summary published, date and affidavit of newspaper publication of ordinance title and summary along with certified copy of adopted ordinance in its entirety from clerk/auditor. (Include three copies of ordinance.)
7. _____ Date of official filing of adopted ordinance with county recorder
_____ (record book number
_____ page number).
8. Yes ___ No ___ Board of adjustment and appeals has been established?

* Note: Cities under charter must also submit a list of any additional requirements for hearings, notices, etc. stated in their charter. Please specify:

Signature of Clerk/Auditor

**SECTION 8 — MINNESOTA RIVER MANAGEMENT DISTRICT
AMENDED: NOVEMBER 19, 1996**

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
8.1. Subdivision 1 — District Boundaries	1
8.1.1. Scenic Sub-District	1
8.1.2. Recreational Sub-District	1
8.2. Subdivision 2 — Permitted and Conditional Uses	1
8.3. Subdivision 3 — Minimum Dimensional Requirements	2
8.4. Subdivision 4 — Substandard Lots	3
8.5. Subdivision 5 — Sewage Disposal and Water Supply	3
8.6. Subdivision 6 — Substandard Uses	3
8.7. Subdivision 7 — Vegetative Cutting.....	4
8.8. Subdivision 8 — Grading, Filling, Alterations of the Beds of Public Waters.....	4
8.9. Subdivision 9 — Utility Transmission Lines	5
8.10. Subdivision 10 — Public Roads	5
8.11. Subdivision 11 — Cluster and Subdivision Development	5
8.11.1. Land Suitability	5
8.11.2. Subdivision Standards	5
8.11.3. Planned Cluster Developments.....	5
8.11.4. Plats	6
8.11.5. Inconsistent Plats	6

SECTION 8 — MINNESOTA RIVER MANAGEMENT DISTRICT
Amendments: November 19, 1996

8.1. Subdivision 1 — District Boundaries

The Minnesota River Management District includes the lands that are illustrated by the Official Ordinance Map # 7 and are geographically identified in Minnesota Rules Part 6105.1290, which is made part of this ordinance. The Minnesota River Management District contains lands within Chippewa County that border the Minnesota River where it is essential to control bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historic, and scientific values this river system has for the state of Minnesota. Within the Minnesota River Management District, the land is divided into two sub-districts, the portion that is designated Scenic and the portion that is designated Recreational. The two sub-districts are geographically identified below.

- 8.1.1. Scenic Sub-District includes the land within the Minnesota River Management District from the Lac qui Parle dam to the U.S. Highway 212 bridge entering the city of Montevideo, and from the Great Lakes Pipeline ¼ mile downstream of the Minnesota Falls dam to the Renville County line.
- 8.1.2. Recreational Sub-District includes the land within the Minnesota River Management District from the U.S. Highway 212 bridge entering the city of Montevideo to the Great Lakes Pipeline ¼ mile downstream of the Minnesota Falls dam.

The following subdivisions describe the permitted and conditional uses and standards allowed within the Minnesota River Management District. All uses not listed as permitted or conditional uses shall not be allowed within this district.

8.2. Subdivision 2 — Permitted and Conditional Uses

In the following chart P means permitted use and C means conditional use. Certain of the following uses are subject to the minimum dimension requirements of Section 8, Subdivision 3. Certain of the following uses are subject to the sewage disposal and water supply provision of Section 8, Subdivision 5. All of the following uses are subject to the vegetative cutting provisions of Section 8, Subdivision 7.

TYPE OF USE	Scenic Sub-District	Recreational Sub-District
Government campgrounds *	P	P
Private campgrounds *	C	C
Public accesses, road access type with boat launching facilities *	P	P
Public accesses, trail access type *	P	P
Other private open space recreational uses *	C	C
Other governmental open space recreational uses *	P	P
Temporary docks	C	P

* Subject to management plan specifications.

TYPE OF USE	Scenic Sub-District	Recreational Sub-District
Agricultural uses	P	P
Single family residential uses	C	C
Forestry uses	P	P
Essential services	P	P
Sewage disposal systems	P	P
Private roads and minor public streets	P	P
Signs approved by federal, state, or local governments which are necessary for public health and safety and signs indicating areas that are available or not available for public uses	P	P
Signs not visible from the river that are not specified immediately above	P	P
Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads	P	P
Home occupations incidental to single family residential use	C	C
Underground mining of sand, gravel, bentonite, and clay	C	C
Utility transmission power lines and pipelines, subject to the provision of Section 8, Subdivision 9	C	C
Public roads, subject to the provision of Section 8, Subdivision 10	C	C

8.3. Subdivision 3 — Minimum Dimensional Requirements

The following chart sets forth the minimum area, setbacks, and other requirements of each sub-district.

TYPE OF USE	Scenic Sub-District	Recreational Sub-District
Minimum lot size above ordinary high water mark	4 acres	3 acres
Lot width at building line	250'	200'
Lot width at ordinary high water mark	250'	200'
Structure setback from ordinary high water mark	150'	100'
Structure setback from bluffline	30'	20'
On-site sewage treatment system setback from ordinary high water mark	100'	75'
Maximum structure height	35'	35'
Controlled vegetative cutting area (See Section 8, Subd. 7)		
Setback from ordinary high water mark	150'	100'
Setback from bluffline	30'	20'

- 8.3.1. No structure shall be placed on any slope greater than 13% (13 feet vertical rise in 100 feet horizontal distance) unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the sewage disposal and water supply provisions of Section 8, Subdivision 5.
- 8.3.2. No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the Floodplain Management District's Standards and the Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota (Minnesota Rules, Parts 6120.5000 – 6120.6200).
- 8.3.3. The density of dwelling units shall not exceed one dwelling unit per lot.
- 8.4. Subdivision 4 — Substandard Lots
 - 8.4.1. Lots of record in the office of the county recorder on the effective day of enactment of this ordinance which do not meet the dimensional requirements of this section shall be allowed as building sites, provided: such use is permitted in the Scenic Sub-District or Recreational Sub-District; the lot was in separate ownership on the date of enactment of this ordinance; all sanitary requirements are complied with; and dimensional requirements are complied with, as practicable.
 - 8.4.2. If in a group of contiguous lots under a single ownership, any individual lot does not meet the lot width requirements of this section, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land, each meeting the lot width requirements of this section, or to the greatest extent practicable.
- 8.5. Subdivision 5 — Sewage Disposal and Water Supply
 - 8.5.1. Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administrative procedures set forth in other applicable local ordinances, the minimum standards of the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Health (MDH), and Section 9 of this ordinance.
 - 8.5.2. No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system without first obtaining a permit from the county planning and zoning administrator for the specific installation, alteration, repair, or extension.
 - 8.5.3. Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health (MDH) standards for water quality and the administrative procedures of other applicable local ordinances.
 - 8.5.4. All sanitary facilities inconsistent with Section 9, Subd. 2 shall be brought into conformity or discontinued within five (5) years of the date of enactment of this ordinance. Individual sewage systems which are determined to be inconsistent with Section 9, Subd. 2 shall be brought into conformity or discontinued within sixty (60) days upon notification of nonconformance by the county zoning administrator.
- 8.6. Subdivision 6 — Substandard Uses

All uses in existence prior to the effective date of enactment of amendment of the ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks, or other dimensional requirements of the ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

 - 8.6.1. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

- 8.6.2. Substandard sign shall be gradually eliminated over a period of time not to exceed five (5) years from the enactment of this ordinance.
- 8.7. Subdivision 7 — Vegetative Cutting
 - 8.7.1. The following vegetative cutting provisions shall apply to the areas specified in Section 8, Subdivision 2 and Section 8, Subdivision 3 of this ordinance.
 - 8.7.2. General provisions, within setback areas as designated:
 - 8.7.2.1. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
 - 8.7.2.2. Selective cutting of trees in excess of four (4) inches (to be measured at breast height) shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings.
 - 8.7.2.3. The cutting provisions of Section 8, Subdivision 8.7.2.1. and 8.7.2.2. shall not be deemed to prevent:
 - 8.7.2.3.1. The removal of diseased or insect-infested trees, or of rotten or damaged trees that present safety hazards.
 - 8.7.2.3.2. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees.
 - 8.7.3. Clear cutting anywhere in the Scenic Sub-District or the Recreational Sub-District on the Minnesota River is subject to the following standards and criteria:
 - 8.7.3.1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning administrator and the county's natural resources conservation services conservationist, to be fragile and subject to severe erosion and/or sedimentation.
 - 8.7.3.2. Clear cutting shall be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
 - 8.7.3.3. The size of clear-cut blocks, patches, or strips shall be kept at the minimum necessary.
 - 8.7.3.4. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.
- 8.8. Subdivision 8 — Grading, Filling, Alterations of the Beds of Public Waters
 - 8.8.1. Any grading and filling work done within the designated land use sub-district (Scenic and Recreational) of this section shall require a permit and shall comply with the following:
 - 8.8.1.1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the Minnesota River Management District.
 - 8.8.1.2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning administrator. A grading and filling permit may be issued only if the conditions of Section 8, Subdivision 8.1, 8.8.1.3. and 8.8.1.4. are properly satisfied.
 - 8.8.1.3. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.

- 8.8.1.4. Grading and filling of the natural topography shall also meet the following standards:
- 8.8.1.4.1. The smallest amount of bare ground is exposed for as short a time as possible.
 - 8.8.1.4.2. Temporary ground cover, such as mulch, is used, and permanent ground cover, such as sod, is planted.
 - 8.8.1.4.3. Methods to prevent erosion and to trap sediment are employed.
 - 8.8.1.4.4. Fill is stabilized to accepted engineering standards.
- 8.8.2. Excavation of material from, or filling in the Minnesota River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner of the DNR pursuant to Minnesota Statutes, Section 103G.245.
- 8.8.3. Drainage or filling of wetlands is not allowed within the Minnesota River Management District.
- 8.9. Subdivision 9 — Utility Transmission Lines
- All utility transmission crossing of land within the Minnesota River Management District shall require a conditional use permit. The construction of such transmission services shall be subject to the standards and criteria of Minnesota Rules, Part 6105.0180. No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes, Section 116C.61.
- 8.10. Subdivision 10 — Public Roads
- In addition to such permits as may be required by Minnesota Statutes, Section 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Minnesota River Management District. Such construction or reconstruction shall be subject to the standards and criteria of Minnesota Rules, Part 6105.0200. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Public roads include township, county, and municipal roads, and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. Public roads also include public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads.
- 8.11. Subdivision 11 — Cluster and Subdivision Development
- No cluster and/or subdivision development is permitted in the Minnesota River Management District — Scenic Sub-District. Cluster and/or subdivision development is permitted in the Minnesota River Management District — Recreational Sub-District, subject to the Chippewa County subdivision regulations and the following conditions.
- 8.11.1. Land Suitability. No land may be subdivided which is held unsuitable by the local authority, or the commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply, or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.
 - 8.11.2. Subdivision Standards. The provisions otherwise set forth in Parts 6105.0080 to 6105.0200 and this section shall apply to all plats except planned cluster developments.
 - 8.11.3. Planned Cluster Developments. A planned cluster development may be allowed when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views, and other features of the natural environment. Smaller lot sizes than those permitted in Section 8, Subdivision 3 may be allowed for planned cluster developments provided:

- 8.11.3.1. Preliminary plans are approved by the commissioner of natural resources prior to their enactment by the local authority.
- 8.11.3.2. Central sewage facilities are installed which at least meet the applicable standards, criteria, or rules of the Minnesota Department of Health (MDH) and the Minnesota Pollution Control Agency (MPCA).
- 8.11.3.3. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedication, granting of scenic easements, or other methods.
- 8.11.3.4. There is not more than one centralized boat launching facility for each cluster.
- 8.11.4. Plats. Copies of all plats within the Minnesota River Management District shall be forwarded to the commissioner within ten (10) days of approval by the county board.
- 8.11.5. Inconsistent Plats.
 - 8.11.5.1. A copy of the application, the proposed inconsistent plat, and the notice of the public hearing shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider the inconsistent plat.
 - 8.11.5.2. Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
 - 8.11.5.3. All inconsistent plats approved by the county board shall be certified by the commissioner in accordance with MN Rules, Part 6105.0230.

SECTION 9 — GENERAL REGULATIONS

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
9.1. Subdivision 1 — Applicability	1
9.2. Subdivision 2 — Sanitary Provisions.....	3
9.2.1. ... Purpose and Intent	3
9.2.2. ... General Provisions.....	3
9.2.3. ... Enforcement.....	4
9.3. Subdivision 3 — Essential Services	5
9.4. Subdivision 4 — Solar Access.....	5
9.5. Subdivision 5 — Land Use Permits.....	7
9.6. Subdivision 6 — Additional Setback Requirements.....	7
9.7. Subdivision 7 — Mining Standards	9
9.8. Subdivision 8 — Platting Regulations	10
9.9. Subdivision 9 — Environmental Review Program.....	10
9.10. Subdivision 10 — Sign Regulations	11
9.11. Subdivision 11 — Junkyard/Automobile Graveyard.....	17

SECTION 9 — GENERAL REGULATIONS

9.1 Subdivision 1 — Applicability

- 9.1.1. The regulations listed in Section 9 of the ordinance shall apply to all areas of the unincorporated part of the county unless specified otherwise.
- 9.1.2. New moved non-farm buildings: All new and moved buildings shall be acceptable, in appearance and value, with the buildings in the area in which they are placed.
- 9.1.3. Moved non-farm buildings: The placement of moved non-farm buildings shall be by conditional use permit only Section 2 Subdivision 5.

9.2. Subdivision 2 — Sanitary Provisions
Amendments: December 16, 1997
June 19, 2001

Individual Sewage Treatment Systems

9.2.1. Purpose and Intent

9.2.1.1. The purpose of the Individual Sewage Treatment Systems (ISTS) Ordinance shall be to provide minimum standards for the regulation of ISTS. The improper location, design, installation, use, and maintenance of individual sewage treatment systems adversely affect the public health, safety, and general welfare by discharge of inadequately treated sewage to the ground surface, surface waters, and ground waters. In accordance with the authority granted in Minnesota Statutes, Chapters 103F, 103G, 115 and 116, the Minnesota Pollution Control Agency (MPCA) provides the minimum standards and criteria for individual sewage treatment systems, and thus protects the surface and ground waters of the state, and promotes the public health, safety, and general welfare.

9.2.2. General Provisions

9.2.2.1. Standards Adopted by Reference

9.2.2.1.1. The county hereby adopts, by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315, including 7080.0910, as now constituted and any future amendments.

9.2.2.1.2. The county hereby adopts, by this reference, Minnesota Rules Parts 115.57 as now constituted and any future amendments.

9.2.2.2. Permits

9.2.2.2.1. No person shall install, alter, repair, or extend any individual sewage treatment system in the county without first applying for and obtaining a permit from the Chippewa County Land and Resource Management Office. Included with this permit shall be the Designer's Preliminary Assessment Worksheets (provided by the office) completed by the Licensed Designer I or Designer II. A fee, set in the schedule in the Chippewa County Land & Related Resources Management Ordinance, will be charged for each permit. The fee covers administration, inspection costs associated with the ISTS installation or upgrade, and a Septic System Owners Guide published by the Minnesota Extension Service. The permit may be issued to the landowner or the licensed installer. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

Twenty-four (24) hours prior to installing the system, the contractor must call the office to let them know when installation work will begin. If the licensed inspector is unable to be at the site the date of installation, the licensed installer or the property owner is responsible to take pictures of the septic tank, drop boxes, drainfield lines, and other critical items, along with a detailed drawing with measurements and setbacks, prior to backfilling of the excavation by the licensed installer or property owner.

The permit application, final as-built drawing, and photos will act as the Certificate of Compliance and Final Inspection Report.

9.2.2.3. License Requirements

9.2.2.3.1. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of ISTS without first obtaining a license to perform such tasks from the MPCA, except as provided under part 7080.0700, subpart 1.

9.2.2.4. Failing Septic Systems

9.2.2.4.1. A Notice of Noncompliance (completed by a Licensed Designer I) shall be issued and copies provided to the property owner and to the county within 30 days under the following conditions:

9.2.2.4.1.1. A failing ISTS shall be upgraded, replaced, or its use discontinued within one year. The department will give consideration to weather conditions as it establishes compliance dates.

9.2.2.4.1.2. An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced, or repaired, or its use discontinued, within an appropriate time no greater than 10 months.

9.2.2.4.1.3. Sewage systems installed prior to the adoption of these standards may continue provided they are not discharging to the ground surface.

9.2.2.5. Additional Soil Treatment Area Requirements

9.2.2.5.1. On all lots created after January 1, 1998, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

9.2.2.5.1.1. Homeowners that wish to install their own ISTS must consult with a Licensed Designer I or Designer II and install the system according to the designer's plan. All other permit criteria will be handled the same.

9.2.3. Enforcement

9.2.3.1. Any person who violates any of the provisions of this ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

9.2.3.2. In the event of a violation of this ordinance, in addition to other remedies, the county attorney may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations.

SECTION 9 — GENERAL REGULATIONS

9.3. Subdivision 3 — Essential Services

- 9.3.1. Since some essential services may have an effect either upon county parks and recreation areas, drainage facilities, public waters and highways, or the public health, safety and welfare, the location of all such essential services in any zoning district shall be filed with the zoning administrator prior to the commencement of any construction by the applicant.
- 9.3.2. Except as otherwise provided herein, prior to constructing or modifying facilities for essential services, the applicant shall observe the following procedures:
 - 9.3.2.1. Pipelines shall be covered with a minimum of five (5) feet of dirt.
 - 9.3.2.2. The depth of an electric line shall be determined by following provisions of the National Electric Safety Code, except when the electric line follows a cross-country routing, then the depth shall be five (5) feet.
 - 9.3.2.3. Telephone lines shall be at a minimum depth of eighteen (18) inches and shall show routing.
- 9.3.3. A utility placement map shall be provided to each land owner by the applicant showing the actual route and depth of the installation through affected lands. In addition, a master placement map shall be provided by the applicant to the county engineer and the zoning administrator.
- 9.3.4. After the public hearing, the planning commission shall make a report of its findings and a recommendation to the county board.
- 9.3.5. Upon receipt of the report of the planning commission on the planned essential services, the board of county commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modification required under this ordinance.

9.4. Subdivision 4 — Solar Access

- 9.4.1. Purpose - The purpose of this subdivision is to promote the use of solar energy systems, defined as, "a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy" and to assure access to solar energy in accordance with Minnesota Statutes 1978, Chapter 786.
- 9.4.2. Variance - The board of adjustment may consider the inability to use a solar energy system a "hardship" in granting a variance.
- 9.4.3. Solar Easements
 - 9.4.3.1. Definition of solar easement — a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of assuring adequate exposure of a solar energy system.
 - 9.4.3.2. Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an interest in real property. The easement shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county. Solar easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated therein pursuant to the provisions of Chapter 786, Section 500.20.

- 9.4.3.3. General requirements - Any deed, will, or other instrument that creates a solar easement shall include, but not be limited to:
 - 9.4.3.3.1. A description of the real property subject to the solar easement and a description of the real property benefited from the solar easement.
 - 9.4.3.3.2. A description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and time of day in which an obstruction to direct sun light is prohibited or limited.
 - 9.4.3.3.3. Any terms or conditions under which the solar easement is granted or may be terminated.
 - 9.4.3.3.4. Any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement.

9.5. Subdivision 5 — Land Use Permits

- 9.5.1. No person shall erect, structurally alter (including extension of existing walls), change the placement of any building or structure or move any building or structure without first securing a land use permit (LUP). EXCEPTION: Additions and alterations to conforming farm buildings shall be exempt from the land use permit requirements except within the Flood Plain Management District.
- 9.5.2. Permit fees as may be established by resolution of the county board shall be collected by the zoning administrator for deposit with the county and credited to the general revenue fund.
- 9.5.3. Construction for which a land use permit is approved must begin within six (6) months of issuance of the permit and must be completed in accordance with the time schedule set forth in the permit.
- 9.5.4. Should property be petitioned into the city during building construction under a county permit, said permit shall become void and a new permit shall be obtained from the city.

9.6. Subdivision 6 — Additional Setback Requirements

- 9.6.1. The safety of the motoring public and of pedestrians is jeopardized when direct access is allowed from individual properties in built up areas onto a heavily traveled roadway. In addition, the health, convenience and welfare of persons on or occupying the premises, the adequate and economic provision of public services and preservation of property values are jeopardized if buildings and other structures are not situated at a sufficient distance from a heavily traveled roadway. Even though a roadway is not heavily traveled prior to development, preventing placement of buildings and other structures at an insufficient distance from the roadways to allow the construction of frontage roads, or other direct access limitations, to allow sufficient room for utility lines and to allow adequate distances for places of residence, business, and employment from heavily traveled roadways.
- 9.6.2. No building used as a place of residence, business, or employment, nor any other permanent building or structure, shall be placed closer than 110 feet to the outside edge of the right-of-way of any roadway listed in Section 9, Subdivision 6.3. of this ordinance. The board of adjustment may reduce or eliminate the additional setback requirements for any property upon finding, after application and hearing in the same manner as required for variance, that the purposes specified in Section 9, Subdivision 6.1. of this ordinance will not be served by enforcement of the additional setback requirements.
- 9.6.3. The following roadways shall be deemed roadways which are heavily traveled, or which in the future will become heavily traveled, and for which additional setback requirements are applicable:
 - 9.6.3.1. State Highway 7, east from Montevideo city limits to County Highway 7.
 - 9.6.3.2. State Highway 7 and 59 West and North from Montevideo city limits to Tunsberg Township.
 - 9.6.3.3. U.S. Highway 212 east from Montevideo city limits to County Highway 16.
 - 9.6.3.4. County Highway 15 east from Montevideo city limits to County Highway 16.
 - 9.6.3.5. County Highway 42 (old U.S. 212) east and south from Montevideo city limits to U.S. Highway 212.
 - 9.6.3.6. State Highway 29 north from Montevideo city limits to Rosewood Township.

- 9.6.3.7. County Highway 15 west from Montevideo city limits to its intersection with the township road which runs north there from between Sections 10 and 11, Township 117 North, Range 41 West.
- 9.6.3.8. County Highway 41 north from its intersection with State Highway 7 to the point where it turns west, and thence west on County Highway 41 to State Highway 29.
- 9.6.3.9. That township road, known as Town Road, that runs between Section 12, Township 117 North, Range 41 West and Section 7, Township 117 North, Range 40 West and north thereof, north from Montevideo city limits to the point where it crosses the Chippewa River.

9.7. Subdivision 7 — Mining Standards

In zoning districts where mining is a conditional use, the planning commission shall use the following standards to determine whether it should recommend to the county board that the county board grant a conditional use permit.

- 9.7.1. The time limit for mineral exploration drilling, excluding operations, shall be for a term of five (5) years from the date of issuance of the permit, provided that the applicant may renew the permit for an additional five (5) year term, but not longer than the term of the recorded leases upon the filing of a request to renew the permit within 90 days of expiration, provided the applicant abides by the regulations in the conditional use permit.
- 9.7.2. The permit applies only to the land leased under the conditions of the leases.
- 9.7.3. A requirement that the company be in compliance with the state laws as to mineral rights held by the state.
- 9.7.4. The permit is subject to the requirement that there shall be recorded in the county recorder's office at the time of the granting of the permit a lease covering mineral rights or recorded adverse claims on Torrens property and also the applicant record any other documents as necessary covering surface property rights prior to commencing exploration.
- 9.7.5. The permit shall be granted only to the applicant of said permit.
- 9.7.6. At least ten (10) days prior to commencement of exploratory boring, the explorer shall submit to the Minnesota Department of Natural Resources (MN DNR) a county road map (scale ½ inch to 1 mile) as prepared by the Minnesota Department of Transportation (MN DOT) indicating the location(s) of the proposed exploratory boring(s) to the nearest estimated 40 acre parcel. A copy of this map shall be submitted to the zoning administrator and the Minnesota Department of Health (MDH). The explorer shall notify the zoning administrator of any change in hole location. The explorer shall allow state and county officials to review the operation at any time.
- 9.7.7. All test holes shall be abandoned in accordance with MHD 218 and shall not be used as a water well unless approved by the Minnesota Department of Health (MDH).
- 9.7.8. A casing shall be used in the test hole through the unconsolidated glacial material.
- 9.7.9. In the case of an unexpected emergency, including but not limited to any act or condition that would affect the health, welfare, and property of area residents, the applicant shall notify the zoning administrator along with the proper state agencies, within 24 hours.
- 9.7.10. Precautions shall be taken to prevent fires.
- 9.7.11. An abandonment report shall be filed with the zoning administrator every six (6) months with a map showing drill hole locations.
- 9.7.12. Test holes to be used as water wells shall be tested for radiation by the Minnesota Department of Health (MDH).
- 9.7.13. The site of the exploratory boring shall be returned as near as possible to its original condition.
- 9.7.14. Mineral exploration shall occur by drilling only.

9.8. Subdivision 8 — Platting Regulations

The platting regulations which were already in effect at the time the ordinance was adopted, shall remain in effect, except for references to lot size. Lot sizes must conform to this ordinance. Only land which lies in the Urban Development District (See Section 4 of this ordinance) may be subdivided.

9.9. Subdivision 9 — Environmental Review Program

9.9.1. Chippewa County shall participate in the Environmental Review Program which is involved with the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statute 116D.04, Subd. 2 (1974) and Minnesota Statutes 1163.01 (1974) as amended to implement the Environmental Review Program in accordance with 6 MCAR 3.021 to 3.052, one copy of which is on file in the office of the zoning administrator.

9.9.2. When a private person proposes to undertake an action, and the final determination has been made that an Environmental Impact Statement will be prepared by Chippewa County on that action, the proposer shall be assessed for the reasonable costs of preparing and distributing that Environmental Impact Statement in accord with MCAR 2.047 to 3.051.

9.10. Subdivision 10 — Sign Regulations
Adopted March 19, 1996
Amended February 17, 1998

All signs hereafter erected or maintained shall conform with the provisions of this ordinance and any other ordinances or regulations of Chippewa County except: (1) official traffic and street signs; and (2) signs in location subject to Minnesota Statute 173.15 as heretofore amended, but not including signs subject to these laws in cases where this ordinance is more restrictive.

The following regulations shall apply to all permitted signs in all zoning districts and new zoning districts hereafter created unless otherwise expressly provided in such districts. Subject to all other conditions of this ordinance and laws governed by the State of Minnesota, signs shall meet the following guidelines:

- 9.10.1. Signs shall not be permitted within the public right-of-way or easements.
- 9.10.2. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
- 9.10.3. All signs shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed, or painted out when, in the opinion of the planning commission, they are not so maintained.
- 9.10.4. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air ingress or egress for any building or structure.
- 9.10.5. No sign shall be placed that resembles an official marker erected by a governmental agency or shall display such words as "stop" or "danger."
- 9.10.6. The owner, lessee, or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- 9.10.7. The zoning administrator shall order the removal of any sign erected or maintained in violation of this ordinance. Ten (10) days' notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the ordinance. The property owner of the violation will be allowed the opportunity to appeal before the planning commission. Upon failure to remove the sign or to comply with this notice, the zoning administrator shall remove the sign. The zoning administrator shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the zoning administrator shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and all costs shall be assessed against the property.
- 9.10.8. When a sign is illuminated, the source of light shall not shine upon any part of a residence.
- 9.10.9. Minnesota Statutes, Chapter 173, "Minnesota Outdoor Advertising Control Act," do not replace, but are in addition to these regulations.
- 9.10.10. Abandoned signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the zoning administrator shall remove it in accordance with Subdivision 9.10.7. hereof. These

removal provisions shall not apply when a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

- 9.10.11. Only the following signs shall be permitted within the Agricultural Preservation, Flood Plain, Shoreland, Minnesota River, Natural Areas Preservation, and Urban Development Districts.
- 9.10.11.1. Permitted signs: The following signs are allowed without a permit but shall comply with all other applicable provisions of this zoning ordinance. The maximum size of the sign shall be thirty-two (32) square feet of surface area per face, unless otherwise specified, such as for the construction sign.
- 9.10.11.1.1. Government signs. Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
- 9.10.11.1.2. Directory signs. A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot. Home occupations may display a directory sign.
- 9.10.11.1.3. Directional and parking signs (on-site). On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon the site where the sign is located.
- 9.10.11.1.4. Integral signs. Names on buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
- 9.10.11.1.5. Real estate sign. For the purpose of selling, renting, or leasing a single parcel, a sign may be placed within the front yard.
- 9.10.11.1.6. Construction sign. For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign not to exceed fifty (50) square feet of surface area per face, may be erected upon the project site.
- 9.10.11.1.7. Election sign. Election signs are permitted in all districts, provided such signs are removed within ten (10) days following the general election.
- 9.10.11.1.8. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:
- 9.10.11.1.8.1. One (1) sign located in the development.
- 9.10.11.1.8.2. Directional signs, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the

subdivision or development. No such sign shall be allowed on minor residential streets.

9.10.11.1.9. One (1) identification sign for the following uses: church, school, hospital, parks, and recreation areas, or similar uses. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.

9.10.11.1.10. Business signs for allowed uses, subject to the following provisions:

9.10.11.1.10.1. No more than one (1) on-premise freestanding, pylon, or flat wall sign.

9.10.11.1.10.2. Identification signs on buildings shall not be considered advertising signs provided that the identification consists of letters which do not exceed the dimensions of 18 inches by 24 inches. Letters exceeding this size may be allowed by conditional use permit. One identification sign per business is permitted per building.

9.10.11.1.10.3. No sign shall project above the permitted building height for the district in which it is located.

9.10.11.1.10.4. If more than one (1) business operates from one (1) building site, the businesses shall be entitled to a sign space, provided that all such signs shall be erected on a single pylon.

9.10.11.1.10.5. Signs in excess of thirty-two (32) square feet may be allowed by conditional use permit.

9.10.11.1.10.6. Portable signs may be permitted by conditional use permit. No conditional use permit is required for a portable sign used less than fifteen (15) calendar days per year upon the legally described property.

9.10.11.1.10.7. A sign advertising an on-premise business may be erected thirty (30) feet from the road right-of-way.

9.10.12. Signs in B-1 Business District, B-2 Highway Business District, I-1 Light Industry District, and I-2 Heavy Industry District

9.10.12.1. The following billboards, advertising signs, or business signs shall be permitted:

9.10.12.1.1. Advertising signs and billboards shall be subject to the following provisions:

9.10.12.1.1.1. Billboards may be no closer than seven hundred (700) feet in a radius to another billboard. Measurement shall be taken from outermost edges of the billboards.

- 9.10.12.1.1.2. Such advertising structure may not contain more than two (2) signs per facing, back to back, on each billboard site. Back to back shall mean that the two (2) outer faces shall form an angle not greater than thirty (30) degrees.
 - 9.10.12.1.1.3. Advertising structures shall be limited to no more than fifty (50) feet in total length.
 - 9.10.12.1.1.4. Advertising structures shall not exceed thirty (30) feet in height, with a minimum of twelve (12) feet off the ground.
 - 9.10.12.1.1.5. No billboard shall be permitted within two hundred (200) feet of any adjoining residential property. Measurement shall be taken from the billboard's outermost edge closest to that property.
 - 9.10.12.1.1.6. No advertising sign shall be permitted within thirty (30) feet of the right-of-way of any road or highway, with the exception of in the B-1 Business District, where the setback shall be ten (10) feet from the road right-of-way. Measurement shall be taken from the advertising sign's outermost edge closest to the right-of-way.
 - 9.10.12.1.1.7. Maximum size of advertising signs and billboards is three hundred (300) square feet of surface area per face, including border.
 - 9.10.12.1.1.8. Billboards and other off-premise advertising signs shall be a metal structure free of any supports or guy wires. The metal shall be either painted or treated in such a manner as to prevent deterioration.
- 9.10.12.2. Business signs subject to the following provisions:
- 9.10.12.2.1. No more than one (1) free standing or pylon sign of not more than thirty-two (32) square feet of surface area per face.
 - 9.10.12.2.2. Without exceeding 300 square feet of surface area per face, the total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area, whichever is greater.
 - 9.10.12.2.3. No business sign shall project above the permitted building height of the district in which it is located.

9.10.13. Permits and Fees

- 9.10.13.1. Permit Requirements: No sign shall be erected, altered, or relocated without a permit issued by the zoning administrator. Exceptions are listed in 9.10.13.6.
- 9.10.13.2. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear an Underwriters Laboratories, Inc., seal of inspection.
- 9.10.13.3. Application: The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application shall also be signed by the owner of the property and shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design, dimensions, and locations of the sign and such other pertinent information as the zoning administrator may require to insure compliance with the laws of Chippewa County.
- 9.10.13.4. Fees: Fees for sign permits shall be as determined from time to time by the Chippewa County Board of Commissioners by recommendation of the planning commission. Such fees shall cover the cost of enforcing this ordinance, which shall be considered when setting fees.
- 9.10.13.5. Nullification: A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.
- 9.10.13.6 Permit Exceptions: The following operations shall not be considered as creating a sign and shall not require a sign permit.
 - 9.10.13.6.1. Replacing copy: The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - 9.10.13.6.2. Maintenance: Painting, re-painting, cleaning, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
 - 9.10.13.6.3. Permitted signs listed under 9.10.11.1.

**9.11. Subdivision 11 — Junkyard/Automobile Graveyard
Adopted December 20, 1995**

- 9.11.1. Purpose and Intent: In that junkyard/automobile graveyard and dismantling facilities process materials and debris contaminated by petroleum and chemical products, generate waste tires, batteries, and other materials requiring special disposal methods, and store accumulations of materials and debris with the potential of contaminating soil, ground water, and surface waters, it is in the best interests of the public's health, safety, and welfare to regulate their operations for the protection of the environment, to preserve the public's health, and guard against the danger of fire.
- 9.11.2. Definitions:
- 9.11.2.1. Automobile Graveyard — The term “automobile graveyard” shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- 9.11.2.2. Dismantling Facility — The term “dismantling facility” shall mean the storing or keeping of two or more unlicensed vehicles, of the type requiring licensing by the State of Minnesota or vehicle hulks, except this term shall not apply to vehicles in a roadworthy condition and eligible for licensing, that have been licensed for a period of at least thirty days within the preceding 12-month period, nor shall the term apply to vehicles maintained within a building for their antique or collectible value.
- 9.11.2.3. Hazardous Material — The term “hazardous material” shall mean any material in solid, semi-solid, liquid, or contained gaseous form which, because of its quantity, concentration, chemical, physical, or infectious characteristics may:
- 9.11.2.3.1. cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or
- 9.11.2.3.2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 9.11.2.4. Hazardous Waste — The term “hazardous waste” shall have the meaning prescribed by Minnesota Statutes, Section 116.06, Subd. 131.
- 9.11.2.5. Junkyard — The term “junkyard” shall mean an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota Pollution Control Agency, any of which are wholly or partly within one-half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.
- 9.11.2.6. Person — The term “person” includes any person, firm or corporation, or group, however organized, and the singular includes the plural.

- 9.11.2.7. **Public Nuisance** — A nuisance is a thing, act, or use of property which: shall annoy, injure, or endanger the safety, health, comfort, or repose of the public; shall offend public decency; shall unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, river, bay, stream, canal, or basin, or a public park, square, street, alley, or highway; or shall in any way render the public insecure in life or in use of property.
- 9.11.2.8. **Salvage/Junk Materials** — The term “salvage/junk materials” is defined as junked, dismantled, or wrecked motor vehicles, farm machinery, construction machinery, appliances/white goods, or parts thereof, scrap iron, steel, conduit, copper, brass, other old or scrap ferrous or nonferrous material, rope, rags, rubber debris, batteries, papers, synthetic or organic trash, or other scrap material. In addition, materials that are defined by the Minnesota Pollution Control Agency (MPCA) as municipal solid waste and/or demolition debris will be included.
- 9.11.2.9. **Waste Tires** — The term “waste tires” shall mean any tire which is not mountable on a wheel rim, has insufficient tread depth remaining to be legally used on a public roadway under Minnesota Statutes Section 169.723, or has at least one cut, tear, or deficiency which would make it unsafe for use on a public road.
- 9.11.3. **License Required:** It shall be unlawful for any person to operate and/or maintain a junkyard/automobile graveyard or dismantling facility within Chippewa County without a valid junkyard/automobile graveyard or dismantling facility license.
- 9.11.4. **Application for License/Conditional Use Permit and Issuance:** Application for junkyard/automobile graveyard and dismantling facility licenses shall be made to the zoning administrator on a form supplied by the county. The application fee, as herein specified, shall accompany the application, and the zoning administrator shall issue a receipt therefore. The zoning administrator shall present the application for a conditional use permit to the planning commission for consideration. The process used to obtain a conditional use permit is defined in the Chippewa County Land and Related Resources Management Ordinance in Section 2, Subdivision 5. If approved and granted by the planning commission, a conditional use permit and a license shall be issued by the zoning administrator and the board of county commissioners.
- 9.11.5. **General Conditions:** Each application for a junkyard/automobile graveyard license or dismantling facility license shall include the following information:
 - 9.11.5.1. The name and street address of the applicant;
 - 9.11.5.2. The street address, legal description, and parcel number of the premises upon which the junkyard/automobile graveyard or dismantling facility is to be operated;
 - 9.11.5.3. The name, street address, and written consent of the owner of the premises to use the premises for the purposes detailed on the application;
 - 9.11.5.4. The zoning classification of the premises;
 - 9.11.5.5. The date of issuance and status of the conditional use permit, if applicable, for use of the premises for the purposes detailed on the application;
 - 9.11.5.6. A copy of a current industrial storm water permit for the site;

- 9.11.5.7. A copy of a current hazardous waste generator's license for the site, if necessary;
 - 9.11.5.8. A site management plan as herein defined;
 - 9.11.5.9. Worker's compensation insurance information: name and address of insurance company; policy number; dates of coverage; signed (dated signature) statement whereby licensee certifies that the information given is true and that the policy will be kept in effect during the license period.
- 9.11.6. Site Management Plan: Each person holding a junkyard/automobile graveyard or dismantling facility license issued by Chippewa County shall maintain a current site management plan on file with the zoning administrator. At a minimum, the site management plan shall include the following:
- 9.11.6.1. A site sketch showing the general location and dimensions of all fire lanes, buildings, storage areas of hazardous, explosive, or flammable materials, waste piles of 10 or more tires, location of all fire extinguishers, and site entrance and exit points.
 - 9.11.6.2. A fluid management plan describing the processing of hazardous or flammable fluids, to include fluid drainage, storage, disposal, and spill containment and cleanup.
 - 9.11.6.3. A plan for the storage, processing, and disposal of batteries, tires, contaminated parts and components, and other contaminants, including a statement as to expected volume.
 - 9.11.6.4. The location and depth of all wells registered with Countryside Public Health Department, located within 1,000 feet of the property lines of the junkyard/automobile graveyard or dismantling facility.
- 9.11.7. General Requirements: On or after January 1, 1996, unless sooner required by law, it shall be unlawful for any junkyard/automobile graveyard or dismantling facility located in Chippewa County to operate except in conformance with the following provisions:
- 9.11.7.1. Battery Storage: All batteries must be stored on a non-reactive, curbed, and an impermeable surface without a floor drain and protected from accumulations of rain, snow, and drain water, or stored within a covered, non-reactive, impermeable container.
 - 9.11.7.2. Antifreeze Disposal: Antifreeze shall be collected and recycled, or disposed of through other Minnesota Pollution Control Agency (MPCA) approved methods. Antifreeze shall not be discharged to land, water, any septic system, or public sewer system.
 - 9.11.7.3. Refrigerants: Refrigerants shall be recovered and recycled or reclaimed by methods approved by Minnesota Pollution Control Agency (MPCA).
 - 9.11.7.4. Recycling Petroleum Products: Used oil, including engine oil, transmission fluid, hydraulic oil, and similar petroleum products, shall be recycled or disposed of through Minnesota Pollution Control Agency (MPCA) approved methods.
 - 9.11.7.5. Draining Fluids:
 - 9.11.7.5.1. All junkyard/automobile graveyard and dismantling facilities shall have facilities to drain fluids on a curbed, impermeable surface; within a structure with an

impermeable floor; on an unbermed, impermeable surface with adequate spill control equipment, and absorbent material immediately available to contain any spill which may occur.

- 9.11.7.5.2. Where disassembly of any salvage-related material, or parts thereof, is necessary at a location without an impermeable floor or surface, all drain plugs, hose connections, and other orifices which allow for the leakage of fluids, shall be tightly capped prior to parts movement to avoid spillage of residue liquids.
- 9.11.7.6. Oil Filter Disposal: Used oil filters shall be recycled, disposed of as hazardous waste, or after being drained and tested by a professional testing laboratory, disposed of as solid waste. Oil filters may remain attached to engines or motors when sold to a second party or transported as scrap, so long as the receiving person will accept the filter.
- 9.11.7.7. Tire Storage:
 - 9.11.7.7.1. Tires shall be stored in cells no larger than 10,000 square feet by 10 feet high with a posted fire lane 50 feet wide surrounding each cell and leading to a public street. The applicant shall insure emergency vehicle access on said fire lanes at all times of the year.
 - 9.11.7.7.2. Tire piles shall be located 50 feet away from any vegetation more than 12 inches in height.
 - 9.11.7.7.3. No more than 500 waste tires shall be stored at any junkyard/automobile graveyard or dismantling facility without a current permit from the Minnesota Pollution Control Agency (MPCA). Tires maintained for resale as vehicle components shall be stored separately from waste tires.
- 9.11.7.8. Hazardous Material Storage: Flammable and hazardous materials shall be stored in covered and appropriately marked containers suitable to the contents in storage. Adequate aisle space shall be provided for access by emergency personnel and for spill containment and cleanup equipment.
- 9.11.7.9. Fencing: Fencing shall be installed in accordance with county specifications on the perimeter of all junkyard/automobile graveyard or dismantling facilities at least six feet high to deny public access except through controlled access gates. In the case where the facility has a minimum of 100 feet of vacant land between all junkyard/automobile graveyard or dismantling facilities, and any adjacent property or public road, and the absence of a fence will not pose an unreasonable threat to the public safety, the planning commission may allow the posting of "No Trespassing" signs at intervals no greater than 50 feet around the perimeter of the facility in lieu of the required fence.
- 9.11.7.10. Screening: Visual screening shall be provided through fencing or landscaping to block from view all dismantling, auto, or salvage/junk storage, and related activities, from adjacent property or any public right-of-way. Adequacy of screening shall be determined by the planning commission as part of site management plan approval.

- 9.11.7.11. Hazardous Spills: Spills of oil, lubricants, or other hazardous material shall be promptly contained, cleaned, and disposed of in accordance with current Minnesota Pollution Control Agency guidelines.
- 9.11.7.12. On-Site Disposal: On-site disposal of any material is prohibited, except under proper license or permit.
- 9.11.7.13. Battery Cable Disposal: Lead battery cable ends and heater cores shall be removed from units prior to crushing and shall be recycled separately, unless accepted as a unit component by a second person.
- 9.11.8. Inspections and Monitoring:
 - 9.11.8.1. Inspections by Officials: In order to insure compliance with the license or permit granted in this ordinance and as a condition for the issuance of any permit or license granted under this ordinance, the applicant shall allow inspections at reasonable and appropriate times by officials of Chippewa County, or such consultants as the county deems appropriate to retain. The license holder shall routinely be given a minimum of 24 hours notice of any scheduled inspection, but failure to provide such notice shall not be cause to deny an inspection of any facility, nor shall it be cause to deny enforcement of any ordinance, regulation, or law.
 - 9.11.8.2. Monitoring Wells: The planning commission may require that any licensee construct and maintain, at the licensee's expense, ground water monitoring wells on the premises of their junkyard/automobile graveyard or dismantling facility to determine the impact the facility is having on the county's ground water. In determining whether to require monitoring wells the planning commission shall:
 - 9.11.8.2.1. Consult with a licensee, or appoint a representative to consult with the licensee, prior to ordering that the licensee construct a monitoring well;
 - 9.11.8.2.2. Consider the specific geographic, topographical, and other features of the operation as they pertain to the facility's potential to contaminating the county's ground water.
 - 9.11.8.2.3. Consider the professional recommendation of the county engineer or other qualified individual or firm as to the necessity or desirability of constructing monitoring wells at the facility.
 - 9.11.8.3. Inspections and Monitoring: It shall be the responsibility of the county's zoning administrator to conduct or coordinate all inspections or monitoring activities required by this ordinance or required by any license issued pursuant to this ordinance.
- 9.11.9. Report of Spills: It is the duty of every person to notify the Minnesota Pollution Control Agency (MPCA) of any spill or discharge of a substance in accordance with Minnesota Statute, Section 115.061. Any person holding a junkyard/automobile graveyard or dismantling facility license from Chippewa County shall also report to Chippewa County zoning administrator, in writing, the time, date, location, cause, and method of the cleanup of any hazardous material spill in excess of one gallon in volume, which occurs on the premises of the licensee, within 48 hours of the occurrence of the spill.
- 9.11.10. Term of Licenses: Licenses shall be issued under this ordinance for a period not to

exceed one year.

- 9.11.11. Display of License: Every license shall be kept conspicuously posted about the place for which it is issued, along with the telephone numbers of the Minnesota Pollution Control Agency (MPCA) Spill Unit and the local fire department. Licenses shall be exhibited to any person upon request.
- 9.11.12. License Fee: The fee for every junkyard/automobile graveyard or dismantling facility license shall be \$150.00 to cover the initial expense of the public hearing requirements, plus actual site inspection, sampling, and analysis fees, if required. Such fees do not include costs to be paid by the licensee in the design, supervision, and construction of any ground water monitoring wells required as part of this license. The fee for \$150.00 shall cover the initial public hearing requirements. Thereafter, the annual fee for renewal shall be \$50.00. If a license is allowed to expire for more than 12 consecutive months, the licensing process shall commence from the beginning.
- 9.11.13. Revocation: Every license may be revoked by the county board of commissioners for violation of any provision of this ordinance after the licensee has been given reasonable notice and the opportunity to be heard, or upon any change in zoning or special use permit status of the premises whereby junkyard/automobile graveyard or dismantling facilities are prohibited. There shall be no refund of any license fee, inspection fee, or any portion thereof upon revocation.
- 9.11.14. Abatement: If any nuisance described above exists causing a condition which is judged to be harmful or dangerous to the health, morals, or safety of any considerable number of people, the county attorney may take reasonable steps within a reasonable time, which shall both be set out in the resolution, to abate the nuisance. The resolution shall also fix a time and place when the person or persons upon whom the resolution is served may appear before the planning commission and be heard as to any objections concerning the proposed action of the planning commission. Such resolution shall be served upon the person or persons therein required to abate the nuisance, in person or by registered mail; and if the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the resolution on the premises. Service may be proved by filing in the office of the zoning administrator setting forth the manner and the time thereof.
- If, after such service of the resolution, the party or parties served fail(s) to abate the nuisance in accordance with the terms of the resolution, and after having heard the objections thereto, if any, the planning commission does not determine otherwise, the planning commission may recommend to the county board of commissioners such nuisance to be abated at the expense of the county. The county can recover such expenditure, either by civil action against the person or persons responsible for the nuisance and/or, if service has been had upon the owner of the real estate upon which the nuisance is located, by ordering the zoning administrator to recover such sum against the property upon which the nuisance existed and to certify the same to the county auditor for collection in the manner as taxes and special assessments are collected.
- 9.11.15. Penalty: Any person who shall knowingly cause or create a nuisance, or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by him, shall upon conviction thereof be deemed guilty of a misdemeanor.

SECTION 10 — REPEALER

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
10.1. Subdivision 1 — Repealer.....	1

SECTION 10 — REPEALER

10.1. Subdivision 1 — Repealer

This ordinance repeals certain Ordinances and Resolutions relating to Private and Public Lands and Water Use, and Community Facilities and Regulations and Official Controls thereunder in conflict with the Chippewa County Land and Related Resources Management Ordinance Enacted May 5, 1982 .

**SECTION 12 — WINDPOWER MANAGEMENT
ADOPTED: FEBRUARY 15, 2005**

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
12.1. Subdivision 1 — Purpose	1
12.2. Subdivision 2 — Definitions	1
12.3. Subdivision 3 — Permit Applications.....	2
12.4. Subdivision 4 — Compliance with Codes and Standards.....	2
12.5. Subdivision 5 — Certifications.....	2
12.6. Subdivision 6 — Overspeed Controls.....	2
12.7. Subdivision 7 — Setback Requirements.....	2
12.8. Subdivision 8 — Noise Standards	3
12.9. Subdivision 9 — Decommissioning	3
12.10. Subdivision 10 — Waste Management.....	3
12.10.1. Solid Waste.....	3
12.10.2. Hazardous Waste	3
12.11. Subdivision 11 — Tower Type	3
12.12. Subdivision 12 — Signage.....	4
12.13. Subdivision 13 — Aesthetics.....	4
12.14. Subdivision 14 — Public Services	5
12.14.1. Roads	5
12.14.2. Fire.....	5
12.14.3. Sewer and Water	5
12.15. Subdivision 15 — Orderly and Efficient Use of the Resource.....	5
12.16. Subdivision 16 — Other Pertinent Information	6

**SECTION 12 — WINDPOWER MANAGEMENT
ADOPTED FEBRUARY 15, 2005**

12.1. Subdivision 1 — Purpose

Wind energy is a resource that is gaining the interest of farmers, business owners, utility companies, and other rural residents in Minnesota. It is a resource that is attractive for its economic benefits and its minimal impact on the environment when compared to other sources of electric power. Areas in Minnesota, such as the “Buffalo Ridge” in Lincoln, Pipestone, and Murray Counties, saw the construction of large facilities to convert wind energy to power in the mid-1990’s. Smaller facilities have been constructed in other areas of the state, such as Dodge and Freeborn Counties.

The purpose of this section is to set forth a process for permitting wind energy facilities within Chippewa County.

Wind energy conversion systems (WECS) that are under five (5) megawatts are not regulated by the state. A site permit from the Environmental Quality Board (EQB) is required to construct a large WECS. A large WECS is a combination of wind turbines and associated facilities with the capacity to generate five (5) megawatts or more of electricity. A mandatory Environmental Assessment Worksheet (EAW) is required for electric power generating plants and associated facilities that are designed for or capable of operating at a capacity of 25 megawatts or more.

Noise from the operation of wind turbines can be caused by a number of things including: the interaction of the blade with the atmosphere and turbulence, the mechanical components such as gears meshing, and the interaction of blades with disturbed air flow around the tower of downwind machines. According to the handbook, Permitting of Wind Energy Facilities, modern turbines are quiet and generate noise levels “no higher than those of a moderately quiet room at distances of 750 to 1,000 feet.”

Collisions between birds and wind turbines have been a controversial aspect of the siting of wind farms. According to the handbook, Permitting of Wind Energy Facilities, the impact of wind turbines on bird fatalities is relatively minor. It is estimated that 33,000 birds are killed annually by wind turbines. Based on an estimate of 15,000 wind turbines being operated in the U.S., 2.2 birds are killed per turbine each year.

Minnesota Statute Chapter 394.21 gives counties the authority to regulate land development by adopting and amending official land use controls.

Standards for the location, construction, and operation of wind energy conversion systems are necessary to protect the public health, safety, and general welfare.

12.2. Subdivision 2 — Definitions

- 12.2.1. Wind Energy Conversion System (WECS): A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy.
- 12.2.2. Commercial Wind Energy Conversion System: A WECS or combination of WECS that is designed to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 KW or more.
- 12.2.3. Non-Commercial Wind Energy Conversion System: A WECS or combination of WECS that is designed to have a capacity for residential and agricultural uses and has a combined nameplate capacity of less than 125 KW.

12.3. Subdivision 3 — Permit Applications

12.3.1. All proposed wind energy facilities must fill out a land use permit and a conditional use permit application provided by Chippewa County Land and Resource Management.

12.4. Subdivision 4 — Compliance with Codes and Standards

12.4.1. All wind turbines shall be in compliance with all applicable state and federal regulatory standards, including:

- 12.4.1.1. Uniform Building Code as adopted by the State of Minnesota;
- 12.4.1.2. The National Electrical Code as adopted by the State of Minnesota;
- 12.4.1.3. Federal Aviation Administration (FAA) requirements;
- 12.4.1.4. Minnesota Pollution Control Agency (MPCA) / Environmental Protection Agency (EPA) regulation (hazardous waste, construction, storm water, etc.).

12.5 Subdivision 5 — Certifications

12.5.1. Equipment shall conform to applicable industry standards, including the American Wind Energy Association standard for wind turbine design and related standards adopted by the American Standards Institute (ANSI). It would be appropriate to require that the equipment manufacturer certify that the equipment is manufactured in compliance with industry standards.

12.5.2. Special attention shall be paid to all turbines that are experimental, used, or prototype devices. Maintenance record, inspection by qualified wind energy professionals, or some other documentation of unit’s integrity may be requested.

12.5.3. A professional engineer registered in the State of Minnesota shall certify that the tower and foundation are compatible with and appropriate for the turbine to be installed and that the specific soils at the site can support the apparatus.

12.6. Subdivision 6 — Overspeed Controls

12.6.1. All turbines to be installed shall be equipped with redundant braking systems. This includes both aerodynamic (including variable pitch) overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of load loss on the generator. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

12.7. Subdivision 7 — Setback Requirements

12.7.1.

Object	Setback Over 100 KW	Setback Under 100 KW
Residence (Other than applicant’s residence)	750 feet	300 feet
Project Boundary	5 rotor diameters	5 rotor diameters
Public Roads (from right-of-way)	300 feet	1 times height (maximum)
Other Structures	1.25 times height	1.25 times height (maximum)

12.8. Subdivision 8 — Noise Standards

- 12.8.1. Noise is regulated by the MPCA under Chapter 7030. These rules establish the maximum nighttime and daytime noise levels that effectively limit wind turbine noise to 50 db (A) at farm residences. However, these standards may not be sufficient for the “preservation of public health and welfare” in relation to impulsive noises. Additional local limits relative to impulsive and pure tone noises may be appropriate.

12.9. Subdivision 9 — Decommissioning

- 12.9.1. Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. If the wind tower is idle for twelve (12) consecutive months, the tower shall be dismantled, and the site shall be returned to its original condition. Decommissioning shall include:
- 12.9.1.1. Removal of all structures and debris to a depth of four (4) feet;
 - 12.9.1.2. Restoration of the soil;
 - 12.9.1.3. Restoration of vegetation (consistent and compatible with surrounding vegetation).
- 12.9.2. Provisions shall include a decommissioning plan. This plan will identify:
- 12.9.2.1. When and how a facility is to be decommissioned;
 - 12.9.2.2. Estimated cost of decommissioning;
 - 12.9.2.3. Financial resources to be used to accomplish decommissioning.
- 12.9.3. It may also be prudent to include provisions that ensure financial resources will be available for decommissioning. This may include establishing an escrow account into which the project developer/owner will deposit funds on a regular basis over the life of the project. The unit of government shall then have access to the escrow account for the explicit purpose of decommissioning. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

12.10. Subdivision 10 — Waste Management

- 12.10.1. Solid Waste: Construction of wind power facilities, as with other facilities, will lead to the generation of various types of waste: packaging, equipment parts, litter, and debris generated by site clearing. Removal of such material shall be accomplished in a timely manner. Similarly, ongoing operation and maintenance of these machines results in the generation of various waste products. This may include worn parts and packaging of new parts. All such material shall be removed from the site immediately and managed in an appropriate manner.
- 12.10.2. Hazardous Waste: Operation and maintenance of wind power facilities will result in the generation of some hazardous materials. This will primarily be used lubricating materials. All such material shall be removed from the site immediately and managed in a manner consistent with all appropriate rules and regulations.

12.11. Subdivision 11 — Tower Type

- 12.11.1. Smaller co-generators of 40 kilowatts or less are exempt from this rule and may use lattice construction towers but must meet all other standards.
- 12.11.2. All commercial installed wind turbines must utilize self-supporting, tubular towers. Such towers provide several benefits.

- 12.11.2.1. Improved aesthetics, including intra- and inter-project visual consistency;
- 12.11.2.2. Minimized impact on farming activities;
- 12.11.2.3. Reduced potential for unauthorized climbing;
- 12.11.2.4. Improved maintenance access increasing the total turbine operating availability;
- 12.11.2.5. Reduced need for ancillary structures to house control equipment;
- 12.11.2.6. Clearance: The WECS blade must be a minimum of thirty (30) feet above ground level;
- 12.11.2.7. Safety Design: The safety design and construction of the WECS must be certified by the manufacturer's engineer or a certified Minnesota professional engineer.

12.12. Subdivision 12 — Signage

- 12.12.1. It is important that signage be properly controlled. Signage regulations are to be consistent with Chippewa County's zoning ordinance.
- 12.12.2. Each WECS must have a sign posted at the base of the tower that specifies the following information:
 - 12.12.2.1. Warning of high voltage;
 - 12.12.2.2. Manufacturer's name;
 - 12.12.2.3. Emergency shutdown procedures;
 - 12.12.2.4. Emergency phone numbers.
 - 12.12.2.5. No permitted sign may exceed three (3) square feet in area.
- 12.12.3. Signs other than warning signs, equipment labels, emergency information, or owner identification are prohibited on a WECS.

12.13. Subdivision 13 — Aesthetics

- 12.13.1. The following items are recommended standards to mitigate visual impacts:
 - 12.13.1.1. Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.
 - 12.13.1.2. Signage: (See Subdivision 12, above.) Including anything on the tower or nacelle shall be consistent with other county ordinances pertaining to signage.
 - 12.13.1.3. Turbine Consistency: To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in design, color, and rotational direction with nearby facilities.
 - 12.13.1.4. Lighting: Projects shall utilize minimal lighting.
 - 12.13.1.4.1. A WECS may not be illuminated other than for normal security lighting unless required by a state or federal agency;
 - 12.13.1.4.2. The proposed WECS must be in compliance with all Federal Aviation Administration (FAA) regulations and

shall comply with the notification requirements of the FAA;

- 12.13.1.4.3. It may be appropriate for permits to allow for some infrared lights or heat lamps to prevent icing of sensors.
- 12.13.1.5. Intra-Project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground. Allowances shall be provided where shallow bedrock interferes with the ability to bury underground lines.
- 12.13.1.6. Screening: There may be critical vistas or views from public roads to scenic locations that are negatively impacted by wind turbines, which may be determined by the administrator. It may be appropriate to require landscaping materials at a scenic overlook that screens the view of or distracts attention from the turbines in order to minimize visual impact.
- 12.13.1.7. Interference: No WECS shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunication device including, but not limited to, radios, televisions, telephones, personal communication devices, and other electronic equipment and devices.

12.14. Subdivision 14 — Public Services

- 12.14.1. Roads: If construction is large enough or during spring restrictions, roads can sustain severe damage.
 - 12.14.1.1. Enforcement of road limits may make construction impossible. The local unit of government may choose to require either remediation or road repair upon completion of the project.
 - 12.14.1.2. Local units are authorized to collect fees for oversized load permits.
 - 12.14.1.3. Contractor and county will conduct re-construct evaluation of current conditions. If damage occurs to road, contractor will be required to pay appropriate amount or repair road to pre-construction condition.
 - 12.14.1.4. Contractor will be required to obtain all required permits.
- 12.14.2. Fire: The following permit standards shall be followed to reduce risk of fire:
 - 12.14.2.1. Adherence to electrical codes and standards;
 - 12.14.2.2. Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections;
 - 12.14.2.3. Utilization of twistable cables on turbines.
- 12.14.3. Sewer and Water: There shall be little issue with sewer and water facilities. Any facility shall simply comply with existing septic ordinances and state well regulations. There may not be need for on-site staff; therefore, there may not be any need for water or sewer services.

12.15. Subdivision 15 — Orderly and Efficient Use of the Resource

- 12.15.1. The Chippewa County zoning ordinance calls for the orderly and efficient use of resources. Applications shall be reviewed to ensure that the project area does not adversely impact wind development potential on adjacent lands.
- 12.15.2. Further, ordinances to keep non-compatible development from encroaching upon wind power facilities would be appropriate.

- 12.15.2.1. New structures shall maintain the same setbacks from wind turbines as are implemented for wind turbines.

12.16. Subdivision 16 — Other Pertinent Information

- 12.16.1. A description of the project, including number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction.
 - 12.16.1.1. A site plan detailing the location of the project area boundaries, turbines, roads, transformers, power lines, communication lines, interconnection point with transmission lines, and other ancillary facilities or structures;
 - 12.16.1.2. Topographic map of the project site and surrounding area;
 - 12.16.1.3. Current land use on the site and of the surrounding area.
 - 12.16.1.4. Distance to impacted properties;
 - 12.16.1.5. Decommissioning plan;
 - 12.16.1.6. Engineering certification of tower and foundation design suitability for turbine and soils;
 - 12.16.1.7. Evidence of power purchase contracts and power transmission contracts or documentation that the power will be utilized on-site;
 - 12.16.1.8. Evidence of control of wind easements in the entire project area;
 - 12.16.1.9. Description and identification of adjoining wind easements/neighborhood wind power facilities.

**SECTION 13 — SEXUALLY ORIENTED BUSINESSES
AND ADULT USES
ADOPTED FEBRUARY 15, 2005**

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
13.1. Subdivision 1 — Purpose and Intent	1
13.2. Subdivision 2 — Definitions	1
13.3. Subdivision 3 — License Required; Applications	4
13.4. Subdivision 4 — License Fees.....	5
13.5. Subdivision 5 — Granting of License	5
13.6. Subdivision 6 — Persons and Places Ineligible for License.....	6
13.7. Subdivision 7 — Building Standards.....	7
13.8. Subdivision 8 — Conditions of License	9
13.9. Subdivision 9 — Nonconforming Sexually Oriented Businesses and Adult Uses.....	10
13.10. Subdivision 10 — Hours of Operation.....	10

SECTION 13 — SEXUALLY ORIENTED BUSINESSES AND ADULT USES

ADOPTED FEBRUARY 15, 2005

13.1. Subdivision 1 — Purpose and Intent

13.1.1. The regulations of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. It is the purpose of this section to regulate sexually oriented businesses and adult uses to promote the health, safety, morals, and general welfare of the citizens of the county and to establish reasonable and uniform regulations to:

- 13.1.1.1. Prevent additional criminal activity within the county;
- 13.1.1.2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- 13.1.1.3. Locate sexually oriented businesses away from schools, churches, residential properties, daycare centers, libraries, parks, commercial recreational facilities for minors, and businesses selling alcoholic beverages;
- 13.1.1.4. Prevent concentration of sexually oriented businesses within certain areas of the county;
- 13.1.1.5. Prevent the spread of sexually transmitted diseases.

13.1.2. The purpose of this section is to establish regulations governing the licensing of sexually oriented businesses classified as "adult uses" in the county and to prevent the spread of sexually transmitted diseases.

13.1.3. General Provisions: Sexually oriented businesses or "adult uses" as defined in Subdivision 2, 13.2. of this section shall be subject to the following general provisions:

- 13.1.3.1. Activities defined as obscene by Minnesota Statutes Section 617.241 are not permitted and are prohibited.
- 13.1.3.2. Sexually oriented businesses and adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- 13.1.3.3. Sexually oriented businesses and adult uses, either principal or accessory, shall be prohibited from locating in any place which is also used to dispense, consume, or sell alcoholic beverages.
- 13.1.3.4. A sexually oriented business or adult use which does not qualify as an accessory use shall be classified as an adult use-principal.
- 13.1.3.5. Sexually oriented businesses or adult uses classified as an adult use-principal may not locate or operate within the county without first obtaining a sexually oriented businesses "adult use-principal" license as required by Subdivision 3, 13.3. of this section.

13.2. Subdivision 2 — Definitions

13.2.1. Adult Uses: Any of the activities and businesses described below constitutes "sexually oriented businesses" which are subject to the regulations of this section:

- 13.2.1.1. Body painting studio: An establishment or business, which provides the service of applying paint or other substance whether transparent or nontransparent to the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."
- 13.2.1.2. Bookstore: A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, or motion picture films, if such building or portion of a building is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, and if a substantial or significant portion of such items are distinguished and characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 13.2.1.3. Cabaret: A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished and characterized by an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas."
- 13.2.1.4. Companionship establishment: A companionship establishment which excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 13.2.1.5. Conversation/rap parlor: A conversation/rap parlor which excludes minors by reason of age, and which provides the services of engaging in or listening to conversation, talk, or discussion, if such service is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 13.2.1.6. Escort: Any person who receives financial consideration for consorting with or escorting another person in any public or private place within Chippewa County.
- 13.2.1.7. Escort Bureau: Any person who offers to furnish an escort for financial consideration.
- 13.2.1.8. Health/sport club: A health/sport club, which excludes minors by reason of age, and if such club is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 13.2.1.9. Hotel or motel: Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and where material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
- 13.2.1.10. Massage parlor, health club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished and characterized by an

- emphasis on "specified sexual activities" or "specified anatomical areas."
- 13.2.1.11. Mini-motion picture theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, and if said material is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 13.2.1.12. Modeling studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- 13.2.1.13. Motion picture arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas." A motion picture arcade includes one or more coin-operated machines or coin-operated amusement devices where the operator deposits a coin for the opportunity of playing a game of skill.
- 13.2.1.14. Motion picture theaters: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, and if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 13.2.1.15. Novelty business: A business which has as a principal activity the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.
- 13.2.1.16. Sauna: A sauna which excludes minors by reason of age, and which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 13.2.1.17. Steam room/bathhouse facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent if such building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

- 13.2.1.18. Specified anatomical areas:
 - 13.2.1.18.1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
 - 13.2.1.18.2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 13.2.1.19. Specified sexual activities:
 - 13.2.1.19.1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
 - 13.2.1.19.2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
 - 13.2.1.19.3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - 13.2.1.19.4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
 - 13.2.1.19.5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons; or
 - 13.2.1.19.6. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 - 13.2.1.19.7. Human excretion, urination, menstruation, vaginal, or anal irrigation.

13.3. Subdivision 3 — License Required; Applications

- 13.3.1. License required: No person shall operate a sexually oriented business classified as "adult use-principal" defined in this section without having first secured a license as hereinafter provided. The owner(s) of a sexually oriented business in operation as of the effective date hereof, shall be required to file an application for a license as required by this section on or before the effective date, provided, however, that the county shall not be permitted to enforce this section against such owners until the county renders its decision on the application.
- 13.3.2. Applications; content: An application for the license required by this section shall require the following information:
 - 13.3.2.1. The name, residence, phone number, and birth date of the applicant, if an individual; and if a corporation, the names, residences, phone numbers, and birth dates of those owners holding more than five percent (5%) of the outstanding stock of the corporation;

- 13.3.2.2. The name, address, phone number, and birth date of the manager of such operation, if different from the owners;
 - 13.3.2.3. The premises wherein the adult use is to be located;
 - 13.3.2.4. A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, in the case of a corporation, the owners of more than five percent (5%) of the outstanding stock of the corporation, have been convicted, and whether or not the applicant has ever applied for or held a license to operate a similar type of business in other communities.
 - 13.3.2.5. The activities and types of business to be conducted;
 - 13.3.2.6. The hours of operation;
 - 13.3.2.7. The provisions made to restrict access by minors;
 - 13.3.2.8. A building plan of the premises detailing all internal operations and activities;
 - 13.3.2.9. A description of merchandise, services, or entertainment for sale in the premises;
 - 13.3.2.10. The means of restricting access by minors;
 - 13.3.2.11. The property owner's name and address and business owner's name and address.
- 13.3.3. Renewal applications: Applications for renewal licenses required by this section shall be completed and filed with the county land and resource management director no later than November 30 of the year preceding the year for which application is made. Any renewal application not completed and filed by that date shall be treated as a nonrenewal application.

13.4. Subdivision 4 — License Fees

- 13.4.1. Payment of fee: Each application for a license shall be accompanied by a receipt from the county for payment in full of the required fee for the license. All fees shall be paid into the general fund of the county.
- 13.4.2. Term of license; pro rata fee: All licenses shall expire on December 31 in each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.
- 13.4.3. Annual fee: The annual fee for an adult use-principal license shall be as set by resolution of the county board. The county board shall not set this fee arbitrarily, but shall determine the amount in relation to its best estimate of actual costs of administration, planning, legal, inspection, and police investigation related to the application and the ongoing operation of the business.
- 13.4.4. Refunds: No part of the fee paid by any licensee shall be refunded.

13.5. Subdivision 5 — Granting of License

- 13.5.1. Hearing; issuance of license: A license shall not be issued without a conditional use permit being granted. The county land and resource management director or his or her designated representatives shall investigate all facts set out in the application. A public hearing shall be held before the planning commission, which

will then make a recommendation to the county board prior to any action taken on the license application. Such public hearing shall be set within thirty (30) days of the receipt of the application. The purpose of the public hearing shall be to consider the criteria for granting a license. Criteria for investigating and evaluating a license shall include the following, along with the customary criteria for a conditional use permit as set forth in Section 2 — Administration of the Chippewa County Land and Related Resources Management Ordinance:

- 13.5.1.1. Application shall be completed in full;
- 13.5.1.2. A license shall not be issued to a person who is ineligible for a license under Subdivision 6, 13.6.1., of this section.
- 13.5.1.3. A license shall not be issued to an applicant whose place of business is ineligible for license under Subdivision 6, 13.6.2., of this section.
- 13.5.1.4. A license shall not be issued to an applicant if the applicant or the place of business does not comply with Subdivision 7, 13.7., of this section.
- 13.5.1.5. A license shall not be issued to an applicant if applicant does not comply with Subdivisions 13.8. and 13.9. of this section.
- 13.5.1.6. The adult use shall be in compliance with all applicable county ordinance regulations.
- 13.5.2. Decision to grant or deny: The county shall investigate and notify the applicant, in writing, of the county's decision to grant or deny the license as set forth under the regulations concerning conditional use permits in Section 2 — Administration of the Chippewa County Land and Related Resources Management Ordinance.
- 13.5.3. License Nontransferable: License(s) shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license shall be transferred to another place without the approval of the county board.

13.6. Subdivision 6 — Persons and Places Ineligible for License:

- 13.6.1. Ineligible Persons: No license shall be granted to or held by any person:
 - 13.6.1.1. Under twenty one (21) years of age;
 - 13.6.1.2. Who is not the proprietor of the establishment for which the license is issued;
 - 13.6.1.3. Who has been convicted of violating any law of this state or any other state or any local ordinance relating to sex offense and/or adult use.
- 13.6.2. Ineligible Places:
 - 13.6.2.1. No license shall be granted for adult uses on any premises where a licensee or applicant has been convicted of a violation of this section, or any crime that would constitute a violation of this section, or where there have been convictions for activities on the premises such as would cause the building to constitute a "public nuisance" under Minnesota Statutes Sections 617.80 through 617.87, until one year has elapsed after the conviction(s) related to such events.
 - 13.6.2.2. Except for uses lawfully existing at the time of the adoption of the ordinance codified in this section, no license shall be granted for any adult use, which is not in compliance with the county's zoning regulations.

- 13.6.2.3. No sexually oriented business shall locate in any place, which is also used to dispense or consume alcohol.

13.7. Building Standards

- 13.7.1. **Specific Uses Prohibited:** No commercial building, structure, premises, or part thereof, or facilities therein used by a sexually oriented business classified as an "adult use-principal" shall be so constructed, used, designed, or operated for the purpose of engaging in, or permitting persons to engage in, sexual activities as defined in this section.
- 13.7.2. **Certain Structural Modification Prohibited:** No person shall own, operate, manage, rent, lease, or exercise control of any commercial building, structure, premises, or portion or part thereof, which contains:
- 13.7.2.1. Partitions between subdivisions of a room, portion, or part of a building, structure, or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition;
- 13.7.2.2. Booths, stalls, or partitioned portions of a room, or individual rooms, used for adult uses, having doors, curtains, or partial partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Such areas shall be lighted in a manner that the persons in the area used for adult uses are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion pictures or other offered adult uses.
- 13.7.3. **Viewing Areas and Booths:**
- 13.7.3.1. All viewing areas or booths in movie arcades shall be accessible from a continuous main aisle.
- 13.7.3.2. All viewing areas or booths shall be located together along a continuous main aisle to eliminate the possibility of secluded booths elsewhere on the premises.
- 13.7.3.3. No more than one person shall be permitted to enter or remain in a viewing area or booth at any time.
- 13.7.3.4. The viewing areas or booths shall be maintained at all times in a clean and sanitary manner.
- 13.7.4. **Entrances, Windows, Doors:** All entrances to the business, with the exception of emergency fire exits not usable to enter the business, shall be visible from a public right of way. In addition, all windows and doors shall be so blocked or covered to prohibit viewing of the interior of the premises from outside of the premises.
- 13.7.5. **Location of Performances:** All performances shall be on a raised stage. The stage must be raised from the surrounding floor by at least two feet (2'), and no patrons may be on the stage at any time during any performance.
- 13.7.6. **Patron Proximity to Performance:** All patrons shall be at least ten feet (10') from the stage.

- 13.7.7. Interaction Prohibited: No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
- 13.7.8. Gratuity Prohibited: No patron shall directly pay or give any gratuity to any dancer, and no dancer shall solicit any pay or gratuity from any patron.
- 13.7.9. Adult Use-Principal
 - 13.7.9.1. Sexually oriented businesses classified as adult use-principal shall only be allowed with a conditional use permit in the Highway Business District (B-2) and in the Light Industry District (I-1) as defined by the Chippewa County zoning ordinance and/or the official zoning map;
 - 13.7.9.2. Adult use-principal businesses shall be located at least five hundred (500) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of:
 - 13.7.9.2.1. Property zoned: Agricultural Preservation, Urban Management (except the B-2 Highway Business District and the I-1 Light Industry District), Natural Areas Preservation, Shoreland Management, and Minnesota River Management Districts.
 - 13.7.9.2.2. Any residentially used or zoned property;
 - 13.7.9.2.3. Any licensed day-care center or facility;
 - 13.7.9.2.4. Any public or private educational facility classified as a preschool, elementary, junior high, or senior high school;
 - 13.7.9.2.5. Any specialty school if the majority of its students consists of minors;
 - 13.7.9.2.6. Any hotel or motel;
 - 13.7.9.2.7. Any public library;
 - 13.7.9.2.8. Any public park or trails system;
 - 13.7.9.2.9. Any nursing home;
 - 13.7.9.2.10. Any church or church related organization;
 - 13.7.9.2.11. Any youth establishment;
 - 13.7.9.2.12. Commercial recreational facilities if the majority of its customers consists of minors;
 - 13.7.9.2.13. Any business selling alcoholic beverages;
 - 13.7.9.2.14. Another adult use-principal;
 - 13.7.9.3. Adult use-principal activities, as defined by this section, shall be classified as one use. Two (2) or more sexually oriented businesses or adult uses-principal shall not be located in the same building or upon the same property.
 - 13.7.9.4. Access, parking, screening, lighting, and other relevant site related criteria for all adult uses shall be as set forth in the

Chippewa County Land and Related Resources Management Ordinance.

- 13.7.9.5. Sexually oriented businesses shall adhere to the following signing regulations:
 - 13.7.9.5.1. Shall comply with the requirements of size and number for the district in which they are located.
- 13.7.9.6. Adult use-principal activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical, or other performance or exhibition presented to the general public where minors are permitted.
- 13.7.10. Adult Use-Accessory
 - 13.7.10.1. Adult use-accessory shall:
 - 13.7.10.1.1. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located;
 - 13.7.10.1.2. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation;
 - 13.7.10.1.3. Not involve or include any activity except the sale or rental of merchandise.
 - 13.7.10.2. Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access. Business owners shall make every reasonable precaution to limit access to minors and shall comply with Minnesota Statutes Section 617.293 and any amendments thereto.
 - 13.7.10.3. Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

13.8. Subdivision 8 — Conditions of License

- 13.8.1. Generally: Every license shall be granted subject to all of the conditions of this ordinance, and of any other applicable county, state, or federal law.
- 13.8.2. License Posted: All licensed premises shall have the license posted in a conspicuous place at all times.
- 13.8.3. Minors Prohibited: No minor shall be permitted on the licensed premises, and the licensee shall not employ any minors. Provisions to restrict access by minors shall prohibit any entry or view into the portion of the premises in which the sexually oriented business is carried on.
- 13.8.4. Right To Enter: Any designated officer of the county shall have the unqualified right to enter and inspect all public areas of the premises of a licensee during regular business hours and during nonbusiness hours to determine compliance with this section.
- 13.8.5. Responsibility for Conduct: Every licensee shall be responsible for the conduct of the place of business and shall maintain conditions of order.

- 13.8.6. Intoxicated Persons: No person to whom a license has been issued shall permit any obviously intoxicated person to be or remain in any adult entertainment establishment.

13.9. Nonconforming Sexually Oriented Businesses and Adult Uses:

- 13.9.1. Sexually oriented businesses and adult uses which are classified as legal nonconforming uses may continue in accordance with the provision of this section except that any such nonconforming use shall be terminated and become illegal twelve (12) months after the effective date hereof. To the extent possible, the county shall attempt to identify all such uses which become classified as nonconforming under the provisions of this section and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property or business on which an adult use is located may apply to the county land and resource management director for an extension of the termination date. Any such application shall be in writing and be received by the county at least thirty (30) days prior to the termination date. Failure to submit a timely extension application shall constitute a waiver of the right to request an extension. The extension may be granted if the applicant demonstrates that the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment. The applicant shall have the burden of proof to demonstrate hardship with the established termination date and also the time required for an extension. In making its decision, the county land and resource management director may consider any factor relevant to the issue, including, but not limited to:

- 13.9.1.1. The degree or magnitude of threat to the public health, safety, and general welfare posed by the secondary impacts of the operation;
- 13.9.1.2. The length of time that the adult use has been operating;
- 13.9.1.3. The ease by which the property could be converted to a conforming use;
- 13.9.1.4. The nature and character of the surrounding neighborhood;
- 13.9.1.5. The value and condition of the improvements on the property;
- 13.9.1.6. The amount of the applicant's investment in the business;
- 13.9.1.7. The amount of investment already realized;
- 13.9.1.8. The cost of relocating the adult use.

13.10. Hours of Operation:

- 13.10.1. Sexually oriented businesses adult use-principal operations shall be restricted from operating between the hours of one minute after one o'clock (1:01) a.m. and six o'clock (6:00) a.m. The licensee shall not permit any patron to be in the place of business between the hours of one thirty o'clock (1:30) a.m. and six o'clock (6:00) a.m.

SECTION 15 — SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE

This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county.

Amended: January 21, 2014

Table of Contents

15.1	Subdivision 1 — PURPOSE AND AUTHORITY	1
15.1.1	PURPOSE AND INTENT	1
15.1.1.1	Purpose	1
15.1.1.2	Intent	1
15.1.2	AUTHORITY	1
15.1.3	EFFECTIVE DATE	1
15.2	Subdivision 2 — DEFINITIONS	1
15.3	Subdivision 3 — GENERAL PROVISIONS	4
15.3.1	SCOPE	4
15.3.2	JURISDICTION	4
15.3.3	ADMINISTRATION	4
15.3.3.1	County Administration	4
15.3.3.2	Cities and Townships	4
15.3.4	VALIDITY	4
15.3.5	LIABILITY	5
15.4	Subdivision 4 — GENERAL REQUIREMENTS	5
15.4.1	RETROACTIVITY	5
15.4.1.1	All SSTS	5
15.4.1.2	Existing Permits	5
15.4.1.3	SSTS on Lots Created Before January 23, 1996	5
15.4.2	UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT	5
15.4.2.1	SSTS Capacity Expansions	5
15.4.2.2	Failure to Protect Groundwater	5
15.4.2.3	Imminent Threat to Public Health or Safety	5
15.4.2.4	Abandonment	6
15.4.2.5	Bedroom Additions	6
15.4.3	SSTS IN FLOODPLAINS	6
15.4.4	CLASS V INJECTION WELLS	6
15.4.5	SSTS PRACTITIONER LICENSING	6
15.4.6	PROHIBITIONS	6
15.4.6.1	Occupancy or Use of a Building without a Compliant SSTS	6
15.4.6.2	Sewage Discharge to Ground Surface or Surface Water	6
15.4.6.3	Sewage Discharge to a Well or Boring	7
15.4.6.4	Discharge of Hazardous or Deleterious Materials	7
15.5	Subdivision 5 — SSTS STANDARDS	7
15.5.1	STANDARDS ADOPTED BY REFERENCE	7
15.5.2	AMENDMENTS TO THE ADOPTED STANDARDS	7
15.5.2.1	Determination of Hydraulic Loading Rate and SSTS Sizing	7

15.5.2.2	Compliance Criteria for Existing SSTS _____	7
15.5.2.3	Holding Tanks _____	8
15.5.2.4	Effluent Screens _____	8
15.5.2.5	Cluster SSTS _____	8
15.5.2.6	Lots Created After January 23, 1996 _____	8
15.5.2.7	Tank Burial Depth _____	8
15.5.3	VARIANCES _____	8
15.5.3.1	Variance Requests _____	8
15.5.3.2	Affected Agency _____	9
15.5.3.3	Administrative Action _____	9
15.6	Subdivision 6 — SSTS PERMITTING _____	9
15.6.1	PERMIT REQUIRED _____	9
15.6.2	CONSTRUCTION PERMIT _____	9
15.6.2.1	Activities Requiring a Construction Permit _____	9
15.6.2.2	Activities Not Requiring a Permit _____	9
15.6.2.3	Conformance to Prevailing Requirements _____	9
15.6.2.4	Permit Application Requirements _____	9
15.6.2.5	Application Review and Response _____	10
15.6.2.6	Appeal _____	10
15.6.2.7	Permit Expiration _____	10
15.6.2.8	Suspension or Revocation _____	10
15.6.2.9	More Restrictive Construction Requirements _____	11
15.6.3	OPERATING PERMIT _____	11
15.6.3.1	SSTS Requiring an Operating Permit _____	11
15.6.3.2	Permit Application Requirements _____	11
15.6.3.3	Department Response _____	11
15.6.3.4	Operating Permit Terms and Conditions _____	12
15.6.3.5	Permit Expiration and Renewal _____	12
15.6.3.6	Amendments to Existing Permits Allowed _____	13
15.6.3.7	Transfers _____	13
15.6.3.8	Suspension or Revocation _____	13
15.6.3.9	Compliance Monitoring _____	13
15.6.4	ABANDONMENT CERTIFICATION _____	13
15.6.4.1	Abandonment Requirements _____	13
15.7	Subdivision 7 — MANAGEMENT PLANS _____	14
15.7.1	PURPOSE _____	14
15.7.2	MANAGEMENT PLAN REQUIREMENTS _____	14
15.7.2.1	SSTS Requiring Management Plans _____	14
15.7.2.2	Required Contents of a Management Plan _____	14
15.7.2.3	Requirements for Systems not Operated under a Management Plan (Minnesota Rules, Chapter 7082.0100, Subp.3. (L)) _____	14
15.8	Subdivision 8 — COMPLIANCE MANAGEMENT _____	15
15.8.1	COMPLIANCE INSPECTION PROGRAM _____	15
15.8.1.1	General Requirements _____	15
15.8.1.2	New Construction or Replacement _____	15
15.8.1.3	Existing Systems _____	16

15.9	Subdivision 9 — ENFORCEMENT	17
15.9.1	VIOLATIONS	17
15.9.1.1	Cause to Issue a Notice of Violation	17
15.9.1.2	Notice of Violation	17
15.9.1.3	Cease and Desist Orders	17
15.9.2	PROSECUTION	18
15.9.3	STATE NOTIFICATION OF VIOLATION	18
15.9.4	COSTS AND REIMBURSEMENTS	18
15.10	Subdivision 10 — RECORD KEEPING (Minnesota Rules, Chapter 7082.0300 Subp. 4)	18
15.11	Subdivision 11 — ANNUAL REPORT (Minnesota Rules, Chapter 7082.0040, Subp.5)	18
15.12	Subdivision 12 — FEES	18
15.13	Subdivision 13 — INTERPRETATION	18
15.14	Subdivision 14 — SEVERABILITY	19
15.15	Subdivision 15— ABROGATION AND GREATER RESTRICTIONS	19
15.16	Subdivision 16 — ORDINANCE REPEALED	19
15.17	Subdivision 17 — ADOPTION	19

15.1 Subdivision 1 — PURPOSE AND AUTHORITY

15.1.1 PURPOSE AND INTENT

15.1.1.1 Purpose

The purpose of this ordinance is to establish minimum requirements for regulation of ISTS and MSTs for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

15.1.1.2 Intent

It is intended by the County that this Ordinance will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Chippewa County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, river, stream, ditch and lake degradation, groundwater related hazards, and public nuisance conditions.

15.1.2 AUTHORITY

This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082; or successor rules.

15.1.3 EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective on _____.

15.2 Subdivision 2 — DEFINITIONS

The following words and phrases shall have the meanings ascribed to them in this Article. If not specifically defined in this Article, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and the words "may" and "should" are permissive.

Authorized Representative: An employee or agent of the County Land & Resource Management Department.

Board of Adjustment: A board established by county ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

Cluster System: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

County: Chippewa County, Minnesota.

County Board: The Chippewa County Board of Commissioners.

Department: The Chippewa County Land & Resource Management Department.

Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an MPCA licensed individual.

Imminent Threat to Public Health and Safety: At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 5 hereof.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

MSTS: A “mid-sized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

Notice of Noncompliance: A written document issued by the Department notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

MPCA: Minnesota Pollution Control Agency.

Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual’s employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

Record Drawings: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Sewage: Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS: Subsurface sewage treatment system Including an ISTS, MSTS or LSTS.

State: The State of Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:

- Level A: cBOD5 < 15 mg/L; TSS < 15 mg/L; fecal coliforms < 1,000/100 mL.
- Level B: cBOD5 < 25 mg/L; TSS < 30 mg/L; fecal coliforms < 10,000/100 mL.
- Level C: cBOD5 < 125 mg/L; TSS < 80 mg/L; fecal coliforms N/A.

Type I System: An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System: An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System: A custom designed ISTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Type IV System: An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Type V System: An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

15.3 Subdivision 3 — GENERAL PROVISIONS

15.3.1 SCOPE

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

15.3.2 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance and has been approved by the County. The county must permit and inspect SSTS within cities that do not administer an effective SSTS ordinance. (See MN Rules, Chapter 7082.0040, Subp. 2&3)

15.3.3 ADMINISTRATION

15.3.3.1 County Administration

The County Land & Resource Management Department shall administer the SSTS program and all provisions of this Ordinance. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

15.3.3.2 Cities and Townships

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.

15.3.4 VALIDITY

The validity of any part of this Ordinance shall not be affected by the invalidity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.

15.3.5 LIABILITY

Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

15.4 Subdivision 4 — GENERAL REQUIREMENTS

15.4.1 RETROACTIVITY

15.4.1.1 All SSTS

Except as explicitly set forth in Subdivision 4, 15.4.1.2, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

15.4.1.2 Existing Permits

Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date (permits valid for one year from date of issuance) or until a change in system ownership, whichever is earlier.

15.4.1.3 SSTS on Lots Created Before January 23, 1996

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.220 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.

15.4.2 UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

15.4.2.1 SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

15.4.2.2 Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten (10) months of the issuance date of a Notice of Noncompliance.

15.4.2.3 Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten (10) months of receipt of a Notice of Noncompliance.

15.4.2.4 Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

15.4.2.5 Bedroom Additions

In the event of a bedroom addition, a Certificate of Compliance (COC) or Notice of Noncompliance (NON) be issued on the system prior to issuance of a land use permit or variance for the addition.

In the event of a NON for an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4A, or for a failing system, the system must be brought up to code within ten (10) months of date of issuance of a bedroom permit.

15.4.3 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

15.4.4 CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

15.4.5 SSTS PRACTITIONER LICENSING

No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700. Persons installing pressurized SSTS shall not be exempted under 7083.0700.

15.4.6 PROHIBITIONS

15.4.6.1 Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

15.4.6.2 Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

15.4.6.3 Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

15.4.6.4 Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

15.5 Subdivision 5 — SSTS STANDARDS

15.5.1 STANDARDS ADOPTED BY REFERENCE

The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

15.5.2 AMENDMENTS TO THE ADOPTED STANDARDS

15.5.2.1 Determination of Hydraulic Loading Rate and SSTS Sizing

Table IX from Minnesota Rules Chapter 7080.2150, Subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and Table IXa entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) and herein adopted by reference shall both be used to size SSTS infiltration areas at the discretion of the licensed designer, except that the Zoning Administrator shall have the authority to require sizing under Table IXa when deemed necessary.

15.5.2.2 Compliance Criteria for Existing SSTS

SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

SSTS built after March 31, 1996 or SSTS located in a Shoreland area, Wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this

Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

15.5.2.3 Holding Tanks

Holding tanks may be allowed for situations involving low water use, impacted soils, or other factors as deemed appropriate by the Zoning Administrator or Authorized Representative. Persons applying for a permit will be issued an operating permit and must include a pumping agreement or contract with a licensed pumper.

The pumper shall certify each date the tank is pumped, the volume of the liquid waste removed, and the location to which the waste was discharged and report to the Department that the holding tank is pumped.

15.5.2.4 Effluent Screens

All SSTS construction that involves installation of a new septic tank shall have an effluent screen installed at the final septic tank outlet baffle.

15.5.2.5 Cluster SSTS

Clustering of SSTS may be allowed at the discretion of the Zoning Administrator and shall meet the following requirements:

- A. Homes served by clustered sewage treatment systems shall require a water meter, pumping event counter or equivalent means to measure water use, and an operation and maintenance plan.
- B. Clustered sewage treatment systems shall only be allowed where soil conditions or space restrictions preclude the use of individual sewage treatment systems, or where otherwise deemed appropriate by the Zoning Administrator.

15.5.2.6 Lots Created After January 23, 1996

All lots created after January 23, 1996 that will not be served by a sanitary sewer district or like entity must have a minimum of two (2) soil treatment and dispersal areas that can support Type I systems as described in parts 7080.2200 to 7080.2730 or site conditions as described in 7080.0270, Subp.3 to Subp.7.

15.5.2.7 Tank Burial Depth

Sewage tanks may be buried deeper than four (4) feet from final grade for existing dwellings. Sewage tanks shall not be buried deeper than the tank manufacturer's maximum designed burial depth for the tank.

New dwelling shall maintain the four (4) feet from final grade.

15.5.3 VARIANCES

15.5.3.1 Variance Requests

A property owner may request a variance from the standards as specified in this ordinance pursuant to county policies and procedures.

15.5.3.2 Affected Agency

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

15.5.3.3 Administrative Action

The Zoning Administrator or Authorized Representative may administratively adjust property line setbacks and building setbacks for SSTS where it is determined that the adjustment will not harm the surface and ground waters of the State, injure the public health, safety, and general welfare, or adversely impact the owners of adjacent property.

15.6 Subdivision 6 — SSTS PERMITTING

15.6.1 PERMIT REQUIRED

The property owner or his/her agent shall be responsible for obtaining a permit from the Chippewa County Land & Resource Management office for the installation, alteration, or extension of an on-site sewage treatment system. No person, contractor, firm, or corporation shall install, alter, or extend an on-site sewage treatment system in the County until such a permit has been issued by the Department.

15.6.2 CONSTRUCTION PERMIT

A construction permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioner(s).

15.6.2.1 Activities Requiring a Construction Permit

A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

15.6.2.2 Activities Not Requiring a Permit

A construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

15.6.2.3 Conformance to Prevailing Requirements

Any activity involving an existing system that requires a Construction Permit shall require that the entire system be brought into compliance with this Ordinance.

15.6.2.4 Permit Application Requirements

Construction Permit applications shall be made on forms provided by the Department and signed by the applicant and an appropriately certified practitioner including the practitioner's certification number and date of

expiration. The applications shall include the documents listed in items A through E below.

- A. Name, mailing address and telephone number.
- B. Property Identification Number and address or legal description of property location.
- C. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730
- D. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- E. Management Plan as described in Minnesota Rules, Chapter 7082.0600.

15.6.2.5 Application Review and Response

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The Department shall complete the review of the amended application within (15) working days of receipt of the amended application. If the permit application is incomplete or does not meet the requirements of this ordinance the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

15.6.2.6 Appeal

The applicant may appeal the Departments decision to deny the Construction Permit in accordance with the County's established policies and appeal procedures outlined in the Chippewa County Land & Related Resources Management Ordinance under Section 2, Subd. 6 – Variances.

15.6.2.7 Permit Expiration

The Construction Permit is valid for a period of no more than twelve (12) months from its date of issue unless temporarily extended by the Zoning Administrator or Authorized Representative due to mitigating circumstances. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

15.6.2.8 Suspension or Revocation

The Department may suspend or revoke a Construction Permit issued under this section for any false statements, misrepresentations of facts on which the Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked,

installation or modification of a treatment system may not commence or continue until a valid Construction Permit is obtained.

15.6.2.9 More Restrictive Construction Requirements

- A. All new construction that involves a new septic tank shall have an effluent screen installed at the outlet baffle.
- B. Pressure distribution pipe cleanout sweeps must be installed at the end of every lateral and covered with an inspection box used to provide proper operation and cleaning of plugged perforations.

15.6.3 OPERATING PERMIT

15.6.3.1 SSTS Requiring an Operating Permit

An Operating Permit shall be required of all owners of new holding tanks, Type IV SSTS, Type V SSTS, MSTS or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to these systems until the Department certifies that the SSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS and a valid Operating Permit is issued to the owner.

15.6.3.2 Permit Application Requirements

- A. Application for an Operating Permit shall be made on a form provided by the Department including:
 - 1. Owner name, mailing address, telephone and e-mail address
 - 2. Construction Permit reference number and date of issue
 - 3. Final record drawings of the treatment system
 - 4. Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business
- B. Monitoring and Disposal Agreement
Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal agreement executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G.

It is the responsibility of the owner to have an active contract with a licensed maintenance business at all times until which time the holding tank is abandoned or the property sold.

- C. SSTS existing prior to the effective date of this ordinance.
All SSTS existing prior to the effective date of this ordinance shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, or following any SSTS enforcement action.

15.6.3.3 Department Response

The Department shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and

completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Department. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

A temporary permit may be given at the discretion of the Department to alleviate a hardship if the owner has need to occupy the building before the operating permit can be issued. The temporary permit will be limited to only allowing operating the treatment tank(s) as holding tanks until the operating permit is issued.

15.6.3.4 Operating Permit Terms and Conditions

The Operating Permit shall include the following System performance requirements (Minnesota Rules, Chapter 7082.0600, Subp.2.B):

- A. System performance requirements
- B. System operating requirements
- C. Monitoring locations, procedures and recording requirements
- D. Maintenance requirements and schedules
- E. Compliance limits and boundaries
- F. Reporting requirements
- G. Department notification requirements for non-compliant conditions
- H. Valid contract between the owner and a licensed maintenance business
- I. Disclosure, location and condition of acceptable soil treatment and dispersal system site.
- J. Descriptions of acceptable and prohibited discharges.

15.6.3.5 Permit Expiration and Renewal

- A. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- B. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within in (90) calendar days of the expiration date, the County may require that the system be abandoned in accordance with Subdivision 6 – 15.6.4 of this Ordinance.
- C. The Department shall notify the holder of an operating permit at least (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least (30) calendar days before the expiration date.
- D. Application shall be made on a form provided by the Department including:
 - (1) Applicant name, mailing address and phone number.
 - (2) Reference number of previous owner's operating permit.
 - (3) Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.
 - (4) Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the County.
 - (5) Any revisions made to the operation and maintenance manual.
 - (6) Payment of application review fee as determined by the County.

15.6.3.6 Amendments to Existing Permits Allowed

The Department may amend existing permits as deemed necessary for the protection of public health, safety, and welfare, or to reflect operational realities not evident at the time of permit issuance.

15.6.3.7 Transfers

The operating permit may not be transferred, except that operating permits for holding tanks may be allowed to transfer to subsequent property owners and remain valid. A new owner shall apply for an operating permit in accordance with Subdivision 6 – 15.6.3.2 of this Ordinance.

15.6.3.8 Suspension or Revocation

- A. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- B. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
- C. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Subdivision 6 – 15.6.4 of this Ordinance.
- D. At the Department’s discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

15.6.3.9 Compliance Monitoring

- A. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- B. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - (1) Owner name and address
 - (2) Operating Permit number
 - (3) Average daily flow since last compliance monitoring report
 - (4) Description of type of maintenance and date performed
 - (5) Description of samples taken (if required), analytical laboratory used, and results of analyses
 - (6) Problems noted with the system and actions proposed or taken to correct them
 - (7) Name, signature, license and license number of the licensed professional who performed the work

15.6.4 ABANDONMENT CERTIFICATION

15.6.4.1 Abandonment Requirements

- A. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or

decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for the disposal or treatment of sewage shall be prohibited.

- B. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500 and a MPCA SSTS Abandonment Reporting form (attachment A) must be completed and submitted to the Department.
- C. No prior notification of the Department of an owner's intent to abandon a system is necessary.

15.7 Subdivision 7 — MANAGEMENT PLANS

15.7.1 PURPOSE

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

15.7.2 MANAGEMENT PLAN REQUIREMENTS

15.7.2.1 SSTS Requiring Management Plans

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the construction permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plans revised and resubmitted at the time of final construction certification.

15.7.2.2 Required Contents of a Management Plan

Management plans shall include (Minnesota Rules, Chapter 7082.0600, Subp.1):

- A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
- B. Monitoring requirements;
- C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
- D. Statement that the owner is required to notify the Department when the management plan requirements are not being met;
- E. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
- F. Other requirements as determined by the Department

15.7.2.3 Requirements for Systems not Operated under a Management Plan (Minnesota Rules, Chapter 7082.0100, Subp.3. (L))

SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

15.8 Subdivision 8 — COMPLIANCE MANAGEMENT

15.8.1 COMPLIANCE INSPECTION PROGRAM

15.8.1.1 General Requirements

- A. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- B. Licensed SSTS inspectors shall not inspect their own designs or installations. Once a system has received a Certificate of Compliance a licensed SSTS inspector may do a compliance check on any systems.
- C. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, “property” does not include a residence or private building.
- D. No person shall hinder or otherwise interfere with the Department’s employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- E. When two (2) compliance inspections are submitted to the Zoning Administrator’s office with differing results, the Zoning Administrator or Authorized Representative shall contact each party and, if necessary, all parties shall meet at the subject property to determine if agreement can be reached. If agreement cannot be reached, another licensed inspector contracted with the county must be used.
- F. The Zoning Administrator or Authorized Representative shall require an SSTS identified as failing or non-complying to be upgraded, replaced, or its use discontinued within an appropriate time no greater than ten (10) months if such system is declared to be an imminent threat to public health and safety. In all other cases of failure or non-compliance, the SSTS shall be caused to be upgraded, replaced, or its use discontinued within ten (10) months unless the Zoning Administrator’s office finds evidence of an imminent threat to public health and safety, then within an appropriate time no greater than ten (10) months.

15.8.1.2 New Construction or Replacement

- A. The Zoning Administrator or Authorized Representative shall cause such inspection or inspections as are necessary to determine compliance with this ordinance. No part of the sewage treatment system or addition, extension or alteration shall be covered until it has been inspected and accepted by the Zoning Administrator or Authorized Representative. The installer of the system shall notify the Zoning Administrator or Authorized Representative 24 hours prior to when the job is ready for inspection or re-inspection. The Zoning Administrator or Authorized Representative shall make the inspection within twenty four (24) hours after such notice has been given, excluding weekends and holidays. If an on-site inspection is not possible, the installer must submit an as-built drawing and photos to the Department within fifteen (15) days of installation.
- B. If, upon inspection, the Zoning Administrator or Authorized Representative determines that an as-built report is necessary due to

- significant design changes, the as-built report shall be completed and submitted within fifteen (15) calendar days of the inspection date.
- C. If inclement weather or other event delays the inspection, the Zoning Administrator or Authorized Representative shall notify the installers and owner, and may extend the time for inspection as needed. The inspection shall not be unnecessarily delayed, however.
 - D. A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued by the Department if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 - E. The Certificate of Compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
 - F. Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the Department finds evidence of noncompliance.

15.8.1.3 Existing Systems

- A. Compliance inspections shall be required when any of the following conditions occur:
 - (1) In designated Shoreland Management Zones an existing SSTS must be inspected by a currently licensed Minnesota Pollution Control Agency inspector when any land use permit or variances is requested for an improvement on, or use of the property, exclusive of a deck, an accessory building one hundred twenty (120) square feet or smaller, or an agricultural building that is exempt from building code requirements.
 - (2) A currently licensed Minnesota Pollution Control Agency inspector must inspect an existing SSTS in any other zone when a land use permit for a bedroom addition is requested for the property.
 - (3) When an operating permit is to be renewed.
 - (4) At the time of transfer of operating permit.
 - (5) At any time the Zoning Administrator or Authorized Representative deems appropriate such as upon receiving a complaint or other information of system failure.
- B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions must be assessed or verified:
 - (1) Water tightness assessment of all treatment tanks including a leakage report;
 - (2) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including vertical separation verification report;
 - (3) Sewage backup, surface seepage, or surface discharge, including a hydraulic function report.

- C. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements.
- D. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department no later than fifteen (15) calendar days after the date the inspection was performed.
- E. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

15.9 Subdivision 9 — ENFORCEMENT

15.9.1 VIOLATIONS

15.9.1.1 Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

15.9.1.2 Notice of Violation

The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

- A. A statement documenting the findings of fact determined through observations, inspections, or investigations;
- B. A list of specific violation(s) of this Ordinance;
- C. Specific requirements for correction or removal of the specified violation(s);
- D. A mandatory time schedule for correction, removal and compliance with this ordinance.

15.9.1.3 Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this ordinance.

15.9.2 PROSECUTION

In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this ordinance.

15.9.3 STATE NOTIFICATION OF VIOLATION

In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

15.9.4 COSTS AND REIMBURSEMENTS

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the County Board, the cost of an enforcement action under this ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

15.10 Subdivision 10 — RECORD KEEPING (Minnesota Rules, Chapter 7082.0300 Subp. 4)

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

15.11 Subdivision 11 — ANNUAL REPORT (Minnesota Rules, Chapter 7082.0040, Subp.5)

The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

15.12 Subdivision 12 — FEES

The County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at time of permit request.

15.13 Subdivision 13 — INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

15.14 Subdivision 14 — SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

15.15 Subdivision 15— ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

15.16 Subdivision 16 — ORDINANCE REPEALED

The Chippewa County Land and Related Resources Management Ordinance for the regulation of Individual Sewage Treatment Systems of the County is hereby repealed. (Section 9-General Regulations; Subdivision 2-Sanitary Provisions)

15.17 Subdivision 17 — ADOPTION

Chippewa County Board of Commissioners hereby adopts the Chippewa County Subsurface Sewage Treatment Program Ordinance on the _____ day of _____, 20_____.

Chairperson, Chippewa County Board of Commissioners

ATTEST: _____

EFFECTIVE DATE: _____, 20_____.

**CHIPPEWA COUNTY LAND AND RELATED RESOURCE
MANAGEMENT ORDINANCE**

SECTION 16

SOLAR POWER MANAGEMENT

	<u>PAGE</u>
TABLE OF CONTENTS	
SUBDIVISION 1. TITLE	1
SUBDIVISION 2. PURPOSE	1
SUBDIVISION 3. JURISDICTION	1
SUBDIVISION 4. INTERPRETATION	1
SUBDIVISION 5. EXEMPTIONS	1
SUBDIVISION 6. DEFINITIONS	1
SUBDIVISION 7. PERMIT REQUIRED	3
SUBDIVISION 8. DISTRICT REGULATIONS	4
SUBDIVISION 9. SETBACKS AND STANDARDS	5
SUBDIVISION 10. DECOMMISSIONING	8

SUBDIVISION 1. TITLE

The title of this ordinance is the Chippewa County Solar Power Management Ordinance, and will be referred to herein as “this Ordinance”.

SUBDIVISION 2. PURPOSE

This ordinance is established to set forth processes for permitting solar energy systems and to regulate the installation and operation of solar energy systems within Chippewa County pursuant to Minnesota Statutes Chapters 216C.25, 500.30, and Minnesota Rules Chapter 1325.1100, as amended, in order to promote the health, safety, and general welfare of the citizens of Chippewa County.

SUBDIVISION 3. JURISDICTION

The regulations of this Ordinance shall apply to all the area of Chippewa County outside the incorporated limits of municipalities.

SUBDIVISION 4. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Where the provisions of this Ordinance impose greater restriction than those of any statute, other ordinance or regulations, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

SUBDIVISION 5. EXEMPTIONS

Solar arrays with a generator nameplate capacity under one (1) kilowatt, and solar thermal systems with a solar collector surface under fifty (50) square feet in area, are exempt from the requirements of this ordinance.

SUBDIVISION 6. DEFINITIONS

The following words and phrases shall have the meanings ascribed to them in this Ordinance. If not specifically defined in this Section or in Section 22 of the Chippewa County Zoning Ordinance, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

1. Array (Solar). Any number of solar photovoltaic modules or panels connected together to provide a single electrical output, or solar thermal collectors connected together to provide a single output.
2. Generator nameplate capacity. The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.
3. Ground Mounted Solar Energy System. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.
4. Large Solar Energy System. A solar array designed for wholesale production and sale of power where the primary land use of the parcel is for a solar energy system.
5. Module (Solar). A number of individual solar cells connected together in an environmentally protected housing producing a standard output voltage and power. Multiple modules/panels can be assembled into an array for increased power and/or voltage.
6. Photovoltaic Array. A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.
7. Photovoltaic Device. A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.
8. Power Purchase Agreement. A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.
9. Roof or Building Mounted Solar Energy System. A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus.
10. Small Solar Energy System. A solar array that is an accessory use in which the energy produced is first used on-site before any excess energy produced is sold back to the operator's regular electrical service provider. Small solar energy systems include solar thermal systems that are designed to provide heat or energy on-site.
11. Solar cell. The basic unit of a photovoltaic solar panel.
12. Solar Collector. A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

13. Solar Easement. A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined in Section 216C.06, Subdivision 17, to solar energy. Required contents of a Solar Easement are defined in Minnesota Statute Section 500.30.
14. Solar energy system. A device or set of devices, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, or water heating.
15. Solar Thermal System. A system that includes a solar collector and a heat exchanger that heats or preheats water or air for building heating systems or other heat or hot water needs.
16. Tracking Solar Array. A solar array that follows the path of the sun during the day to maximize the solar radiation it receives.

SUBDIVISION 7. PERMIT REQUIRED

Land Use Permits, Conditional Use Permits, and Variances shall be applied for and reviewed under the procedures established by Chippewa County Ordinance and Minnesota Statutes Chapter 394. A Land Use Permit must be obtained from the Zoning Administrator by the landowner prior to construction or installation of any solar energy system that is subject to this Ordinance.

1. An application for a permit under this section for a solar energy system is not complete unless it contains the following:
 - a. Address, Township, Section, and legal description of the property on which the solar energy system is proposed to be installed.
 - b. General description of the solar energy system, including type, size (area) of the array, generator nameplate capacity, and total height.
 - c. Setbacks from property lines, public ditches and tile lines, road rights-of-way, neighboring dwellings, and natural waterways.
 - d. A site plan showing the existing property lines, existing buildings, and the proposed location of the Solar energy system on the parcel.
2. In addition to the permit application requirements in part 1 above, an application for a permit under this section for a Large Solar energy system is not complete unless it contains the following:
 - a. A site plan of existing conditions showing the following:

- i. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
 - ii. Waterways, watercourses, lakes and public water wetlands.
 - iii. Surface water drainage patterns.
- b. A site plan of proposed conditions showing the following:
 - i. Approximate location and spacing of solar panels.
 - ii. Location of access roads.
 - iii. Proposed location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.
 - iv. New electrical equipment other than at the existing building or substation that is the connection point for the Large Solar energy system.
 - v. Proposed erosion and sediment control measures.
 - vi. Proposed storm water management measures.
- c. Proposed specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks, if known.
- d. A description of the method of connecting the array to a substation.
- e. A decommissioning plan ensuring that facilities are properly removed in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. If necessary, the Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

SUBDIVISION 8. DISTRICT REGULATIONS

Solar energy systems will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below (P=Permitted, C=Conditionally Permitted, NP=Not Permitted):

District	Small Solar Energy System	Large Solar Energy System	Less than 1 Megawatt	1 to 5 Megawatts	Over 5 Megawatts
Agricultural	P		P	C	C
Urban Expansion	P		P	C	NP
Hwy Business	P		P	C	C
Industrial	P		P	C	C
Floodplain-flood fringe	P		C	NP	NP
Floodplain-floodway	NP		NP	NP	NP
Shoreland	P		C	NP	NP
Scenic River	P		P	NP	NP
Airport Zone A	NP		NP	NP	NP
Airport Zone B	C		C	C	C
Airport Zone C	P		C	C	C

Nothing herein shall be construed to exempt a solar energy system from the regulations, requirements, and standards of the District in which it is located.

SUBDIVISION 9. SETBACKS AND STANDARDS

1. Solar energy systems shall be subject to the structure setbacks set forth in each respective Zoning District in respect to property lines, road right-of-way lines, County tile lines, and County and Judicial Ditches.
2. Any ground mounted solar energy system larger than .25 acres in area must be located away from a dwelling according to the following chart: (Other than the project owner's dwelling(s)).

Solar Energy Systems Setbacks

District	Small Solar Energy System	Large Solar Energy System	Less than 1 Megawatt	1 to 5 Megawatts	Over 5 Megawatts
Agricultural	100		200	250	350
Urban Expansion	100* 100** 50***		200* 200** 100***	300* 300** 100***	NA
Hwy Business	100		200	250	350
Industrial	100		150	150	200
Floodplain-flood fringe	100		200	200	200
Floodplain-floodway	NA		NA	NA	NA
Shoreland	100		250	NA	NA
Scenic River	100		NA	NA	NA
Airport Zone A	NA		NA	NA	NA
Airport Zone B	100		250	250	350
Airport Zone C	100		250	250	350
<p>*Adjoining Parcels – Where adjoining parcel contains a residence, Solar Energy Systems shall be set back from adjoining property line to nearest solar panel, transformer or inverter.</p> <p>**Non Adjoining Parcels – Solar Energy Systems shall be set back from residence foundation to solar panel, transformer or inverter.</p> <p>*** Setback when all other setbacks are met.</p>					

Setbacks shall be measured from foundation of neighboring dwelling to closest point of solar panel except where noted above.

3. Standards for all Solar Energy Systems.

A. Height. Solar energy systems are subject to the following height requirements:

- a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height for structures in the zoning district in which the system is being installed, and shall not extend more than 10 feet above the building or roof on which they are mounted.
- b. Ground or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

B. Location within Lot. Solar energy systems must meet the accessory structure setback for the zoning district.

- a. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least 2 feet. Exterior piping for solar thermal systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- b. Ground-mounted Solar Energy Systems.
 - i. Ground-mounted solar energy systems may not extend into the side-yard, rear, or road right-of-way setback when oriented at minimum design tilt.
 - ii. Ground-mounted solar energy systems that result in the creation of one or more acres of impervious surface, must comply with the MPCA Construction Stormwater Permit Requirements.

C. Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing.

D. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.

E. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

F. Vegetative screening or buffering of the solar energy system may be required as part of the conditions of approval. Screening or buffering shall be based on the proximity of the system to residential buildings and to abutting public rights-of-way.

4. Standards for Large Solar Energy Systems.

A. Stormwater Management and Erosion and Sediment Control shall meet the requirements of the MPCA Construction Stormwater Permit requirements.

B. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

- C. Other standards and codes. All Large Solar Energy Systems shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.

- D. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground, to the extent practicable.

SUBDIVISION 10. DECOMMISSIONING

In the event that a solar energy system is unused or abandoned for a period of 12 consecutive months, the solar energy system must be removed by the system owner or landowner.

1. All structures and foundations must be completely removed and the soil and vegetation restored.

2. Removal must occur within 90 days of a determination that the solar energy system is unused or abandoned, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the system to service.

3. Disposal of structures, foundations, and any other equipment or material must conform to Federal, State, and local laws, rules, and ordinances.

SECTION 11 — CHIPPEWA COUNTY ANIMAL FEEDLOT ORDINANCE

ADOPTED: JULY 6, 1994

AMENDED: JULY 2, 1996

APRIL 18, 2000

JULY 25, 2000

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
11.1. Subdivision 1 ... Intent	1
11.2. Subdivision 2 ... Feedlot Permit Requirements	1
11.3. Subdivision 3 ... Animal Units	2
11.4. Subdivision 4 ... Area Regulations for New and Existing Feedlots	2
11.5. Subdivision 5 ... Animal Waste Storage Facilities	4
11.6. Subdivision 6 ... Animal Waste Utilization and Application Setbacks	4
11.7. Subdivision 7 ... Standards for Earthen Storage Basins for Storage of Animal Waste	4
11.8. Subdivision 8 ... Conditional Use Permits.....	6
11.9. Subdivision 9 ... Variance	6
11.10. Subdivision 10 .. Definitions	7
11.11. Subdivision 11 .. Ag Waste Management System Operation and Maintenance Plan	10
11.12. Subdivision 12 .. Dead Animal Disposal Plan	12
11.13. Subdivision 13 .. Additional Manure Disposal Area Application.....	13
11.14. Subdivision 14 .. Construction Inspection Guidelines	14

SECTION 11 — CHIPPEWA COUNTY ANIMAL FEEDLOT ORDINANCE**Adopted: July 6, 1994****Amended: July 2, 1996****April 18, 2000****July 25, 2000****11.1. Subdivision 1 — Intent**

Livestock and poultry are important to producers and consumers in Chippewa County. Animals provide meat, milk, eggs, and related products for consumption in the United States and for export. Livestock production is an important source of income for farmers and agricultural businesses in the county. Efficient livestock production should be a concern of producers and consumers alike.

Livestock, poultry, and other animals produce manure which may negatively affect Chippewa County's environment. When animal manure adds to air, water, or land pollution in the county, it is subject to control.

The following standards for the control of livestock, poultry, and other animal feedlot(s) and manure application have been promulgated to provide protection against pollution caused by manure from domesticated animals. These standards recognize that animal manure provides beneficial qualities to the soil and plant production.

All feedlot owners and operators shall act as good neighbors when applying animal manure. The time of year, wind direction, and neighboring dwellings should be considered when selecting appropriate time and place of application. All feedlots shall be operated in a manner consistent with the certificate of compliance and the standards set forth in this ordinance and the Minnesota Pollution Control Agency.

These rules comply with the policy and purpose of the State of Minnesota in regard to the control of pollution as set forth in Minnesota State Statutes Chapters 115 and 116 and the Land Use Enabling Legislation Chapter 394. By following these regulations, the environmental, residential, and agricultural uses of land will be more compatible. The purpose of the feedlot ordinance is to regulate the use and development of land in Chippewa County so that effects on the health, safety, morale, and general welfare of the public will be minimized.

11.2. Subdivision 2 — Feedlot Permit Requirements

11.2.1. Unless otherwise noted within this ordinance, all MPCA feedlot rules and regulations and other applicable state and federal laws apply.

11.2.2. Prior to construction of any animal feedlots in Chippewa County, the Minnesota Pollution Control Agency (MPCA) must issue a Certificate of Compliance or give approval of the proposed feedlot, and a land use or conditional use permit must be obtained from the county zoning office.

11.2.2.1. Exception:

Where animal units exceed 1,000 and/or an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) is required, the county will not issue a ruling until the EAW/EIS is complete.

11.2.2.2. No land use permit shall be issued without:

11.2.2.2.1. Waste Utilization Plan

11.2.2.2. Dead Animal Disposal Plan

11.2.2.2.3. Approved DNR Water Appropriation Permit, if required.

11.2.3. Feedlots where all other provisions of this ordinance have been met and the animal units are less than 400 where the manure is stored within an approved concrete storage structure shall be a permitted use.

11.2.4. Any new or expanded animal feedlot facility that would cause the animal density to exceed a total of 400 animal units within a radius of one-half (1/2) mile drawn from the outermost points of the outermost foundations of the proposed feedlot facilities shall require a conditional use permit.

11.3. Subdivision 3 — Animal Units

For the purpose of this ordinance, an "Animal Unit" means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound slaughter steer or heifer.

	Animal Unit (A.U.)	No. of Head Needed to Equal 400 A.U.
1 mature dairy cow	1.4	286
1 slaughter steer or heifer	1.0	400
1 horse	1.0	400
1 swine over 55#	0.4	1,000
1 duck	0.2	2,000
1 sheep	0.1	4,000
1 swine under 55#	0.05	8,000
1 turkey	0.018	22,222
1 chicken	0.01	40,000
Other animals — average weight of animal / 1,000 # = A.U.		

11.4. Subdivision 4 — Area Regulations for New and Existing Feedlots

11.4.1. All setbacks of this ordinance shall apply within county lines. The setback standards of the county where the feedlot is located shall apply. No new feedlot shall hereafter be erected within the following distances unless a variance is obtained (See Section 11.9.):

11.4.1.1. Feedlots shall be located, as stipulated in Minnesota Rules 4725.4450, in relationship to the prescribed distances from any public or private well (this includes existing abandoned wells).

11.4.1.2. No new feedlot shall be within 1,000 feet of the normal high water mark of a lake or within 500 feet of the normal high water mark of a stream or river.

- 11.4.1.3. No new feedlot shall be situated within 1 mile of a public park or church.
- 11.4.1.4. No new feedlots shall be within 400 feet of a public, county, judicial, or private drainage ditch.
- 11.4.1.5. New feedlots shall not be located within a Shoreland, Floodplain Management, or Minnesota River Management District.
- 11.4.1.6. All new feedlots shall meet the Shoreland Standards in Section 7, Subdivision 7.5.6.2.2. of this ordinance.
- 11.4.1.7. One-half (½) mile from Urban Expansion Management District.
- 11.4.1.8. One-fourth (¼) mile from a cemetery governed by a cemetery association, local government, or congregation of worshippers.
- 11.4.1.9. Setback from public right-of-way line. The minimum setback from the public right-of-way line shall be 75 feet. This applies to all new and existing feedlot operations
- 11.4.1.10. Property line. A minimum of 30 feet from the property line.
- 11.4.1.11. No new feedlot shall be erected where ten (10) or more residences, excluding the owner/operator, are situated within a radius of one (1) mile drawn from the outermost points of the outermost foundations of the proposed feedlot facilities.

Note: Setback measurements shall be taken from the outermost points of the outermost foundations of the residential structure to the outermost points of the outermost foundations of the proposed feedlot facility.

11.4.2. Minimum Separation Distances. A variance is required when these minimum separation distances are not met. The following table:

Conditional Use Permit required



	Animal Units		
	51 to 400	401 to 1,000	1,001 and More
Commercial and Industrial Uses Rural Residences	¼ mile	½ mile	¾ mile
Incorporated Municipalities: Clara City Granite Falls Maynard Milan Montevideo Watson	2 miles	2 miles	2 miles

Note: Increase the distance by 1.5 times if open liquid manure storage is used.
Planned growth areas are to also have a setback of two (2) miles.

11.5. Subdivision 5 — Animal Waste Storage Facilities

11.5.1. All new construction of concrete storage facilities shall have a perimeter tile with inspection site, installed in accordance with MPCA guidelines.

11.6. Subdivision 6 — Animal Waste Utilization and Application Setbacks

11.6.1. Application of all animal waste within Chippewa County's unincorporated areas shall comply with the following setbacks:

Surface or Irrigation Applied	Incorporated or Injected Recommended within 48 Hours	
300'	100' OHWL	Watercourse, streams, rivers, lakes, wetlands, drainage ditches
1,000'	1,000'	Municipal well
200'	200'	Private wells
500'	100'	Residential area (10 or more homes) or municipality
300'	200'	Residence, neighboring resident
500'	100'	Urban Expansion Management District
Prohibited	Yes	10 year floodplain
100'	10'	Field tile intakes
25' (Surface) 300' (Irrigation)	10'	Public roadways
<p>Where an area's topography slopes away from an adjacent watercourse, animal manure may be exempted from the required setbacks upon written approval of the zoning administrator as long as the MPCA minimum guidelines are met.</p> <p>No animal waste shall be applied within these setback areas.</p>		

11.6.2. All waste utilization of animal manure as fertilizer, applied in areas not included in Subdivision 6, 11.6.1. of this ordinance, shall be according to Natural Resources Conservation Service Standards as provided in Waste Utilization Plan #633, or the MPCA.

11.6.3. Where adequate acres for spreading animal waste are not available, spreading agreements with the landowner's signature(s) shall be provided to the MPCA and the county zoning office by the feedlot operator.

11.7. Subdivision 7 — Standards for Earthen Storage Basins for Storage of Animal Waste

11.7.1. Earthen basins for non-ruminant animals will not be allowed, except where there is an existing feedlot runoff problem on a site with fewer than 400 animal units.

- 11.7.2. All plans shall be prepared and approved by a registered professional engineer or NRCS job authority approval.
- 11.7.3. All basins designed within the county shall meet minimum practice standards, and recommendations of NRCS Practice Standards #425 Waste Storage Ponds; and have an approved Waste Utilization Plan.
 - 11.7.3.1. Shall have a signed Operations and Maintenance Plan.
 - 11.7.3.2. Shall have a construction inspection plan agreement by the engineer.
 - 11.7.3.3. Upon completion, shall provide to the zoning administrator a construction inspection log.
- 11.7.4. Any situation not covered by the above standards shall be controlled by the Midwest Plan Service #18 Livestock Waste Facilities Handbook, and applicable Agricultural Extension Engineering Fact Sheets involving animal waste.
- 11.7.5. Soils with severe limitations due to seepages as described in the Chippewa County Soil Survey shall have a synthetic liner as required in the #425 Standards.
- 11.7.6. Owner and operator's responsibility. The landowner, and the owner, and the operator, of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions of this ordinance.
 - 11.7.6.1. Upon abandonment of one year, termination or non-renewal of any permit or certificate necessary to operate a feedlot, or failure to operate the feedlot in any manner consistent with these ordinances or with state and federal regulations, the landowner, and the owner and the operator of any feedlot shall remain responsible for all costs of closure, cleanup, or other costs necessary to bring the property into compliance with all federal, state, and county regulations, and to restore the property to a suitable use.
- 11.7.7. The permit holder agrees to install an inspection monitoring pipe on the drain tile discharge system. The permit holder shall be responsible for hiring an independent testing firm, subject to the county approval, to sample the drain tile discharge from the inspection pipe for potential ground water pollution for as long as the feedlot is in operation. These tests shall be conducted in the following manner: a) one sampling and analysis shall be done prior to operation of the feedlot to establish a base water sample; b) after the first year of operation, testing shall then be conducted in each subsequent year in the month of May. If the tile is dry another test will be run in October; and c) they will test for nitrates and coliform bacteria.

A copy of all test results shall be promptly submitted to the county zoning department. Any noted increase in contaminants will be reviewed and brought to the attention of the Chippewa County Board of Commissioners and other relevant state and local agencies for such action as may be appropriate.
- 11.7.8. The permit holder shall allow the zoning administrator to inspect the site whenever necessary. However, the zoning administrator shall provide a 96 hour notice in advance of any inspection that involves accessing the livestock buildings.
- 11.7.9. The permit holder shall meet with the county soil and water conservation district or the county zoning department to develop and implement a plan whereby a windbreak or other odor controlling measure will be installed in a way that serves to minimize odors leaving the premises.
- 11.7.10. Cover needed and approved by planning commission, based on recommendations from technical agencies.

11.8. Subdivision 8 — Conditional Use Permits

The process used to obtain a conditional use permit is defined in the Chippewa County Land and Related Resources Management Ordinance in Section 2, Subdivision 5, 2.5.

- 11.8.1. Conditional use permits shall be required for:
 - 11.8.1.1. Any new feedlot with over 400 animal units is proposed or an existing feedlot is expanding to more than 400 animal units;
 - 11.8.1.2. Any new feedlot is proposed or an existing feedlot is expanding where the manure is stored in an MPCA approved earthen storage basin;
 - 11.8.1.3. Any expansion or modification of an existing feedlot within the Shoreland Management District or bluff impact zone (Scenic District);
 - 11.8.1.4. Any feedlot requiring the Environmental Review Program Pursuant M.S. 116D.04 and 116D.045 and its administrative rules adopted by the EQB 4410.0200-4410.7800;
 - 11.8.1.5. Any expansion or alterations to existing feedlots within the required setbacks of Section 3 of this ordinance.
- 11.8.2. All conditional use permits shall have animal waste plans, consisting of the following:
 - 11.8.2.1. Compliance with all standards established within the county feedlot ordinance;
 - 11.8.2.2. Submission of any other additional information requested by the county zoning administrator, planning commission, county board of commissioners, or MPCA;
 - 11.8.2.3. Prior to construction of any animal feedlots in Chippewa County, the Minnesota Pollution Control Agency (MPCA) must issue a Certificate of Compliance or give approval of the proposed feedlot, and a land use or conditional use permit must be obtained from the county zoning office.
 - 11.8.2.3.1. Exception:

Where animal units exceed 1,000 and/or an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) is required, the county will not issue a ruling until the EAW/EIS is complete.
 - 11.8.2.4. Operational and Maintenance Plan;
 - 11.8.2.5. Approved Plans for Earthen Storage Basins (#425);
 - 11.8.2.6. Construction Inspection Guidelines Form;
 - 11.8.2.7. Approved Dead Animal Disposal Plan.
- 11.8.3. Standards for conditional use permits:
 - 11.8.3.1. Any changes involving structural alterations and intensification of use or changes not included on the certificate of compliance or not specifically permitted in a conditional use permit shall be considered only as a new application for a conditional use permit.

11.9. Subdivision 9 — Variance

The process used to obtain a variance is defined in the Chippewa County Land and Related Resources Management Ordinance in Section 2, Subdivision 6, 2.6.

A variance may be requested from any requirements set forth in this ordinance where, by reason of exceptional circumstances, the strict enforcement of such provision would cause unnecessary hardship or would be unreasonable, impractical, or not feasible.

11.10. Subdivision 10 — Definitions

Abandoned — A dwelling or seasonal dwelling will be considered not in use if left uninhabited for two (2) years or more. This structure will not be counted in any context if determined to be abandoned.

Agency — Minnesota Pollution Control Agency.

Animal Feedlot — Is a lot or building or combination of lots 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 used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Animal Waste — Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.

Board of Adjustment — A quasi-judicial body with power and duties as defined in Section 2, Subdivision 3, 2.3. of the ordinance.

Church — A structure that holds regular worship services and is recorded with the County Recorder as the like status. This structure must also be recognized as a church with the Minnesota Department of Revenue.

Conditional Use — A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that: 1) Certain conditions as detailed in the zoning ordinance exists; 2) The use or development conforms as detailed in the zoning ordinance exists; 3) Is compatible with the existing neighborhood.

County — Chippewa County.

County Board — Chippewa County Board of Commissioners.

Dwelling — Any building or part thereof designed or used exclusively for residential purposes by one or more human beings.

Dwelling, Non-Farm — Any dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

Dwelling, Seasonal — Any building or part thereof designed or used exclusively for residential purposes by one or more human beings for a minimum of four (4) months during the year.

Earthen Storage Basin — Dike or excavated structure, often lined with clay or a synthetic liner, in which manure is stored. The basin is emptied at least once a year. It is designed by a professional engineer or NRCS/SWCD technician.

Farm — A tract of land, which is principally used for agricultural activities such as the production of crops, animals. A farm may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm and must meet the definition of "farm" under Minnesota's Green Acres Law M.S.A., Chapter 273.111.

Farmstead — A development area designed and arranged to support farm activities. A variety of structures, storage area, and other facilities, including adjacent windbreaks and

shelterbelts, typically comprise a farmstead. The area may contain one or more farm dwellings. A livestock feedlot may be present within the defined area of a farmstead, but for the purpose of this ordinance, livestock feedlots shall not be considered to be part of a farmstead. A farmstead has boundaries which can be approximately defined and differentiated from surrounding fields and pastures, and the administrator shall determine such boundaries as necessary.

Feedlot, Existing — Operational at this time and within the previous five (5) years.

Feedlot, Livestock — A lot or building or combination of lots 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. For the purposes of this ordinance, open lots used for feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots. Pastures shall not be considered feedlots. The administrator shall define the area covered by a feedlot.

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 abandoned or unused for a period of five (5) years or more.

Hardship — As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

Incorporated — When manure is surface mechanically applied and mechanically incorporated within 48 hours of application.

Injected — When manure is mechanically injected or tilled into the soil during the manure application.

Liquid Manure — Four percent solids or less.

MPCA — Minnesota Pollution Control Agency.

NRCS — Natural Resources Conservation Service.

Non-Ruminant — Monogastric animals, including pigs, chickens, turkeys, and ducks that have a simple digestive tract that is unable to digest forages.

Ordinary High Water Level (OHWL) — The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the OHWL is the operating elevation of the normal summer pool.

Owner — Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this ordinance, or the owner of record.

Pastures — Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing

season except in the immediate vicinity of temporary supplemental feeding or watering devices.

Person — Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; including any trustee, receiver, assignee, or other similar representative thereof.

Planning Commission — A quasi-judicial body with powers and duties as defined in Section 2, Subdivision 2, 2.2. of the ordinance.

Pseudo-Ruminant — Animals, including horses, rabbits, guinea pigs, and hamsters that have an enlarged cecum, which allows microbial digestion of forages.

Public Park — A public area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Public Water — Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivisions 14 and 15. A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of this ordinance, any body of water which has the potential to support any type of recreational pursuit or water supply purpose. The term "protected water" is synonymous with the term "public water" for the purpose of this ordinance.

Road — A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designed as a street, highway, parkway, road, avenue, boulevard, lane, service road, place, or however otherwise designed. Acceptance of a road for maintenance purposes by a unit of government is not necessary for designation as a road.

Road, Private — An unplatted access to more than one lot or parcel, including leased or rental properties where public access is limited.

Ruminant — Polygastric animals, including cattle, sheep, and goats that have a rumen, which allows microbial digestion of forages.

Setback — The minimum horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, top of a bluff, road, highway, property line, or other facility.

Use — The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, Agricultural — Means that use of land for the production of food or fiber, their storage on the farm, and/or the raising thereon of animals.

Variance — Any modification or variation of this ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this ordinance would cause unnecessary hardship or would be unreasonable, impractical, or not feasible.

Waterway — A natural or constructed channel that is shaped or graded and is established in sustainable vegetation for the stable conveyance of run-off.

Waiver — The intentional or voluntary written relinquishment of a landowner's right under this ordinance.

Wetland(s) — A surface water feature classified as a wetland(s) in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), and refers to land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh, or slough.

11.11. Subdivision 11 —

Feedlot Permit #: _____
Land Use Permit #: _____

AG WASTE MANAGEMENT SYSTEM OPERATION AND MAINTENANCE PLAN

You, as owner, are responsible for maintaining this conservation practice to assure that it continues to serve the purpose for which it was intended. The practice must be inspected periodically to enable proper operation and maintenance. To assist you in making these inspections, the following requirements have been prepared for you.

I. ALL COMPONENTS OF THE SYSTEM:

- A. Inspect embankments, water course channels and ridges, level spreaders and filter strips, and holding pond inlets regularly, especially following heavy rains and spring runoff. Repair damage as soon as conditions allow with compacted earth fill, reshaping, staked sod, reseeding, and/or mulch as needed.
- B. Control brush, weed, and tree growth. Use herbicides that do no harm to the grass sod, or mow and clip where possible.
- C. Control gophers, moles, badgers, and woodchucks. They may burrow in the embankment, diversion dikes, and level spreaders, creating holes that will cause wash-out.
- D. Uncontrolled grazing should not be permitted on the embankment sideslopes, grassed waterways, vegetated diversions, and the filter strips.

II. WASTE STORAGE STRUCTURES AND HOLDING PONDS:

NEVER ENTER CONFINED SPACES SUCH AS RECEPTION AND STORAGE PITS AND TANKS, PUMPING SUMPS, ETC., WITHOUT FIRST TESTING FOR POISONOUS GASES, ESTABLISHING AND MAINTAINING POSITIVE VENTILATION TO THE SPACE AT ALL TIMES, AND USING SPOTTERS AND PERSONAL SAFETY LINES FOR EACH PERSON ENTERING THE CONFINED AREA.

- A. Empty holding ponds and storage structures according to the waste utilization plan schedule.
- B. Agitate holding ponds only at the designated locations. Never agitate lined holding ponds, except at the points specifically designed for agitation.
- C. On runoff storage ponds, maintain the water level below the marker indicating sufficient storage remains to contain the runoff from a single design storm vent.
- D. Maintain the holding pond embankment at the original height, width, and cross section as shown on the construction plan.
- E. Maintain a thick vegetative cover of grass on the embankment top and the exterior sideslopes and interior sideslopes above the water storage "full" (pump-out marker) elevation.
- F. Keep holding pond inlets free from debris and sediments.

III. OTHER PRACTICES AND APPURTENANCES:

- A. Maintain all fences in good condition, repairing broken wires, gates, and posts to insure that the safety intent of the fencing is not compromised.
- B. Maintain all mechanical diversions (concrete and/or treated plank) as originally installed.

- C. Maintain commercially manufactured manure delivery systems (ram pumps, liquid pumps, gutter scrapers, etc.) in good operating condition according to manufacturer's specifications and recommendations.
- D. Shall provide personal flotation device and/or life saving pole in the immediate vicinity.

IV. CALL YOUR LOCAL COUNTY FEEDLOT OFFICER, YOUR CONSULTING ENGINEER, OR THE MINNESOTA POLLUTION CONTROL AGENCY FOR GUIDANCE IF YOU SEE:

- A. Evidence of holding pond leakage, such as:
 - 1. Seepage along the toe of the embankments (standing water, particularly "polluted" water; soft, spongy, wet areas; growth of water loving vegetation).
 - 2. Failure of the holding pond to fill up (water level remains constant over extended time periods or raises after significant rains and then drops).
 - 3. A sudden drop in the water level.
- B. Evidence of significant waterway or diversion channel erosion.

V. APPLICANT'S AGREEMENT:

I hereby certify that I understand, and will comply with, all provisions established in the Waste Utilization and the Operation and Maintenance Plan as prescribed.

Signature of Applicant

Date

11.12. Subdivision 12 —

DEAD ANIMAL DISPOSAL PLAN

I, _____, will dispose of my livestock or poultry carcasses by one of the following: (Circle the appropriate letter.)

A. Bury. The site must have a minimum of 3 ft. of cover and 5 ft. of Soil Conservation Service approved soil above the seasonal high water table. A licensed contractor's signature must be obtained to provide verification of these requirements for the site. (Attach copy of verification documents.)

B. Incinerate. A 600 lb. load MPCA approved incinerator must be utilized. (Attach copy of system specifications.)

C. Render. Please provide the name and location of the rendering service to be utilized:

D. Compost (Poultry Only). This method must be constructed and operated as specified by the USDA Cooperative Extension Service.

Please attach a copy of plans for the containment of dead animals during temporary storage and screening arrangements for this structure. These plans must be deemed acceptable by the county planning commission.

Signature of Livestock Producer

Date

11.13. Subdivision 13 —

**ADDITIONAL MANURE DISPOSAL
AREA APPLICATION**

The undersigned landowner agrees to allow manure from _____'s livestock
feedlot to be spread on _____ acres of his/her land in compliance with his/her Waste Utilization
Plan. This land is located in the _____ one-quarter, of Section _____, in _____
Township, of _____ County.

Signature of Landowner or Tenant

Address and Phone Number:

11.14. Subdivision 14 —

CONSTRUCTION INSPECTION GUIDELINES

The Construction Inspection Plan shall contain the following minimum criteria:

1. MPCA requires a registered professional engineer to design concrete storage structures having a capacity of 500,000 gallons or greater.
2. Contractor or landowner to contact engineer prior to the start of construction.
3. Review plans and specification requirements with contractor.
4. During construction, I will inspect the following:
 - a. Moisture content of earthfill material.
 - b. Compaction of earth embankment.
 - c. Basin bottom and slope material after it is cut and placed to grade, but before it is scarified and recompactd.
 - d. Final elevations, grades, and dimensions.
 - e. Contractor's placement of steel reinforcement before concrete is placed.
 - f. Quality of the concrete and method of placement.

Project Engineer Signature

SECTION 12 — WINDPOWER MANAGEMENT
ADOPTED: FEBRUARY 15, 2005

TABLE OF CONTENTS

SUBDIVISIONS	PAGE
12.1. Subdivision 1 — Purpose	1
12.2. Subdivision 2 — Definitions	1
12.3. Subdivision 3 — Permit Applications.....	2
12.4. Subdivision 4 — Compliance with Codes and Standards.....	2
12.5. Subdivision 5 — Certifications.....	2
12.6. Subdivision 6 — Overspeed Controls.....	2
12.7. Subdivision 7 — Setback Requirements.....	2
12.8. Subdivision 8 — Noise Standards	3
12.9. Subdivision 9 — Decommissioning	3
12.10. Subdivision 10 — Waste Management.....	3
12.10.1. Solid Waste.....	3
12.10.2. Hazardous Waste	3
12.11. Subdivision 11 — Tower Type	3
12.12. Subdivision 12 — Signage.....	4
12.13. Subdivision 13 — Aesthetics.....	4
12.14. Subdivision 14 — Public Services	5
12.14.1. Roads	5
12.14.2. Fire.....	5
12.14.3. Sewer and Water	5
12.15. Subdivision 15 — Orderly and Efficient Use of the Resource.....	5
12.16. Subdivision 16 — Other Pertinent Information	6

**SECTION 12 — WINDPOWER MANAGEMENT
ADOPTED FEBRUARY 15, 2005**

12.1. Subdivision 1 — Purpose

Wind energy is a resource that is gaining the interest of farmers, business owners, utility companies, and other rural residents in Minnesota. It is a resource that is attractive for its economic benefits and its minimal impact on the environment when compared to other sources of electric power. Areas in Minnesota, such as the “Buffalo Ridge” in Lincoln, Pipestone, and Murray Counties, saw the construction of large facilities to convert wind energy to power in the mid-1990’s. Smaller facilities have been constructed in other areas of the state, such as Dodge and Freeborn Counties.

The purpose of this section is to set forth a process for permitting wind energy facilities within Chippewa County.

Wind energy conversion systems (WECS) that are under five (5) megawatts are not regulated by the state. A site permit from the Environmental Quality Board (EQB) is required to construct a large WECS. A large WECS is a combination of wind turbines and associated facilities with the capacity to generate five (5) megawatts or more of electricity. A mandatory Environmental Assessment Worksheet (EAW) is required for electric power generating plants and associated facilities that are designed for or capable of operating at a capacity of 25 megawatts or more.

Noise from the operation of wind turbines can be caused by a number of things including: the interaction of the blade with the atmosphere and turbulence, the mechanical components such as gears meshing, and the interaction of blades with disturbed air flow around the tower of downwind machines. According to the handbook, Permitting of Wind Energy Facilities, modern turbines are quiet and generate noise levels “no higher than those of a moderately quiet room at distances of 750 to 1,000 feet.”

Collisions between birds and wind turbines have been a controversial aspect of the siting of wind farms. According to the handbook, Permitting of Wind Energy Facilities, the impact of wind turbines on bird fatalities is relatively minor. It is estimated that 33,000 birds are killed annually by wind turbines. Based on an estimate of 15,000 wind turbines being operated in the U.S., 2.2 birds are killed per turbine each year.

Minnesota Statute Chapter 394.21 gives counties the authority to regulate land development by adopting and amending official land use controls.

Standards for the location, construction, and operation of wind energy conversion systems are necessary to protect the public health, safety, and general welfare.

12.2. Subdivision 2 — Definitions

- 12.2.1. Wind Energy Conversion System (WECS): A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy.
- 12.2.2. Commercial Wind Energy Conversion System: A WECS or combination of WECS that is designed to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 KW or more.
- 12.2.3. Non-Commercial Wind Energy Conversion System: A WECS or combination of WECS that is designed to have a capacity for residential and agricultural uses and has a combined nameplate capacity of less than 125 KW.

12.3. Subdivision 3 — Permit Applications

12.3.1. All proposed wind energy facilities must fill out a land use permit and a conditional use permit application provided by Chippewa County Land and Resource Management.

12.4. Subdivision 4 — Compliance with Codes and Standards

12.4.1. All wind turbines shall be in compliance with all applicable state and federal regulatory standards, including:

- 12.4.1.1. Uniform Building Code as adopted by the State of Minnesota;
- 12.4.1.2. The National Electrical Code as adopted by the State of Minnesota;
- 12.4.1.3. Federal Aviation Administration (FAA) requirements;
- 12.4.1.4. Minnesota Pollution Control Agency (MPCA) / Environmental Protection Agency (EPA) regulation (hazardous waste, construction, storm water, etc.).

12.5 Subdivision 5 — Certifications

12.5.1. Equipment shall conform to applicable industry standards, including the American Wind Energy Association standard for wind turbine design and related standards adopted by the American Standards Institute (ANSI). It would be appropriate to require that the equipment manufacturer certify that the equipment is manufactured in compliance with industry standards.

12.5.2. Special attention shall be paid to all turbines that are experimental, used, or prototype devices. Maintenance record, inspection by qualified wind energy professionals, or some other documentation of unit’s integrity may be requested.

12.5.3. A professional engineer registered in the State of Minnesota shall certify that the tower and foundation are compatible with and appropriate for the turbine to be installed and that the specific soils at the site can support the apparatus.

12.6. Subdivision 6 — Overspeed Controls

12.6.1. All turbines to be installed shall be equipped with redundant braking systems. This includes both aerodynamic (including variable pitch) overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of load loss on the generator. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

12.7. Subdivision 7 — Setback Requirements

12.7.1.

Object	Setback Over 100 KW	Setback Under 100 KW
Residence (Other than applicant’s residence)	750 feet	300 feet
Project Boundary	5 rotor diameters	5 rotor diameters
Public Roads (from right-of-way)	300 feet	1 times height (maximum)
Other Structures	1.25 times height	1.25 times height (maximum)

12.8. Subdivision 8 — Noise Standards

- 12.8.1. Noise is regulated by the MPCA under Chapter 7030. These rules establish the maximum nighttime and daytime noise levels that effectively limit wind turbine noise to 50 db (A) at farm residences. However, these standards may not be sufficient for the “preservation of public health and welfare” in relation to impulsive noises. Additional local limits relative to impulsive and pure tone noises may be appropriate.

12.9. Subdivision 9 — Decommissioning

- 12.9.1. Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. If the wind tower is idle for twelve (12) consecutive months, the tower shall be dismantled, and the site shall be returned to its original condition. Decommissioning shall include:
- 12.9.1.1. Removal of all structures and debris to a depth of four (4) feet;
 - 12.9.1.2. Restoration of the soil;
 - 12.9.1.3. Restoration of vegetation (consistent and compatible with surrounding vegetation).
- 12.9.2. Provisions shall include a decommissioning plan. This plan will identify:
- 12.9.2.1. When and how a facility is to be decommissioned;
 - 12.9.2.2. Estimated cost of decommissioning;
 - 12.9.2.3. Financial resources to be used to accomplish decommissioning.
- 12.9.3. It may also be prudent to include provisions that ensure financial resources will be available for decommissioning. This may include establishing an escrow account into which the project developer/owner will deposit funds on a regular basis over the life of the project. The unit of government shall then have access to the escrow account for the explicit purpose of decommissioning. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

12.10. Subdivision 10 — Waste Management

- 12.10.1. Solid Waste: Construction of wind power facilities, as with other facilities, will lead to the generation of various types of waste: packaging, equipment parts, litter, and debris generated by site clearing. Removal of such material shall be accomplished in a timely manner. Similarly, ongoing operation and maintenance of these machines results in the generation of various waste products. This may include worn parts and packaging of new parts. All such material shall be removed from the site immediately and managed in an appropriate manner.
- 12.10.2. Hazardous Waste: Operation and maintenance of wind power facilities will result in the generation of some hazardous materials. This will primarily be used lubricating materials. All such material shall be removed from the site immediately and managed in a manner consistent with all appropriate rules and regulations.

12.11. Subdivision 11 — Tower Type

- 12.11.1. Smaller co-generators of 40 kilowatts or less are exempt from this rule and may use lattice construction towers but must meet all other standards.
- 12.11.2. All commercial installed wind turbines must utilize self-supporting, tubular towers. Such towers provide several benefits.

- 12.11.2.1. Improved aesthetics, including intra- and inter-project visual consistency;
- 12.11.2.2. Minimized impact on farming activities;
- 12.11.2.3. Reduced potential for unauthorized climbing;
- 12.11.2.4. Improved maintenance access increasing the total turbine operating availability;
- 12.11.2.5. Reduced need for ancillary structures to house control equipment;
- 12.11.2.6. Clearance: The WECS blade must be a minimum of thirty (30) feet above ground level;
- 12.11.2.7. Safety Design: The safety design and construction of the WECS must be certified by the manufacturer's engineer or a certified Minnesota professional engineer.

12.12. Subdivision 12 — Signage

- 12.12.1. It is important that signage be properly controlled. Signage regulations are to be consistent with Chippewa County's zoning ordinance.
- 12.12.2. Each WECS must have a sign posted at the base of the tower that specifies the following information:
 - 12.12.2.1. Warning of high voltage;
 - 12.12.2.2. Manufacturer's name;
 - 12.12.2.3. Emergency shutdown procedures;
 - 12.12.2.4. Emergency phone numbers.
 - 12.12.2.5. No permitted sign may exceed three (3) square feet in area.
- 12.12.3. Signs other than warning signs, equipment labels, emergency information, or owner identification are prohibited on a WECS.

12.13. Subdivision 13 — Aesthetics

- 12.13.1. The following items are recommended standards to mitigate visual impacts:
 - 12.13.1.1. Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.
 - 12.13.1.2. Signage: (See Subdivision 12, above.) Including anything on the tower or nacelle shall be consistent with other county ordinances pertaining to signage.
 - 12.13.1.3. Turbine Consistency: To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in design, color, and rotational direction with nearby facilities.
 - 12.13.1.4. Lighting: Projects shall utilize minimal lighting.
 - 12.13.1.4.1. A WECS may not be illuminated other than for normal security lighting unless required by a state or federal agency;
 - 12.13.1.4.2. The proposed WECS must be in compliance with all Federal Aviation Administration (FAA) regulations and

shall comply with the notification requirements of the FAA;

- 12.13.1.4.3. It may be appropriate for permits to allow for some infrared lights or heat lamps to prevent icing of sensors.
- 12.13.1.5. Intra-Project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground. Allowances shall be provided where shallow bedrock interferes with the ability to bury underground lines.
- 12.13.1.6. Screening: There may be critical vistas or views from public roads to scenic locations that are negatively impacted by wind turbines, which may be determined by the administrator. It may be appropriate to require landscaping materials at a scenic overlook that screens the view of or distracts attention from the turbines in order to minimize visual impact.
- 12.13.1.7. Interference: No WECS shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunication device including, but not limited to, radios, televisions, telephones, personal communication devices, and other electronic equipment and devices.

12.14. Subdivision 14 — Public Services

- 12.14.1. Roads: If construction is large enough or during spring restrictions, roads can sustain severe damage.
 - 12.14.1.1. Enforcement of road limits may make construction impossible. The local unit of government may choose to require either remediation or road repair upon completion of the project.
 - 12.14.1.2. Local units are authorized to collect fees for oversized load permits.
 - 12.14.1.3. Contractor and county will conduct re-construct evaluation of current conditions. If damage occurs to road, contractor will be required to pay appropriate amount or repair road to pre-construction condition.
 - 12.14.1.4. Contractor will be required to obtain all required permits.
- 12.14.2. Fire: The following permit standards shall be followed to reduce risk of fire:
 - 12.14.2.1. Adherence to electrical codes and standards;
 - 12.14.2.2. Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections;
 - 12.14.2.3. Utilization of twistable cables on turbines.
- 12.14.3. Sewer and Water: There shall be little issue with sewer and water facilities. Any facility shall simply comply with existing septic ordinances and state well regulations. There may not be need for on-site staff; therefore, there may not be any need for water or sewer services.

12.15. Subdivision 15 — Orderly and Efficient Use of the Resource

- 12.15.1. The Chippewa County zoning ordinance calls for the orderly and efficient use of resources. Applications shall be reviewed to ensure that the project area does not adversely impact wind development potential on adjacent lands.
- 12.15.2. Further, ordinances to keep non-compatible development from encroaching upon wind power facilities would be appropriate.

- 12.15.2.1. New structures shall maintain the same setbacks from wind turbines as are implemented for wind turbines.

12.16. Subdivision 16 — Other Pertinent Information

- 12.16.1. A description of the project, including number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction.
 - 12.16.1.1. A site plan detailing the location of the project area boundaries, turbines, roads, transformers, power lines, communication lines, interconnection point with transmission lines, and other ancillary facilities or structures;
 - 12.16.1.2. Topographic map of the project site and surrounding area;
 - 12.16.1.3. Current land use on the site and of the surrounding area.
 - 12.16.1.4. Distance to impacted properties;
 - 12.16.1.5. Decommissioning plan;
 - 12.16.1.6. Engineering certification of tower and foundation design suitability for turbine and soils;
 - 12.16.1.7. Evidence of power purchase contracts and power transmission contracts or documentation that the power will be utilized on-site;
 - 12.16.1.8. Evidence of control of wind easements in the entire project area;
 - 12.16.1.9. Description and identification of adjoining wind easements/neighborhood wind power facilities.

CHIPPEWA COUNTY LAND & RESOURCE MANAGEMENT FEE SCHEDULE

EFFECTIVE JANUARY 22, 2002

Agricultural Building.....	\$ 50.00
Agricultural Building Addition.....	\$ 25.00
Basement (Same as Dwelling Addition/Alteration).....	\$ 25.00
Commercial Building.....	\$ 50.00
Commercial Building Addition.....	\$ 25.00
Concrete Pad.....	No Permit Needed
Dwelling Addition/Alteration (Including Deck).....	\$ 25.00
Dwelling, New.....	\$ 50.00
Garage.....	\$ 25.00
Gazebo-Type Memorial Structure.....	\$ 25.00
Grain Bin.....	\$ 25.00
Kennel.....	\$ 50.00
Moving any Building, except Portable Building.....	\$ 25.00
Personal Pet House.....	No Permit Needed
Portable Building (up to 10' x 12').....	\$ 10.00
Septic System.....	\$ 50.00
Sign.....	\$ 25.00
Mining.....	\$ 75.00
Recorder's Fee..... (Per Document)	\$ 20.00
* Conditional Use Permit..... Scheduled Meeting	\$120.00
..... Special Meeting	\$400.00
..... Petition to Amend the Ordinance	\$100.00
* Variance..... Scheduled Meeting	\$120.00
..... Special Meeting	\$400.00
Rezoning..... Scheduled Meeting	\$200.00
..... Special Meeting	\$400.00
Subdivision/Platting..... Five (5) Plats	\$100.00
..... Each Additional Plat	\$ 15.00
<i>Land & Related Resources Management Ordinance</i> Manual	\$ 10.00

*** There shall be a maximum fee of \$200 when both a variance and a conditional use permit fee are required. All fees are in addition to applicable land use permit fees listed above.**

Failure to secure a land use permit or failure to comply with the provisions of the Chippewa County Land & Related Resources Management Ordinance shall be subject to a \$50 fine. A second offense shall be subject to a \$100 fine. A third offense shall be subject to a \$500 fine. These fines are in addition to the appropriate permit fee(s).

It is a violation, for which a person could be prosecuted and/or legal action taken against him/her, not to have obtained a Land Use Permit when required to do so by the *Chippewa County Land & Related Resources Management Ordinance*.

