

# Grant County Tower Ordinance

## Subdivision 1. Purpose

This ordinance is adopted in order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare. The Grant County Board of Commissioners finds these regulations are necessary in order to:

- A. Maximize the use of existing and approved towers and buildings in order to reduce the number of new towers necessary in order to provide wireless telecommunications services to the community;
- B. Ensure wireless communication towers are designed, sited, and constructed in a manner consistent with the protection of the public health, safety, and general welfare; and
- C. Require tower sites to be secured in order to discourage trespassing and vandalism.

## Subdivision 2. Exemptions.

- A. The following tower facilities and maintenance incidental thereto will be permitted within all areas of Grant County including shoreland without obtaining either a building permit or a conditional use permit:
  - 1. Antennas incidental to residential use;
  - 2. Routine maintenance of existing tower facilities; and
  - 3. The addition of antennas to a tower facility that meets the standards of this article and does not increase the height of the tower facility
  - 4. Tower facilities that are located outside residential zones or residential subdivisions that consist of an unlit monopole tower that does not extend more than 100 feet above ground level; and
  - 5. The addition of an antenna or antennas on existing structures including, but not limited to, buildings, flag poles, church steeples, cupolas, ball field lights, power lines support device where no modifications are required to the existing structure if the antenna does not increase the height of the structure by more than 20 feet.

- B. All other tower facilities require a Conditional Use Permit pursuant to the terms of this ordinance.

Subdivision 3. Application.

Application for a Conditional Use Permit shall be submitted pursuant to the following requirements:

- A. Any proposed Conditional Use Permit shall be presented to the Planning Commission for the determination of its applicability to the area where it is proposed. The County may impose conditions when granting Conditional Use Permits that specify: increased setbacks; vegetation allowed to be removed or required to be established; structure or other facility design, use, and location; phasing of construction; and other conditions considered necessary by the local unit of government.
  - 1. The applicant for a Conditional Use Permit shall file his application in the office of the Administrative Officer on forms prescribed by the Board of County Commissioners and pay the fee in accordance with the approved fee schedule.
  - 2. Within three days the applicant shall stake the area under consideration and post his/her name and address in a clearly visible location on the property for sake of inspection purposes.
  - 3. The Planning Commission shall consider the application at its next regular meeting after complying with the provisions for proper legal notice.
  - 4. The applicant or his representative shall appear before the Planning Commission to answer any questions concerning the proposed project of conditional use.
  - 5. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.
  - 6. The report of the Planning Commission shall be referred to the County Board and placed on the agenda of the Board at its regular meeting following referral from the Planning Commission.
  - 7. Upon receipt of the report the County Board shall take whatever action it deems advisable. If it grants the Conditional Use Permit, the Board may impose any special conditions it considers necessary to protect the public health, safety and welfare.

8. Grant County may require a performance bond for any Conditional Use Permit. All Bonds shall be payable to Grant County and shall be filed with the Grant County Auditor before County Board approval of such permits.
- B. Site plans for the proposed tower facility site shall include the following:
1. Graphic scale of the plan, not less than one inch to 20 feet;
  2. North directional arrow;
  3. Location and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs and landscaped areas;
  4. Building setback lines;
  5. Existing topography, with contour intervals of not more than ten feet, related to the United States Geological Survey datum;
  6. The location of water courses, ravines, bridges, lakes, floodplains, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes, and other geological features within the site;
  7. Proposed surface drainage diagram for the site;
- C. Vicinity map showing land uses and existing residences and businesses within one-half mile of the proposed tower.
- D. A sworn statement signed by applicant, provided at the applicant's expense, that the communications equipment for the proposed tower cannot be accommodated on an existing tower or building within a two mile radius of the proposed tower due to one or more of the following reasons:
1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
  2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.

3. No existing or approved towers or commercial/industrial buildings within a two-mile radius meet the radio frequency (RF) engineer requirements.
  4. Existing or approved towers and commercial/industrial buildings within a two mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional radio frequency (RF) engineer requirements.
  5. In spite of best efforts, the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower.
  6. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a two-mile radius was made, but an agreement could not be reached.
- E. A commitment in writing from the applicant committing the applicant and its successors to allow the shared use of the tower facility if an additional user agrees in writing to meet reasonable industry terms and conditions for shared use.
  - F. If erection of the tower or construction of any tower facility will disturb any part of a bluff or a steep slope, the applicant shall provide an erosion control plan prepared by a landscape architect or professional engineer.
  - G. Proof of filing of an application with the Federal Aviation Administration or an engineer statement showing that no filing with the Federal Aviation Administration is necessary.
  - H. A copy of the National Environmental Protection Act study required by the Federal Communication Commission. No antenna shall be installed on any tower facility until a Federal Communication license is issued for that antenna.
  - I. A copy of the Certificate of Insurance for liability and workers compensation insurance that requires notification to Grant County prior to cancellation. This insurance shall be kept in effect until the tower facility is removed.
  - J. An acceptable financial guarantee equal to one and one-half times the estimated cost of removing the tower facility and restoring the site to its original condition. Based on industry standards the Grant County Planning Commission shall determine the estimated cost.
  - K. Filing fees as determined from time to time by the Grant County Board of Commissioners.

Subdivision 4. Standards.

- A. No Conditional Use Permit shall be issued for a tower facility within a subdivision intended for residential use.
- B. No tower facility shall be erected within 1,000 feet of the ordinary high water mark of any public water unless there is a finding that there is no other practical alternative location outside of that distance.
- C. Any tower shall conform with the following minimum setback requirements:
  - 1. All towers shall be situated so as to be located entirely within a single tract of land.
  - 2. All towers shall be located a distance from any public roadway at least the height of the tower plus 10 feet.
  - 3. The minimum distance to the nearest residential property line shall be equal to the height of the tower. The minimum distance to the nearest dwelling shall be the height of the tower plus 100 feet.
- D. The owner's name, telephone number and site ID number shall be posted near the tower entrance in a conspicuous place. No other advertising or identification sign of any kind is permitted on the tower facility, except warning and equipment information required by the manufacturer or by federal, stated or local authorities.
- E. All towers erected or located within the County and all wiring therefore shall comply with the following requirements:
  - 1. Towers and their antennas shall comply with all applicable provisions of the ordinance.
  - 2. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards of the Uniform Building Code and all other applicable reviewing agencies.
  - 3. Towers and their antennas shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
  - 4. Metal towers shall be constructed of, or treated with, corrosive resistant material.

5. In order to reduce the number of tower facilities needed within the county in the future, any proposed tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for two (2) additional users. For towers less than 200 feet in height, the structure shall be designed to accommodate at least four additional providers. This requirement may be modified if the applicant demonstrates that such a design is not feasible for economic, technical or physical reasons. To allow for future rearrangement of antennas upon the tower, the tower shall be designed to accept antennas mounted at no less than 20-foot intervals.
6. All towers shall be protected against unauthorized climbing. The bottom of the tower (measured from ground level to 12 feet above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed by a six foot high chain link fence with anti-climb barbed wire protection and a locked gate.
7. Towers and their antennas shall not be illuminated by artificial means, except for camouflage purposes (designed as a lighted tower for a parking lot or a ball field) or if the Federal Aviation Administration or other authority specifically requires the illumination. No night time strobes shall be allowed unless specifically required by the Federal Aviation Administration or other authority.
8. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk, without approval of the County through the Zoning Administrator.
9. All communication towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower. A "certificate of insurance" shall be filed with the County prior to commencing operation of the facility.

Subdivision 5. Antennas mounted on roofs, walls, and existing towers.

In addition to the submittal requirements required elsewhere in this Ordinance, an Application for a Site Permit for antennas to be mounted on an existing structure shall be accompanied by the following information:

- A. A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this ordinance;

- B. A building plan showing the construction of the antennas, the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this ordinance;
- C. Proof of the structure's or tower's ability to support the antennas; and
- D. An intermodulation study to ensure there will be no interference with existing tenants or public safety telecommunication providers.

Subdivision 6. Completion of Construction.

Construction of approved tower facility shall be completed within two (2) years from the date of the issuance of the Conditional Use Permit.

Subdivision 7. Continued Use, Abandonment And Removal.

- A. Existing tower facilities may continue in use and routine maintenance may be performed on them, but they may not be altered, converted, modified, transformed, varied, added to or changed in any way without complying with the terms of this ordinance.
- B. The owner of an existing tower facility or any tower facility erected or constructed after the passage of this ordinance shall file an annual "statement of operation" on or before January 10 of each year following construction of the tower. This "statement of operation" shall certify that the tower is operational and shall include a summary of the current antenna configuration on the tower. If the statement is not filed by January 10 of any year, the County shall notify the owner in writing of failure to file. Failure to file a statement within sixty (60) days of receiving a notice of failure to file shall be prima facie evidence that the tower facility is no longer in use and may be considered abandoned.
- C. Tower facilities that are not in use for 365 consecutive days (1 year) shall be deemed abandoned and shall be removed by the owner within 180 days from the date of the abandonment. Removal includes removal of the complete tower facility, including accessory buildings and related above ground infrastructures, all concrete to 6-feet below grade, and restoration of the site to pre-existing vegetative cover.
- D. In case of multiple operators sharing the use of a single tower, the tower shall not be deemed abandoned until all users cease operations for a period of 365 consecutive days.
- E. If the tower facility is not removed in accordance with this subdivision, then the County, after 60 days notice to the owner or operator of the tower facility, may take legal action. The County's remedies may include

obtaining a court order allowing the County to remove the tower facility at the cost of the owner or last operators.

Subdivision 8. Maintenance.

All tower facilities shall be maintained in a safe and clean condition. The tower facility owner shall be responsible for maintaining a graffiti, debris, and litter free site. If the facility is not maintained, the County may bring legal action. The County's remedies may include, after 60 days notice to the owner or operators, an order allowing the County to complete the maintenance at the cost of the owners or operators of the tower facility.

Effective Date:

This Ordinance shall be effective upon passage by the County Board and publication according to law.

Enacted \_\_\_\_\_ day of \_\_\_\_\_, 2002.

GRANT COUNTY

By \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk



## ENHANCED 911 ORDINANCE

The County Board of Grant County ordains:

### I. GENERAL PROVISIONS

- A. Title. This Ordinance from the date of its passage shall be known as the Enhanced 911 Ordinance.
- B. Scope. This Ordinance shall be applicable to all property located in Grant County
- C. Legal Authority. This Ordinance is enacted pursuant to Minnesota Statutes §145A.05, Subd. 1; 145A.10 Subd. 7; and 403.07.
- D. Purpose. The purpose of this Ordinance is to assure that every locatable structure in Grant County is assigned an address that reflects a known location, in order to assist the provision of emergency medical care to all persons in Grant County, regardless of place of residence or location.

### II. DEFINITIONS

Address. A unique identifier issued by Grant County which meets Enhanced 911 and United States Postal requirements.

Attribute Data. Additional information specific to a location which would be helpful for rendering service in the event of an emergency. Examples include: Medical diagnosis of occupants, living will declarations, need for availability of special medical equipment such as respirators, and information for responders' protection.

Emergency Medical Care. Activities intended to protect the health of persons suffering a medical emergency and to ensure a rapid and effective emergency medical treatment. These activities include the coordination of provisions of training, cooperation with public safety agencies, communications, life-support transportation as defined by Minnesota law, public information and involvement and system management.

Enhanced 911 Service. The use of selective routing, automatic location identification or local location identification as part of local 911 emergency telephone service.

Local Location Identification. The process of locating the origin of calls to a 911 system by means of periodically updated database located and maintained at the public safety answering point.

Locatable Structure. All structures which serve as a residence, whether permanent, temporary, or seasonal, a commercial building or any other structure which requires an address for the delivery of mail by the United States Postal Service.

Location. A point on a map which reflects the current Grant County E-911 addressing scheme.

Public Agency. Any unit of local government of special purpose district located in whole or in part within this state which provides or has authority to provide firefighting, police, ambulance, medical or other emergency services.

Public Safety Agency. A functional division of a public agency which provides firefighting, police, medical or other emergency medical or ambulance services.

Public Safety Answering Point. A communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer or relay 911 calls to appropriate public safety agencies.

### **III. ADDRESS REQUIREMENTS**

A. E-911 Address Change. Following adoption by Grant County of an E-911 Addressing System, the United States Postal Service shall inform all residents and business owners of their new E-911 address change.

B. Owner Responsibility. Following adoption by Grant County of an E-911 Addressing System, every owner of real property in Grant County shall assure that each locatable structure on the property shall be assigned an E-911 address by the County and that the public safety answering point shall be provided with all appropriate attribute data for that E-911 address.

1. Every owner of real property containing a locatable structure which has been assigned an E-911 address shall display the number in location and manner in accordance with the requirements of the Grant County E-911 Addressing System.
2. Grant County shall provide and place the initial address number signs at each E-911 address. The property owner at each E-911 address will be charged for the cost of the sign that shall be made a special assessment upon property served pursuant to Minnesota Statute § 429.101. The property owners will be responsible to maintain and replace the signs.

C. Notice of New Construction. Every owner of real property in Grant County on which a locatable structure is erected or placed after the effective date of this Ordinance shall notify the Office of Land Management, Public Health Building, Elbow Lake, Minnesota, of the completion of a structure and shall obtain an E-911 address to be displayed as required herein.

1. Proper notification shall be made in writing upon printed forms furnished by the County and shall be signed by the owner or agent of the property.

D. Telephone Utility Data. Following approval of the County E-911 System by the Minnesota Department of Administration for a local location identification base, each public utility providing telephone service shall provide current customer names, service addresses, and telephone numbers to each Public Safety Answering Point within the 911 system and shall update the information according to a schedule prescribes by the county 911 plan, as required by Minnesota Statute § 403.07, Subd. 3.

E. Electric Utility Data. Following approval of the County E-911 System by the Minnesota Department of Administration for a local location identification base, each public utility providing electrical service in Grant County shall notify each owner of a locatable structure in Grant County who applies for new electric service installation of the requirements of this Ordinance for an E-911 address. In addition, each electric utility shall provide Grant County Addressing Coordinator with notice of all new electric service installations within 30 days of completion. Grant County shall provide the owner and electric utility with the E-911 address for the location of each new electric service installation.

F. Use of Information. Names, addresses, and telephone numbers provided to a 911 system under this Ordinance are private data and may be used only for identifying the location or identity, or both, of a person call a 911 Public Safety Answering Point. The information furnished may not be used or disclosed by the 911 system agencies, their agents, or their employees for any other purposes except under Court Order.

G. Fee. The Public Safety Answering Point is hereby authorized to assess a reasonable fee to cover the cost of providing an E-911 address to the owner of a newly constructed locatable structure.

#### **IV. VIOLATION**

Every person who shall violate any of the provisions of Sections III.A. through F. of this Ordinance shall be guilty of a petty misdemeanor, punishable as provided by Minnesota Statutes, § 609.02, Subd. 4(a). Each day or 24 hour period during which a violation continues shall constitute a separate offense.

#### **V. EFFECTIVE DATE**

This Ordinance shall be effective upon passage by the County Board and publication according to law.

Enacted \_\_\_\_\_ day of \_\_\_\_\_, 2001.

GRANT COUNTY

ATTEST:

BY \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

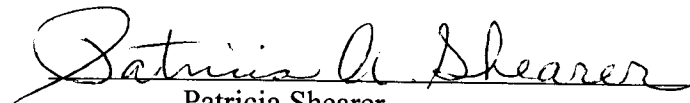


**GRANT COUNTY**  
**FLOODPLAIN MANAGEMENT ORDINANCE**

**APRIL 6, 1994**

I HEREBY CERTIFY this document as the official copy of the Grant County Floodplain Management Ordinance, as was adopted by the Grant County Board of Commissioners, signed by the Chairman on April 6, 1994 and filed with the Grant County Recorder.

WITNESS my hand and the official seal of Grant County, Minnesota, this 6th day of April, 1994.

  
\_\_\_\_\_  
Patricia Shearer  
Grant County Auditor

  
SEAL

**Floodplain Management Ordinance**

**Special Conversion**

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**FLOOD PLAIN MANAGEMENT ORDINANCE  
"SPECIAL CONVERSION"**

**SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE**

1.1 Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes Chapters 104 and Chapter (394 for counties or 462 for municipalities) delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute, Chapter 104 further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore, the County Board of Grant County, Minnesota does ordain as follows:

1.2 Statement of Purpose. The purpose of this ordinance is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1.3 Warning of Disclaimer of Liability. This Ordinance does not imply that areas outside of the flood plain district or land uses permitted within such districts will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the County of Grant or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

**SECTION 2.0 GENERAL PROVISIONS**

2.1 Adoption of Flood Insurance Rate Map. The Flood Insurance Rate Map for the County of Grant, dated November 25, 1977, developed by the Federal Emergency Management Agency is hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this ordinance. This map was previously entitled the Flood Hazard Boundary map dated November 25, 1977.

2.2 Lands to Which Ordinance Applies. This ordinance shall apply to all lands designated as flood plain within the jurisdiction of Grant County.

2.3 Interpretation. The boundaries of the flood plain district shall be determined by scaling distances on the



Official Flood Plain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the flood plain district, the Grant County Coordinator shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall: 1) Require a flood plain evaluation consistent with Section 4.3 of this Ordinance to determine a 100-year flood elevation for the site; or 2) base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain.

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.

2.41 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 or structure.

2.42 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.

2.43 Flood Fringe - that portion of the flood plain outside of the floodway.

2.44 Flood Plain - the channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within Grant County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.

2.45 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.

2.46 Obstruction - any dam wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.

2.47 Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristics of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Rate Map.

2.48 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.

2.49 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 Section 12.1 of this ordinance and other similar items.

SECTION 3.0      CONFLICT WITH PRE-EXISTING ZONING REGULATIONS AND GENERAL COMPLIANCE

3.1 The Flood Plain District as Overlay Zoning District. The flood plain zoning district shall be considered an overlay zoning district to all existing land use regulations of the community. The uses permitted in Sections 4.0 and 5.0 of this ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally established regulations of the community and where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

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 the Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Section 4.0 shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Sections 4.0 and 12.0;

3.22 Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 9.0; and

3.23 As-built elevations for elevated structures must be certified by ground surveys as stated in Section 7.0 of this Ordinance.

SECTION 4.0 PERMITTED USES, STANDARDS, AND FLOOD PLAIN EVALUATION CRITERIA

4.1 Permitted Uses in the Flood Plain. The following uses of land are permitted uses in the flood plain district:

4.11 Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.

4.12 Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in Section 4.2 of this ordinance and the flood plain evaluation criteria in Section 4.3 of this Ordinance for determining floodway and flood fringe boundaries.

4.13 Travel trailers and travel vehicles are requested by Section 12.0 of this Ordinance.

4.2 Standards for Flood Plain Permitted Uses.

4.22 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.

4.23 Storage of Materials and Equipment:

(a) 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.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.

4.24 No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

4.25 All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation must be no lower than one foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least 15' beyond the limits of the structure constructed thereon.

4.26 All Uses. Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

4.27 Commercial and Manufacturing 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.

4.28 On-site Sewage Treatment and Water Supply System. Where public utilities are not provided: 1) On-site

water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 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 Section.

4.29 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.

#### 4.3 Flood Plain Evaluation

4.31 Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the flood plain district, the Grant County Coordinator shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (Technical Standards and Requirements for Floodplain Evaluation) and 6120.5700 (Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

4.32 The Grant County Coordinator shall submit one copy of all information required by Section 4.31 of this Ordinance to the respective Department of Natural Resources Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the community. The Grant County Coordinator shall notify the respective Department of Natural Resources Area Hydrologist within 10-days after a permit or manufactured home park development/subdivision approval is granted.

SECTION 5.0 UTILITIES, RAILROADS, ROADS AND BRIDGES IN THE FLOOD PLAIN DISTRICT

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

SECTION 6.0 SUBDIVISIONS

6.1 No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Grant County Planning Commission for reason of flooding or inadequate drainage, water supply or sewage treatment facilities. The Grant County Planning Commission shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

6.2 In the Flood Plain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Section 4.31 of this Ordinance. The Grant County Coordinator shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Section 4.2, 4.3 and 5.0 of this Ordinance.

6.3 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 labelled on all required subdivision drawings and platting documents.

6.4 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.

SECTION 7.0 ADMINISTRATION

7.1 Permit Required. A Permit issued by the Grant County Coordinator shall be secured prior to the construction, addition, or alteration of any building or structure; 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 excavation or the placement of an obstruction within the flood plain.

7.2 State and Federal Permits. Prior to granting a Permit or processing an application for a Variance, the Grant County Coordinator shall determine that the applicant has obtained all necessary State and Federal permits.

7.3 Certification of Lowest Floor Elevations. 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 ordinance. The Grant County Coordinator shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the flood plain district.

## SECTION 8.0 VARIANCES

8.1 A variance means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not state 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.

8.2 The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance 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.

8.3 Variances from the provisions of this Ordinance may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the Regulatory Flood Protection Elevation. Variances may be used to modify

permissible methods of flood protection.

8.4 The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a Variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

8.5 Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

8.6 Flood Insurance Notice and Record Keeping. The Grant County Coordinator shall notify the applicant for a variance that: 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 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.

## SECTION 9.0 NONCONFORMITIES

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

9.1 No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

9.2 An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.

9.3 The cost of all structural alterations or additions both inside and outside of a structure 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 Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community'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 Section 4.0 of this Ordinance for new structures.

9.4 If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The County of Grant may issue a Permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this ordinance.

#### SECTION 10.0 PENALTIES FOR VIOLATION

A 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 Variance) shall constitute a misdemeanor.

10.1 In responding to a suspected ordinance violation, the Grant County Coordinator and Local Government 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 ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

10.2 When an ordinance violation is either discovered by or brought to the attention of the Grant County Coordinator, the Grant County Coordinator 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 Community's plan of action to correct the violation to the degree possible.

10.3 The Grant County Coordinator shall notify the suspected party of the requirements of this Ordinance 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 Grant County Coordinator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Grant County Coordinator may either (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 (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.

10.4 If the responsible party does not appropriately respond to the Grant County Coordinator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Grant County Coordinator 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 Ordinance.

#### SECTION 11.0 AMENDMENTS

All amendments to this ordinance, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The flood plain designation on the Official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the flood plain. 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 Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

#### SECTION 12.0 TRAVEL TRAILERS AND TRAVEL VEHICLES

Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 12.1 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 12.3-12.4 below.

12.1 Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 12.2 below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) 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 additions attached to it.
- (c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

12.2 Areas Exempted for Placement of Travel/Recreational Vehicles:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium type associations.

12.3 Travel trailers and travel vehicles exempted in Section 12.1 lose this exemption when development occurs on the parcel exceeding 500 dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. 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 requirements and the use of land restrictions specified in Sections 4.0 of this Ordinance.

12.4 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:

- (a) 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 determined in accordance with the provisions of Section 4.3 of this Ordinance and proper elevated road access to the site exists in accordance with Section 4.0 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
- (b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed if in accordance with

the following provisions. 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 Section 4.28 of this Ordinance.

*Jim Anderson*  
Chairman

ATTEST:

*Sabrina A. Shearer*  
Auditor

Date 4-6-94

STATE OF MINNESOTA  
COUNTY OF GRANT

} ss. 131363

I hereby certify that the within instrument was filed in this office for record on the 9th day of May A.D. 19 94 at 3:00 o'clock P.M. and was duly recorded in book 46 of Misc. Page 647-662

*LeRoy E. Larson*  
County Recorder

By *Patti Nordby*  
Deputy

# **SUBSURFACE SEWAGE TREATMENT SYSTEMS MANAGEMENT ORDINANCE**

## **1. GENERAL PROVISION**

### **1.1 PURPOSE AND AUTHORITY**

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the Grant County Comprehensive Plan and the Grant County Shoreland Ordinance.

### **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 Grant 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.

### **1.3 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas or townships that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their jurisdiction, which is at least as strict as this Ordinance.

### **1.4 EFFECTIVE DATE**

The provisions set forth in this Ordinance shall become effective after its passage, approval, publication, and recording in the office of the County Recorder.

### **1.5 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, and privy vaults. 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.

## 2. **ADMINISTRATION**

### 2.1 **COUNTY ADMINISTRATION**

- A. The Office of Land Management shall administer the SSTS program and all provisions of this ordinance.
- B. The County's duties and responsibilities include, but are not be limited to, the following;
1. Review all applications for SSTS
  2. Issue all permits required in this Ordinance
  3. Inspect all work regulated in this Ordinance
  4. Investigate all written complaints regarding SSTS
  5. Issue certificates of compliance or notices of noncompliance where applicable
  6. Enact enforcement provisions of this Ordinance as necessary
  7. Refer unresolved violations of this Ordinance to the County Attorney
  8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
  9. The County shall employ or retain qualified and appropriately licensed professionals to administer and operate the SSTS program.
  10. Submit annual reports to MPCA as required.

### 2.2 **STATE ADMINISTRATION**

When a single SSTS or group of SSTS under single ownership within one-half mile of each other, have a design flow greater than 10,000 gallons per day or has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, the owner shall make application for and obtain a State Disposal System permit from the MPCA.

### 2.3 **CITIES AND TOWNSHIPS ADMINISTRATION**

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.

### 2.4 **LIABILITY**

The County's involvement in administration of this Ordinance does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the County or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Ordinance or by reason of any standards, requirements, or inspections authorized by this Ordinance hereunder.

## 3. **DEFINITIONS**

Terms used in this Section shall have the same meaning as provided in the standards adopted by reference. For purposes of this Section, the words "must" and "shall" are mandatory and the words "may" and "should" are permissive.

**As-built.** Drawings and documentation specifying the final in-place location, size and type of all system components.

**Certificate of Compliance.** A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

**Certified Statement.** A statement signed by a certified individual, apprentice, or qualified employee under Minnesota Rules Chapter 7083 certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.

**Class V Injection Well.** A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two-family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency (EPA) 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 SSTS.** A Subsurface sewage treatment system 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.

**Compliance Inspection.** An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.

**Department.** The Grant County Office of Land Management

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

**Dwelling.** Any building or place used or intended to be used by human occupants as a single-family or multi-family residence with no more than nine bedrooms and producing sewage. Dwelling does not include a single-family or multifamily residence that serves as both a domicile and a place of business if the business increases the volume of sewage above what is normal for a dwelling or if liquid waste generated no longer qualifies as sewage.

**Existing Systems.** Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

**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 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500.

**Groundwater.** Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment or regolith, or in rock formations deeper underground.

**Holding Tank.** A tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under Minnesota Statutes, Section 115.55.

**Imminent Threat to Public Health and Safety (ITPH).** 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.

**ISTS.** Individual subsurface sewage treatment system that receives a sewage design flow of 5,000 gallons per day or less. ISTS also include holding tanks with a design flow of 10,000 gallons per day or less as well as privies.

**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.

**MPCA.** The Minnesota Pollution Control Agency.

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

**New Construction.** Placement of a new structure or replacement structure that is served by pressurized water.

**Non-pressurized System.** Means a system that does not utilize a network of distribution pipes in which effluent is forced through orifices under pressure.

**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 Section.

**Privy Vault.** An aboveground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing and greywater. A privy also means a non-dwelling structure containing a toilet waste treatment device.

**Pump Tank.** A tank or separate compartment following the sewage tank that serves as a reservoir for a pump. A separate tank used as a pump tank is considered a septic system tank under Minnesota Statutes, Section 115.55, Subdivision 1, Paragraph (o).

**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 certified on the SSTS professional MPCA database verifying specialty area endorsements applicable to the work being conducted.



**Road Authority.** Means the Commissioner of Transportation, as to trunk highways; the County Board, as to County State-Aid Highways and County Highways; the Town Board, as to Town Roads; and the governing bodies of Cities when the governing bodies or City Streets are specifically mentioned; or the aforementioned road authorities' designated representative.

**Seasonal Saturation.** The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

**Septage.** Solids and liquids removed from an SSTS, and include solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets.

**Septic/Sewage Tank.** Any watertight, covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids for a detention period that provides separation of solids from liquid and digestion of organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil dispersal system.

**Sewage/Wastewater.** 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.

**Structure.** Anything constructed or erected, the use of which requires location on the ground.

**SWF.** Shoreland areas, wellhead protection areas or systems serving food, beverage or lodging establishments.

**Type I System.** An ISTS that follows a standard trench, bed, at-grade, mound, or greywater 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 in floodplains and privies or holding tanks.

**Type III System.** A subsurface sewage treatment system designed according to Minnesota Rules Chapter 7080.2300.

**Type IV System.** A subsurface sewage treatment system designed according to Minnesota Rules Chapter 7080.2350.

**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 coli-form is prevented.

**Vertical Separation.** The vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.

**Winter Agreement.** A binding agreement between a grantor and grantee when property is transferred between the months of November and April when frozen conditions prevent a field evaluation, compliance inspection or installation to the SSTS.

#### **4. SSTS REQUIREMENTS**

##### **4.1 ALL SSTS**

Except as explicitly set forth in Section 4.3, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

##### **4.2 EXISTING PERMITS**

Unexpired permits which were issued prior to the effective date of this Ordinance shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

##### **4.3 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 Type 1 systems as defined by Minnesota Rule 7080.2200.

##### **4.4 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT**

###### **A. 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.

###### **B. Bedroom Addition**

Any addition to a structure that includes bedroom(s) that require a site permit under the Shoreland Ordinance shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860. Any required upgrades shall be completed within five years.

###### **C. Failure to Protect Groundwater**

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 18 months upon receipt of a Notice of Noncompliance and must meet the sizing requirements according to Minnesota Rule 7080.1860.

###### **D. Imminent Threat to Public Health or Safety**

An SSTS posing an imminent threat to public health or safety shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months upon receipt of a Notice of Noncompliance and must meet sizing requirements according to Minnesota Rule 7080.1860

###### **E. Abandonment**

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

#### **4.5 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 Rule 7080.2270 and all relevant local requirements are met.

#### **4.6 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 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

#### **4.7 SSTS PRACTITIONER LICENSING**

- A.** No person shall engage in site evaluation, inspection, design, installation, construction, alteration, 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 Rule 7083.0700.
- B.** An MPCA license is not required of an individual who is constructing a non-pressurized SSTS on land that is owned by the individual and functions solely for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the Department for inspection is required.

#### **4.8 PROHIBITIONS**

##### **A. 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.

##### **B. 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.

#### **4.9 ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE**

##### **A. Adoption of Rule by Reference**

- 1.** The County hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7081 in their entirety except as referenced under Section 4.9(B), except as otherwise expressly modified by this Ordinance.
- 2.** When “2006 version of Minnesota Rules Chapter 7080” is utilized, the reference is to the rules effective April 3, 2006, otherwise the County is referencing the current rules in effect.

##### **B. Alternative Local Standards for New and Existing SSTS**

- 1.** The County hereby adopts the 2006 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

#### **4.10 DIFFERENCES IN STANDARDS**

##### **A. List of Different Adopted Standards**

1. In the Shoreland district, obtaining a permit of any kind shall trigger septic compliance within 10 months of permit approval unless there is a current Certificate of Compliance on file that has not expired according to Section 6.2 (F) and 6.3 (D) of this ordinance.
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required within the Shoreland district for all new construction on lots created after April 1, 1993.
4. The system's absorption area and mound absorption ratio may be sized according to either Table IX or IXa in the 2011 version of MN Rules, Chapter 7080.2150
5. Minimum septic tank sizing shall be a 1,500 gallon compartmentalized tank, multiple tanks in series or the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTS. All other tank sizing shall follow Minnesota Rule 7080.1930.
6. Pump tank sizing shall follow Minnesota Rule 7080.2100.
7. A Certificate of Compliance will not be issued until the soils are verified by a licensed inspection business or qualified employee certified as an inspector.
8. Septic tanks for new and existing dwellings can be buried as deep as the tank manufacturer's maximum designed depth for the tank.

#### **4.11 COMPLIANCE CRITERIA FOR EXISTING SSTS**

For an SSTS built before April 1, 1996, and outside of areas designated as "SWF" – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments – there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

#### **4.12 HOLDING TANKS**

Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

#### **4.13 VARIANCE REQUESTS**

A property owner may request a variance from the standards as specified in this ordinance pursuant to Section VI. E. of the current Grant County Shoreland Management Ordinance.

##### **A. State Agency Variance Requests**

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.

No permits will be issued by the County until all required State Agency variances have been approved.

### **5. PERMIT REQUIREMENTS**

#### **5.1 SSTS PERMITS**

##### **A. Activities Not Requiring a SSTS Permit**

A SSTS 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 design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent screens or filters.

**B. Activities Requiring a SSTS Permit**

A SSTS 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, or capacity expansion of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Department including 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. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

**C. SSTS Permit Requirements**

SSTS Permit applications shall be made on forms provided by the Department and signed by the applicant or applicant’s agent, and must include the following information and documentation:

1. Applicant name, mailing address, telephone number, and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation and Design Report shall be made on forms accepted by the Department.
4. A management Plan, as defined by MN Rule 7082.0600, subp. 1B

**D. Application Review and Response**

The Department shall review a permit application and supporting documents according to Section 5.1.B of this Ordinance.

**E. Appeal**

The applicant may appeal any decision of the Department in accordance with Section VI. D. of the current Grant County Shoreland Management Ordinance.

**F. Permit Expiration**

A Permit for a new SSTS is valid for a period of one year and may be extended for an additional year with Department approval.

**G. Transferability**

A SSTS Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

**5.2 SETBACKS**

Sewage Tank, Holding Tank, Sealed / Unsealed Privy, Soil Absorption Area from OHWL

<b>Lakes</b>	<b>Rivers</b>
GD..... 50 Ft.	Ag..... 75 ft
RD..... 75 Ft.	
NE..... 150 Ft.	

For lots existing by virtue of a recorded plat or deed before July 1, 1972, or on lots that have an existing dwelling, which have insufficient area to meet this setback, the setback from the OHWL shall be the greatest distance possible by meeting all other setback requirements, and in no event less than 50 feet from the OHWL.

**SETBACKS (cont.)**

Sewage Tank, Holding Tank or Sealed Privy

- Water Well..... 50 Ft.
- Buried Water Suction Pipe..... 50 Ft.
- Buried Pipe Distributing Water Under Pressure.. 10 Ft.
- Building..... 10 Ft.
- Lotline/Road-Right-of-Way..... 10 Ft.

Soil Absorption Area or Unsealed Privy

- Water Well Less Than 50 Ft. Deep and  
Less Than 10 Ft. of Impervious Material..... 100 Ft.
- Any Other Water Well or Buried Suction Pipe..... 50 Ft.
- Buried Pipe Distributing Water Under Pressure...10 Ft.
- Lotline/Road-Right-of-Way..... 10 Ft.
- Building - Dwelling..... 20 Ft.
- Non-Dwelling..... 10 Ft.
- OHWL, Saturated Soil or Bedrock (vertical)..... 3 Ft.

The setback from a water well, for sewage tanks and soil absorption areas, may be less than the established standards if a variance is obtained from the Minnesota Department of Health, in which case the setback shall be the distance established in the Minnesota Department of Health variance, a copy of which shall be filed with the Administrative Officer.

ISTS may be installed less than ten feet from a road right-of-way with written permission from the road authority, a copy of which shall be filed with the Administrative Officer.

The lotline setback does not apply to sewage systems serving multiple lots included within a shared Collector System.

For lots existing by virtue of a recorded plat or deed before July 1, 1972 or on lots that have an existing dwelling, which have insufficient area to meet these setbacks, the setback from a building or a lot line for sewage tanks and soil absorption areas shall be the greatest distance possible by meeting all other setback requirements and in no event less than 50% of the building setback or 5’ of the lot line.

**5.3 SSTS ASSESSMENT REQUIREMENTS**

For those SSTS without a management plan or operating permit according to the provisions of this Ordinance, the following provisions apply:

- A.** The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
- B.** All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or

transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole, if one exists. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

#### **5.4 OPERATING PERMIT**

- A.** An Operating Permit shall be required for the following SSTS:
  - 1.** SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
  - 2.** SSTS serving three or more connections;
  - 3.** Type 4 and Type 5 SSTS;
  - 4.** SSTS that exceed a daily flow of 2,500 gallons per day; or,
  - 5.** MSTs designed under Minnesota Rules Chapter 7081.
- B.** Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- C.** A valid Operating Permit shall be considered a Certificate of Compliance if that system is in compliance with the requirements of the Operating Permit.
- D.** Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- E.** 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 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 4.4(E).
- F.** Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Section 5.3. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- G.** A 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 accepted by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- H.** 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.
- I.** If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.

- J. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

## **6. COMPLIANCE INSPECTION PROGRAM**

### **6.1 DEPARTMENT RESPONSIBILITY**

It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

- A. All existing system compliance inspections must be performed and signed by a licensed county inspector or qualified employees certified as inspectors.
- B. 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.
- C. 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.
- D. A signed winter agreement may be accepted in lieu of a compliance inspection for lakeshore property transfers, permit applications and designs to the Department between November 1 and April 30, at the Department's sole discretion, provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

### **6.2 NEW CONSTRUCTION OR REPLACEMENT**

- A. New installation inspections must be performed on new construction or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to Section 6.1. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
- B. It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.
- C. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing within ten working days of the installation.
- D. A Certificate of Compliance for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection 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 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 (5) five years from the date of issue unless the Department finds evidence of noncompliance.

### 6.3 EXISTING SYSTEMS

- A. Compliance inspections shall be required when any of the following conditions occur if there is not a current Certificate of Compliance on file:
  - 1. When applying for a permit of any other kind in the Shoreland district.
  - 2. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
  - 3. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a written complaint or other notice of a system malfunction.
- B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA.
- C. The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.
- D. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

### 6.4 TRANSFER OF PROPERTY

- A. Property within the Shoreland district on which a dwelling is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:
  - 1. A current Certificate of Compliance, as provided by Section 6.2 (F) or 6.3(D)
  - 2. A winter agreement, as provided by Section 6.1 (D).
  - 3. An inspection provided by the seller to the buyer at or before the closing.
  - 4. The parties to the transaction shall specify in the purchase agreement whom shall be responsible for septic compliance and provide a copy of the agreement to the Department.
- B. Exempt Transactions-The inspection need not be completed if the sale or transfer involves the following circumstances:
  - 1. The tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
  - 2. No Certificate of Real Estate Value need be filed with the County Auditor, as per Minnesota Statutes, Chapter 272.115.
  - 3. The sale or transfer completes a contract for deed entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such a contract.
  - 4. The property has dwellings or other buildings with running water that are connected to a municipal wastewater treatment system.

### 6.5 VERTICAL SEPARATION REDUCTION

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS.

**7. ENFORCEMENT**

Enforcement of this Ordinance shall follow the current standards in Section VI. G. of the Grant County Shoreland Management Ordinance.

**8. 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.

**9. FEES**

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

**10. DISPUTE RESOLUTION**

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

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The County Board of Commissioners of Grant County, Minnesota ordains:

I. General Provisions

A. Title

This ordinance from the date of its passage shall be known as the Shoreland Management Ordinance of Grant County, Minnesota.

B. Purpose

The purpose of the ordinance is to regulate the use and orderly development of shorelands in Grant County, to prevent and eliminate pollution of public waters and to maintain historic values of significant historic sites in the unincorporated areas of Grant County, and to preserve and enhance our natural resources as provided in the Environmental Rights Act, Minnesota Statutes 116B.

C. Policy

The uncontrolled use of shorelands of Grant 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 the best interests of 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 Grant County.

D. Statutory Authorization

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500-6120.3900, Minnesota Statutes, section 103F.48, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394 (for counties) or Chapter 462 (for municipalities).

E. Legal Authority/Jurisdiction

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section IV of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or less than 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 shall not be exempt from this ordinance. The jurisdiction of this shoreland ordinance is the unincorporated areas of Grant County lying outside the incorporated areas of a city.

F. 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.

G. Enforcement

The Administrative Officer 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 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 regulated activity pursuant to the Section of Administration of this ordinance.

H. Interpretation

In their interpretation and application, the provisions of the ordinance shall be held to be the 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.

I. Savings Clause/Severability

All permits issued under this ordinance are permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto. In the event any section, clause, portion or provision of this ordinance shall be found contrary to law by a court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this ordinance shall continue in full force and effect as though the voided provision had never existed.

J. Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, or impair any existing 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.

K. Owner Liable

In addition to any other person or persons involved in a violation or threatened violation of this ordinance, the owner of record of any property falling under the jurisdiction of this ordinance shall be responsible both criminally and civilly for any construction, alteration, excavation, or any other activity occurring upon his property which is contrary to the provisions of this ordinance.

II. Definitions

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

1. Words used in present tense shall include the future; and words used in singular number shall include the plural number and the plural and singular.
2. The word "shall" is mandatory and not permissive.
3. The word "may" is permissive.
4. All distances, unless otherwise specified, shall be measured horizontally.
5. Accessory Structure (including water-oriented) or facility:  
"Accessory structure" (including water-oriented) or facility means a small, above ground building or other improvements, except stairways, fences, docks, and retaining walls, because of their relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setbacks. They shall include, but not be limited to, boat houses, fish houses, gazebos, screen houses, pump houses, detached decks, fish cleaning houses and storage buildings (less than 150 sq. ft. except boat houses may be up to 250 sq. ft.)
6. Access Lot.  
"Access lots" is a parcel of land that provides access to public waters.
7. Administrative Officer:  
The administrator of the Office of Land Management and/or his/her designees.
8. 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 use 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.

9. Agricultural Structure:  
Any structure existing or erected and used principally for agriculture purposes, with the exception of dwelling units.
10. Animal Feedlot:  
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 purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
11. Apartment Building:  
A dwelling structure on a single lot or parcel, having five units or more respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities. These units would be rental units.
12. Attached Structure:  
Two buildings are attached when they share a common wall or portion of a wall with a door, so that a person may travel from any portion of one building to any portion of the second building without going outside.
13. Bed & Breakfast:  
An owner-occupied single-family residence at which lodging and meals are provided to registered guests. The Bed & Breakfast facility shall comply with all the applicable State and Local regulations for providing food and lodging.
14. Bluff:  
"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 water body.
  - 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% or greater.
  - d. The slope must drain toward the water body. An area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff.
15. Bluff Impact Zone (BIZ):  
A bluff and the land located within 30 feet from the top of a bluff.
16. Boathouse:  
A structure designed and used solely for the storage of boats or boating equipment. The maximum size of a boathouse cannot exceed 250 square feet.
17. Buildable Area:  
The minimum required area remaining on a newly created parcel of land or platted lot after all public ROW, easements, setbacks, bluffs, wetlands and other sensitive areas have been excluded.
18. Building:  
Any fixed construction with walls and/or a roof.

19. Buffer:  
As defined in Minn. Stat. §103.F.48, subd. 1(c) and includes all lands located parallel to and 50 feet from the ordinary highwater mark, if identified, or the top or crown of the bank or normal water level as provided in Minnesota Statutes, section 103F.48, subd. 3(c), whichever is applicable.
20. Buffer protection map.  
Has the meaning provided in Minn. Stat. §103.F.48, subd. 1(d) and which is available on the Grant County, MN website.
21. Building Line:  
Building line is a line parallel to a lot line or the Ordinary High Water Mark at the setback beyond which a structure may not extend.
22. Campground.  
“Campground” means a development that is used for the purpose of providing sites for non-permanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.
23. Central Sewage System:  
A system of treating sewage from multiple sources which shall be approved by the Minnesota Pollution Control Agency.
24. Certificate of survey.  
“Certificate of survey” is a graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota licensed land surveyor.
25. Clustering or clustered.  
“Clustering” or “clustered” means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.
26. Commercial Planned Unit Developments:  
“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.
27. Commercial Use:  
The principal use of land or building for the sale, lease, rental, or trade of products, goods, or services.
28. Commissioner:  
Commissioner means the commissioner of the Department of Natural Resources.
29. 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:
  - a. Certain conditions as detailed in the zoning ordinance exist.
  - b. The use or development conforms to the comprehensive land use plan of the county.
  - c. Is compatible with the existing neighborhood.



30. Conditional Use Permit:

A permit for the grading/filling of soil within shoreland as set forth in this ordinance or any activity as defined by "Conditional Use".

31. Condominium:

A dwelling structure on a single lot or parcel, having two or more units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities. These units would be owner occupied.

32. Conservation subdivision.

"Conservation subdivision" is a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped road-ways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

33. Controlled Access:

Any private site, field or tract of land abutting a classified body of water to be used primarily for access purposes. Including, but not limited to back-lot access.

34. Conventional subdivision.

"Conventional subdivision" means a pattern of subdivision development that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common open space is provided.

35. Cooperative.

"Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members are entitled by virtue of the member's ownership interest in the association to a proprietary lease.

36. Deck:

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 12") above ground. SEE PATIO.

37. Detached Deck:

A deck or porch that is not physically attached to a building and is at least ten (10) feet from that building.

38. Development.

"Development" is typically a piece of property that is divided into subdivisions with residential houses constructed on each piece of subdivided land.

39. Dock:

A platform extending water-ward from the shoreline intended for ingress and egress for moored watercraft or to provide access to the deeper water for swimming, fishing, or other water oriented recreational activity.

40. Duplex, Triplex, Quad:

"Duplex", "triplex", or "quad" means a dwelling structure on a single lot, having two, three, or four units respectively, being attached by common walls and each unit equipped with

separate sleeping, cooking, eating, living, and sanitation facilities. These may be owner occupied and/or rented.

41. Dwelling Site:  
A designated location for residential use by one or more persons using temporary or moveable shelter, including camping and recreational vehicle sites.
42. Dwelling Unit:  
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, or resort rooms or cabins.
43. Environmental Assessment Worksheet (EAW):  
A brief document, in worksheet format, that helps local governments and state agencies decide whether a proposed action is a major action with the potential for significant environmental effects and in case of a private action, whether it is of more than local significance. If the action meets these criteria, an environmental impact statement (EIS) should be prepared.
44. Environmental Impact Statement (EIS):  
An informational document which contains a thorough evaluation of the environmental effects of a proposed project. The EIS provides information for agencies and private persons which helps them not only to evaluate the impacts of proposed actions which have the potential for significant environmental effects, but to consider alternative to institute methods for reducing adverse environmental effects.
45. Erosion Potential.  
"Erosion potential" is the degree to which the soil surface can be eroded away by wind, overland flow of snowmelt, rain, or flood waters.
46. Excavation:  
Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is dug up, quarried, removed or bulldozed.
47. Extractive Use:  
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, Section 93.44 to 93.51.
48. Fee Schedule:  
A document setting forth fees for subdivisions, permits, applications, and appeals. The Board of County Commissioners establishes these fees at a meeting in January of each year. The County Fee Schedule is on file in the Office of Land Management.
49. Filtering Basin:  
A wetland, low area or basin that may contain related vegetation which functions to remove sediment, organic matter, and other pollutants from runoff or wastewater by filtration, deposition, infiltration, absorption, adsorption, decomposition and volatilization, thereby reducing pollution and protecting the environment.
50. Forest:  
A plant community in which the dominant vegetation is trees and other woody vegetation.
51. Forest Land Conversion:  
The clear cutting of forest lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

52. Garage:  
A structure designed and used for the storage of automobiles, motor vehicles and related equipment.
53. Garage Quarters  
An area of a garage containing a bathroom and/or single bedroom used and intended for short term human occupancy
54. Grade & Fill Permit:  
A permit for the grading and filling of soil in the shore impact zone of up to ten (10) cubic yards and up to three hundred (300) cubic yards outside the shore impact zone as set forth in this ordinance.
55. Grading & Filling:  
Any change of the natural topography of land, except for normal agricultural purposes.
56. Guest Cottage/Guest House/ Bunkhouse:  
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.
57. Hardship:  
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 and as defined in Minnesota Statutes Chapter 394.
58. Height of Building:  
The vertical distance between the highest adjoining ground level of the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average of the highest gable of a pitched or hipped roof.
59. Ice Ridge:  
A modification to the topographic characteristics of the shore resulting from a water basin expanding and contracting ice sheets and consisting of a linear mound of soil that is above the ordinary high water mark and is created in the current year. It is generally parallel to the water's edge.
60. Impervious Surface:  
Any surface that is incapable of being penetrated by water and thereby restricts percolation into the ground including but not limited to the "footprint" of a structure or building, a deck, a driveway, a patio, or a sidewalk.
61. Improved Lot:  
A lot that contains a single-family dwelling, ready for immediate use, that is served by a sewage treatment system and water supply, all of which comply with all state and local regulations.
62. Industrial:  
Any activity engaged in, but not limited to, the cleaning, servicing, testing, repairing, storage, processing, construction, manufacturing, or fabrication of goods or products.
63. Intensive Vegetation Clearing:  
The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
64. Lot (including standard and substandard):  
A parcel of land designed by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from parcels or portions by said description

for the purpose of development, sale, lease, or separation. (Standard lot is equal to or greater than the minimum requirements set by this ordinance.) See IV. District Requirements 1. Minimum Shoreland Ordinance Standards for lakes and rivers.

65. Lot Width:

Lot width is the shortest distance between lot lines measured at the midpoint of the building line.

66. Manufactured Home:

A manufactured relocatable single family dwelling unit greater than forty (40) body feet in length, eight and a half (8 1/2) feet in width, or when onsite more than 399 square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. This includes park models that meet this definition.

67. Manufactured Home Park:

Shall mean any area whether charging a fee or free of charge on privately or publicly owned land used on a daily, nightly, weekly, or longer basis for the accommodation of two or more manufactured homes or recreation units.

68. Nonconformity:

Any legal use, structure or parcel, of land established before the effective date of this ordinance, which does not conform to use restrictions of a particular zoning district. This provision does not apply to the buffer compliance requirements of this ordinance. ~~Section V-D.~~ This also should not be confused with sub-standard dimensions of a conforming use.

69. Normal water level

The level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis

70. Open Space:

Any space or area preserved in its natural state and specifically not used for parking, building, or roads.

71. Ordinary High Water Mark (OHWM):

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 mark is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water mark is the operating elevation of the normal summer pool, also known as High Water Level.

72. Patio:

A horizontal unenclosed platform without railings, seats, trellises, or other features attached or functionally related to a principal use or site and any point not extending above ground level.

73. Performance Bond:

A bond which may be required by the County Board, Planning Commission or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this ordinance.

74. Planning Unit Development:

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 condominiums, time-share condominiums, cooperatives,

full fee ownership, commercial units, residential condominiums, townhouses, apartment buildings, recreational camping areas, manufactured home parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

75. Public Waters:

Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivisions 15 and 18. However, no lake, pond, or flowage of less than ten (10) acres in size in municipalities and twenty-five (25) acres in size in unincorporated areas need be regulated for the purposes of Minnesota Rules 6120.2500 to 6120.3900. A body of water created by a private user, where there was no previous shoreland, shall not be exempt from this ordinance.

76. Recreational Camping Area:

Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of two or more recreational camping units.

77. Recreational Camping Unit:

A relocatable single family dwelling unit 40 feet or less in length, including, but not limited to, tents, motor homes, and travel trailers.

78. Residential Planned Unit Development:

A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. This may not be limited to residential apartments, townhouses, condominiums, manufactured home parks, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

79. Riparian Buffer Strip:

A fifty (50) foot linear band of undisturbed permanent vegetation adjacent to and parallel to the shoreline intended to maintain or improve water quality by trapping and removing various non-point source pollutants from both overland and shallow subsurface flow.

80. Roof Over-Hang:

An unsupported roof extension (eave or soffit) beyond the wall of the building or structure measured horizontally. It cannot be greater than three (3) feet if the wall supporting it is at the minimum setback allowed.

81. Screen Porch:

A structure attached to the primary dwelling unit, where at least 80% of the walls consist of screens and/or glass (combination windows).

82. Semi-Public Use:

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.

83. Sensitive Area:

Areas unsuitable for development, or certain types of land use due to wet soils, steep slopes, flooding, inadequate drainage, erosion potential, presence of or discovery of significant historic sites and/or archaeological sites, burial grounds, presence of threatened or endangered plant or animal species, in-water physical and environmental characteristics, values and constraints, or any other feature likely to be harmful to the health, safety, or welfare of the residents of Grant County.

84. Sensitive Resource Management:

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 plants or animals in need of special protection.

85. Setback:

The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, property line or other facility.

86. Sewer System:

The same as defined in Minnesota Pollution Agency's Individual Sewage Treatment Systems Standards, Chapter 7080.

87. Shore Impact Zone:

Land located between the ordinary high water mark of public water and a line parallel to it at a setback of 50% of the structure setback.

88. Shoreland:

Land located within the following distances from public waters: 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; 300 feet from a river or stream or the landward extent of a floodplain designed by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bound by topographic divides which extend landward from the waters for lesser distance and when approved by the Commissioner.

89. Significant Historic Site:

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 Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

90. Single Family Residence:

A dwelling unit used by members of one immediate family, including normal appurtenances such as a garage.

91. Site Permit:

A permit for the erection and/or alteration of any structure controlled by this ordinance issued to insure compliance with all requirements of this ordinance.

92. Steep Slope:

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 twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

93. Storage Buildings (greater than 150 square feet):

Structure designed and used for the storage of non-hazardous material and equipment.

94. String Test:

A method of establishing a structure setback line by using the closest adjacent points of existing structures to a proposed structure of like use on two immediately adjacent lots.

In the event that there is no structure of like use on one of the immediate adjacent lots, the point of the building line at the nearest lot line setback shall be used. 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 mark provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

95. Structure:

Any building or appurtenance includes decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

96. Subdivision:

Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

97. Surface Water-Oriented Commercial Use:

The use of land for commercial purposes, where access to and use of a surface water is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

98. Toe of the Bluff:

The lower point of a 50-foot segment, measured horizontally, with an average slope exceeding 18 percent.

99. Top of the Bluff:

The higher point of a 50-foot segment, measured horizontally, with an average slope exceeding 18 percent.

100. Variance:

A modification or variation of the provisions of this ordinance where it is determined, that, by reason of exceptional circumstances, the strict enforcement of any provision of this ordinance would cause unnecessary hardship, or that the strict conformity with the provisions of this ordinance would be unreasonable, impractical, or not feasible under the circumstances as defined under Minnesota Statutes, Chapter 394.

101. wetland:

Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- a. Have a predominance of hydric soils;
- b. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c. Under normal circumstances support a prevalence of such vegetation.

### III. Classification System

Grant County shall classify public waters in accordance with the following criteria:

- A. size and shape;
- B. amount and type of development at the time of the original classification;
- C. road and service center accessibility at the time of the original classification;
- D. existing natural characteristics of the waters and shorelands;
- E. state, regional, and local plans and management programs;

- F. existing land use restrictions;
- G. presence of significant historic sites;
- H. amount and type of publicly owned shorelands;
- I. presence of unique, endangered or protected flora or fauna; and
- J. existing soil character and geomorphology of the shorelands.

The classes of public waters in Grant County are Natural Environment, Recreational Development, General Development and Agricultural River segments. General descriptions of each class are as follows:

- A. 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.
- B. 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 of mainly seasonal and year-round residences and recreational-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
- C. 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.
- D. Agricultural River segments are located in well-roaded, intensively cultivated areas of 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-around-residential use is occurring within commuting distance of major cities. Some intensive recreation 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.
- E. Public waters shall be classified by the Commissioner. 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. The commissioner may also, upon receipt of a resolution, apply multiple shoreland management classifications on a public water. Where the commissioner has received such a resolution, the following policies and criteria shall be used in approving any request for multiple shoreland management classifications on a single public water.
  - 1. for those lakes with regular natural shoreline configurations, possessing few or no bays, arms, islands, peninsulas or points, no multiple shoreland management classifications shall be applied;
  - 2. for lakes with irregular natural shoreline configurations, possessing two or more bays, arms, islands, peninsulas or points, or lakes that have been artificially segmented by roadways, railways, bridges or levees, the commissioner may assign multiple shoreland



management classifications to clearly defined portions of the shoreland area consistent with the classification criteria and procedures set forth in subparts 1 through 3 above;

3. in no case shall the commissioner apply multiple shoreland management classifications on a lake with a total water surface acreage less than or equal to 250 acres, or on a single embayment with a total water surface acreage less than or equal to 5 acres;

4. reservoirs on rivers and streams assigned a shoreland management classification may also be eligible for the application of multiple shoreland management classifications, provided they meet all of the criteria set forth in items 1 through 3 above;

5. where comprehensive lake management plans or local water plans are completed and approved.

- F. The classification for each area surrounding each public body of water is hereby established according to the document entitled "Waters of Grant County Classification", which accompanies and is made a part of this ordinance. Such document shall be duly authenticated by the County and shall be kept and maintained by the Administrative Officer, which copy shall be the final authority on the classification for such body of water.

#### IV. District Requirements

- A. The boundaries of the Shoreland Management Districts defined in this ordinance are hereby established at 1,000 feet from the ordinary high water mark of a lake, pond, or a flowage and 300 feet from a river or the landward extent of the flood plain on such river, whichever is greater. Where the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances, the Planning Commission may interpret the district boundaries.
- B. Areas within these Shoreland Management Districts which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions, the presence of wetlands or other physical constraints are sensitive to development are hereby designated as Sensitive Areas (SA). Sensitive Areas shall be designated in accordance with Minnesota Rules 6120.3100. The Grant County Board of Commissioners shall make the designation of a Sensitive Area.

C. Shoreland Classifications and Uses; Lakes

P= Permitted Use  
 C= Conditional Use  
 N= Prohibited Use

<u>Use</u>	<u>Lake Classification</u>			
	<u>GD</u> General Development	<u>RD</u> Recreational Development	<u>NE</u> Natural Environment	<u>SA</u> Sensitive Area
Single Family Residences	P	P	P	C
Garages	P	P	P	C
Garage Quarters	P	P	P	N
Storage Buildings	P	P	P	C
Guest Cottage/ Guest House/ Bunkhouse	P (3)	P (3)	N	N
Agriculture	P	P	P (4)	C (1)
Animal Feedlot	C (2)	C (2)	C (2)	C (2)
Parks	C	C	C	C
Commercial Planned Unit Development	C	C	C	N
Residential Planned Unit Development	C	C	C	C
Conservation Subdivision	C	C	C	C
Shoreland Alterations	C	C	C	C
Churches, Chapels, Temples, Synagogues, Sunday Schools, Convents & Parish Houses	C	C	C	C
Forest Land Conversion	C	C	C	C
Industrial	N	N	N	N
Controlled Access	C	C	N	N
Duplex, Triplex, Quad	C	C	C	C
Accessory Structure	P	P	P	C
Commercial	C	C	C	N
Extractive Use	C	C	C	N

- (1) Land use change, after the effective date of this ordinance, from non-tillage to tillage.
- (2) All new feedlots in Grant County shall receive a MPCA permit along with a Grant County Conditional Use Permit before construction of a feedlot.
- (3) Allowed with a minimum lot size of 2.5 acres
- (4) Natural Environment-County designated lakes (CNE), as per classification system, allows for current agricultural land use practice

D. Shoreland Classifications and Uses; Rivers

P= Permitted Use  
 C= Conditional Use  
 N= Prohibited Use

<u>Use</u>	<u>River Classification</u>	
	<u>Agriculture</u>	<u>Sensitive Area</u>
Single Family Residences	P	C
Guest Cottage/ Guest House/ Bunkhouse	P	N
Garages	P	C
Garage Quarters	P	N
Storage Building	P	C
Agriculture	P	C (1)
Animal Feedlot	C (2)	C (2)
Parks	C	C
Commercial Planned Unit Development	C	N
Residential Planned Unit Development	C	C
Conservation Subdivisions	C	C
Shoreland Alterations	C	C
Churches, Chapels, Temples, Synagogues, Sunday Schools, Convents & Parish Houses	C	C
Forest Land Conversions	C	C
Industrial	N	N
Controlled Access	N	N
Duplex, Triplex, Quad	C	C
Accessory Structure	C	C
Commercial	C	N

(1) Land use change, after effective date of this ordinance, from non-tillage to tillage.

(2) All new feedlots in Grant County shall receive a MPCA permit along with a Grant County Conditional Use Permit before construction of a feedlot.

E. Lot width, lot size, and residential lot suitable area standards for conventional subdivisions and density determinations for conservation subdivisions;

1. Minimum Shoreland Ordinance Standards for Lakes & Rivers

Table of Shoreland Ordinance Standards

<u>For Lakes:</u>	<u>NE</u>	<u>RD</u>	<u>GD</u>
	Natural Environment	Recreational Development	General Development
Single Lot Area*	5 AC	80,000 sq. ft.	60,000 sq. ft.
Buildable Area	25,600 sq. ft.	20,420 sq. ft.	16,720 sq. ft.
Water Frontage/Lot Width	400 ft.	250 ft.	200 ft.
Structure Height <u>Above OHWM:</u>			
Vertical separation**	3 ft.	3 ft.	3 ft.
<u>Structure Setback from:</u>			
Ordinary High Water Mark	200 ft.	100 ft.	75 ft.
Wetlands	50 ft.	50 ft.	50 ft.
Lotline (side yard) or 20% of lot, whichever is the least ***	20 ft.	20 ft.	20 ft.
Top of Bluff	30 ft.	30 ft.	30 ft.
Highway, Road or Street Right of Way Centerline	60 ft.	60 ft.	60 ft.
<u>Maximum Height of Structure:</u>			
Dwelling (two story maximum)	30 ft.	30 ft.	30 ft.
Non-Dwelling (one story maximum)	18 ft.	18 ft.	18 ft.
Accessory Structure (including water-oriented):			
Setback from OHWM	20 ft.	20 ft.	20 ft.
Setback From Lotline***	90 ft.	65 ft.	40 ft.
Maximum Height	10 ft.	10 ft.	10 ft.

For Rivers:

	<u>Agriculture</u>
Lot Size: Single Lot Area*	80,000 sq. ft.
Buildable Area	16,720 sq. ft.
Water Frontage and Lot Width	150 ft.
Structure Height Above OHWM: Vertical Separation**	3 ft.
Structure Setback from:	
Ordinary High Water Mark	100 ft.
Wetlands	50 ft.
Lotline (side yard) or 20% of lot width, whichever is the least***	20 ft.
Top of Bluff	30 ft.
Highway, Road and Street Right-of-Way Centerline	60 ft.
Maximum Height of Dwelling Structure: (2 story maximum)	30 ft.
Non-Dwelling (1 story maximum)	18 ft.
Accessory Structure (including water-oriented):	
Setback from OHWM	20 ft.
Setback from lotline***	65 ft.
Maximum Height	10 ft.

\* Excluding all public road right-of-ways, wetlands, bluffs, or land at/or below the ordinary high water level of public waters.

\*\* For lakes, by placing the lowest floor, including basement, at a level at least three feet above the highest known water mark, or three feet above the Ordinary High Water Mark. For rivers, by placing the lowest floor, including basement, at least three feet above the flood of record, the Ordinary High Water Mark or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish the flood protection elevation. Accessory structures may have the lowest floor placed lower than the elevation determined in this subpart 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-drive waves and debris.

\*\*\* Lotline setbacks shall not apply to vision obstructing fences, which are not greater than six feet in height. The string test and/or established building line does not apply.

2. The minimum area and lot width of lots without water frontage (i.e. backlots) must be doubled.
3. Bluff Impact Zone: structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
4. Steep Slopes: Grant County 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 issue 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.
5. Proximity to unplatted cemeteries and significant historic sites. No structure may be placed closer than fifty (50) feet from the boundary of an unplatted cemetery protected under Minnesota Statutes, Section 307.08, unless necessary approval is obtained from the Minnesota State Archaeologist's Office. No structure may be placed on a 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.
6. One accessory structure (including water-oriented) per lot will be allowed, provided:
  - a. The structure must be above ground unless a Conditional Use Permit or a Grade/Fill Permit is granted.
  - b. The structure is ten (10) feet or less in height.
  - c. The structure is 150 square feet or less in size.
  - d. The maximum width of the structure is 20 feet as measured parallel to the shoreline.
  - e. The structure is set back from the Ordinary High Water Mark at least 20 feet.
  - f. The structure must comply with the lot-line setback requirements as set by Sec. IV.E.1.
  - g. The structure must not be used for human habitation or have water or sewer connections.
  - h. The structure is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other acceptable means, assuming summer leaf-on conditions.
  - i. The roof of the structure may be used as a deck with safety rails but must not be enclosed or used as a storage area.
  - j. Only one (1) structure is to be located in the Shore Impact Zone.
7. 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:
  - a. Stairways and lifts must not exceed four (4) feet in width on residential lots, and eight (8) feet in width for commercial properties, public open-space recreational properties and planned unit developments.
  - b. Landings for stairways and lifts on residential lots must not exceed 36 square feet in area. Landings no larger than 64 square feet may be used for commercial properties, public open-space recreational properties and planned unit developments.
  - c. Canopies or roofs are not allowed on stairways, lifts, or landings.

- d. 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 or soil erosion and authorization by a Conditional Use Permit or Grade/Fill Permit.
  - e. 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.
  - f. 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 sub items a to c are complied with, in addition to the requirements of Chapter 1341 of Minnesota Rules.
8. Decks. Except as provided in Items 6 & 7, 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:
- a. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing Ordinary High Water Mark setback of the structure.
  - b. The deck encroachment toward the Ordinary High Water Mark does not exceed 15 percent of the existing shoreline setback of the structure from the Ordinary High Water Mark or is not closer than thirty (30) feet to the Ordinary High Water Mark, whichever is more restrictive.
  - c. The deck is constructed primarily of wood and is not roofed or screened.
9. Docks. The landward end of all docks must meet the ten (10) feet setback from the nearest lot line unless a written approval is provided by the adjoining landowner.

V. General Requirements

A. Water Supply

- 1. 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.
- 2. 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. Wells already existing in areas subject to flooding, shall be flood-proofed in accordance with Water Well Construction Code of the Minnesota Department of Health.

B. Sewage Treatment and Waste Disposal

Any premises used for human occupancy shall be provided with an adequate method of sewage and solid waste disposal. The sanitation standards for this ordinance are set forth in the Sanitation Code of Grant County.

C. Shoreland Alterations

Vegetative alterations and excavations or grading and filling necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the vegetative alteration standards in this subpart and separate permit requirements for grading and filling. However, the grading and filling conditions of this subpart must be met for issuance of permits for structures and sewage treatment systems. Alterations of vegetation and topography must be controlled by a

Conditional Use Permit or a Grade/Fill Permit to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Public roads and parking areas are exempt from the provisions of this part.

1. Removal or alterations of vegetation, except for forest management or agricultural uses as provided for is allowed according to the following standards:
  - a. Intensive vegetation clearing within the buffer area, shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing outside of these areas is allowed if the activity is consistent with the forest management standards.
  - b. Limited cutting, pruning, and trimming of trees and shrubs to accommodate the placement of stairways and landings, access paths, as well as providing a view to the water from the principal dwelling site, in shore and bluff impact zones and on steep slopes is allowed, provided that:
    1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
    2. Along lakes and rivers, existing shading of water surfaces is preserved; and
    3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
2. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by use of earth, vegetation or both.
3. No grading, filling, or alteration of existing topography, including retaining walls, shall be performed in the shore or bluff impact zones, on steep slopes, or in a wetland, in excess of one (1) cubic yard of material or elsewhere in the shoreland area in the excess of ten (10) cubic yards per year, unless a Conditional Use Permit or Grade & Fill Permit has been obtained with the following conditions to be met:
  - a. Before authorizing any grading and filling activity in any type 2, 3, 4,5,6,7 and 8 wetland, local officials must consider how extensively the proposed activity would affect the following functional qualities of the wetland.
    1. Sediment and pollutant trapping and retention;
    2. Storage of surface runoff to prevent or reduce flood damage;
    3. Fish and wildlife habitat;
    4. Recreational use;
    5. Shoreline or bank stabilization; or
    6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others.
  - b. 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 Wetlands Conservation Act, watershed district, the Minnesota Department of Natural Resources or the United States Corps of Engineers.
4. 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.
5. 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.
6. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

7. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Grant Soil and Water Conservation District and the Natural Resources Conservation Service (NRCS).
  8. Fill or excavated material must not be placed in a manner that creates an unstable slope.
  9. 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.
  10. Fill or excavated material must not be placed in bluff impact zones.
  11. Any alterations below the ordinary high water mark of public waters must first be authorized by the commissioner.
  12. 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.
  13. 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 mark, and the height of the riprap above the ordinary high water mark does not exceed three feet.
  14. If more than 10 cubic yards within the Shore Impact Zone is moved a Conditional Use Permit is required. However, if less than 1 cubic yard is moved the size of the equipment within the Shore Impact Zone shall be limited to garden tractor equipment (tiller, disk, drag, etc.). There shall not be any tilled gardening practices within thirty (30) feet of the top of the bluff.
  15. The applicant for a Conditional Use Permit or Grade/Fill Permit involving grading and filling or any alteration of the natural topography shall be legally responsible for all storm water sedimentation and pollution entering public waters both during and after the project.
  16. All grading and filling or alteration of the natural topography, where seeding is a component of stabilization, shall be performed between April 1<sup>st</sup> and September 10<sup>th</sup>. Dormant seeding shall not be allowed.
  17. Best Management Practices in Minnesota, and the NRCS/Grant Soil and Water Conservation District Standards shall be followed and a silt fence or other acceptable soil erosion prevention measure is to be used on the lake side of the work being done. The preceding conditions must also be considered during Subdivision, Variance, Site Permits, and other Conditional Use reviews.
  18. Connections to public waters - Excavations where the intent 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.
- D. Agricultural Use Standards**
1. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary highwater mark, if identified, or the top or crown of bank or normal water level as provided in Minnesota Statutes, section 103F.48, subd. 3(c), whichever is applicable. Waters subject to this provision can be found on the Grant County Buffer Protection Map. Provided, however, that those County Natural Environment - CNE Lakes, as per the classification system may continue existing agricultural practices until such time as use of property changes or the property is transferred, at which point the property must conform to the requirements of this ordinance.



2. 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 perennial vegetation or operated under an approved conservation plan (Resource Management Systems) approved by the local soil and water conservation district Board of Supervisors that is consistent with the Natural Resources Conservation Service field office technical guide (FOTG) and the local Soil and Water Conservation District Board of Supervisors policy.
  3. Potential Compliance or non-compliance with requirements of this section will be initially determined by the SWCD on a parcel by parcel basis.
  4. The Office of Land Management independently will make the final determination of compliance or non-Compliance status for each bank, or edge of a waterbody.
  5. The width of any required buffer shall be measured from the ordinary highwater mark, normal water level or the top or crown of the bank, whichever is applicable.
3. Animal feedlots, where allowed by zoning district designations, must be reviewed as a Conditional Use Permit and must meet the following standards:
    - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water mark of all public waters basins.
    - b. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water mark or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water mark setback or encroach on bluff impact zones. A modification or expansion of an animal feedlot shall require a Conditional Use Permit.
    - c. The appropriate Minnesota Pollution Control Agency permit must be obtained by the owner or operator of an animal feedlot.
  4. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.
- E. Forest Management Standards**
1. The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use must be conducted consistent with the following standards:
    - a. Timber harvesting and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
    - b. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
      1. Shore and bluff impact zones must not be intensively cleared of vegetation; and
      2. An erosion and sediment control plan is developed and approved by the Grant Soil and Water Conservation District before issuance of a conditional use permit for the conversion.
  2. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

F. Extractive Use Standards

1. Processing machinery must be located consistent with setback standards for structures from ordinary high water marks of public waters and from bluffs.
2. An extractive use site development and restoration plan must be developed, approved by Grant County, 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.

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

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. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels the public waters frontage, must either be set back double the normal ordinary high water mark setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. Those with water-oriented needs must meet the following standards:
  - a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards presented elsewhere in Minnesota Rules Part 6120.2500 to 6120.3900, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - b. 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.
  - c. 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:
    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.
    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 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
    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.

H. Storm Water Management

Grant County must consider proper storm water management in all reviews, approvals and permit issuances under shoreland management controls. The following general and specific standards must be incorporated into shoreland management controls and their administration.

1. The following are general standards:

- a. When possible, existing natural drain ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain runoff before discharge into public waters.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, and 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.
  - c. When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle storm water 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.
2. The following are specific standards:
- a. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
  - b. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Grant County Soil and Water Conservation District.
  - c. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- I. Maintenance of Storm Sewers, Agricultural Drain Tile and Ditch Outlets
1. Outlet must have been maintained and functioning within last 5 years.
  2. Maintenance work does not alter the original course, current or cross-section of the lake, marsh or streambed
  3. Any excavation necessary for the maintenance of an existing storm sewer, agricultural drain tile or ditch outlet shall require a Conditional Use Permit or a Grade/Fill Permit.
- J. Installation of Agricultural Drain Tile Outlets or Drainage Ditches
1. Any excavation necessary for the installation of an agricultural drain tile or open drainage ditch shall require a Conditional Use Permit or a Grade/Fill Permit.
  2. The agricultural drain tile or open drainage ditch shall not drain a protected water or wetland.
  3. The area to be drained may be subject to the Wetlands Conservation Act and/or other state and federal rules and regulations.
  4. The discharge point of the agricultural drain tile or open drainage ditch shall be setback at least 50 feet from the Ordinary High Water Mark (OHWM) and there shall be a maintained vegetative buffer strip between the discharge point and the Ordinary High Water Mark (OHWM) or be designed and installed consistent with the field office technical guide of the Grant Soil and Water Conservation District.
- K. Repair of Public Drainage Systems
1. No permit is required to repair a lawfully established public drainage system (Judicial Ditch, County Ditch, etc.) provided:
    - a. The repair does not affect significant fish and wildlife habitat or protected vegetation (such as state or federal wildlife management areas, designed scientific and natural areas, etc.).
    - b. The repair complies with the definition set forth in Minnesota Statutes 103E.701, Subdivision 1(Public Ditch Law).

L. Subdivision Provisions

1. Standards for Approval – Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Grant County 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, accessibility to adjoining properties, or any other feature of natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision of the community. If any of the foregoing considerations exist, the Planning Advisory Commission may find it necessary to control and maintain these areas by recommending to; amend the preliminary plat through lot enlargement and redesign, easement, restrictive covenants, dedication in the form of outlots, or deny the request even though the land proposed for subdivision meets minimum standards, is zoned for the intended use, and is consistent with the Comprehensive Plan. This provision shall also apply to the County Board of Commissioners.
2. Platting – All subdivisions that create five or more lots or parcels must be processed by Grant County as plats in accordance with Minnesota Statutes, Chapter 505. Grant County must not record parcels or issue site or sewage permits for lots created after enactment of official control that are not part of officially approved subdivisions or meet the requirements of Sect. V. Part M. of this ordinance. This restriction shall not apply to the following circumstances:
  - a. Where a lot or parcel is to be conveyed to the owner of an adjoining lot for the purpose of increasing lot size, will not subsequently create a substandard lot of record, and provided a certificate of survey is prepared and attached as an exhibit to said transfer.
  - b. Any transfer of land by a court order.
3. Consistence with other controls – All applicable statutes, regulations, ordinances, standards, and requirements will be applied when evaluating plans for proposed subdivisions. Grant County must not approve subdivisions that are designed so variances 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, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. Lots that would require use of holding tanks must not be approved.
4. Information Requirements – Subdivision controls must require submission of adequate information to make a determination of land suitability under Part 1 of Subdivision Provisions. The information shall include at least the following:
  - a. Topographic contours at vertical intervals not to exceed two feet, including the location of all bluffs and steep slopes.
  - b. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats obtained from United States Geological Survey quadrangle topographic maps, wetland delineations, or more accurate sources.
  - c. Adequate soils information to determine erosion potential, suitability for building, and suitability for two separate individual sewage treatment systems for every lot. This shall include describing the soils present using the Natural Resources Conservation Service classification system, and a field investigation report from a licensed septic

- system designer, giving details of; soil boring and percolation test data, the location of each boring, and a statement that the soils are acceptable for two septic systems.
- d. Information regarding adequacy of domestic water supply.
  - e. Unless otherwise given written permission from the Administrative Officer, submission of; a wetland delineation report, a certificate of exemption and/or an approved replacement plan that meets the requirements of the Wetland Conservation Act.
  - f. If located within the flood plain district, a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying whether the proposed use is located in the floodway or flood fringe and the Flood Protection Elevation.
  - g. Information identifying/describing near shore depths, emergent aquatic vegetation, and any important fish and wildlife habitat present.
5. Platting Procedure
- a. The subdivision plat application fee shall be set by the Grant County Board of Commissioners by the adoption of the fee schedule at the first meeting in January of each year.
  - b. The following is a procedural outline for the process of the submission of a Conventional or Conservation subdivision plat.
    1. A pre-application meeting between the owner, developer, a land surveyor, and the Grant County Plat Evaluation Team to discuss the "Preliminary Plat Guidelines" document, as adopted by the Grant County Board of Commissioners and amended from time to time.
    2. Submission of a completed application for the preliminary plat to the Administrative Officer including; sixteen (16) copies of the preliminary plat, and sixteen (16) copies of the proposed protective covenants, eleven (11) of the preliminary plat copies shall be at a minimum 20 by 30 inches in size, and five (5) of the copies shall be 11 by 17 inches in size.
    3. Review of the preliminary plat by the Plat Evaluation Team, Department of Natural Resources, Department of Transportation, and the Army Corp of Engineers when appropriate or required.
    4. Submittal of written comments/recommendations from the Plat Evaluation Team and the appropriate officials or agencies to be forwarded to the Planning Advisory Committee and proposer at least ten (10) days prior to the public hearing.
    5. The Administrative Officer shall refer the application to the Planning Advisory Commission.
    6. A public hearing is held by the Grant County Planning Advisory Commission, making a recommendation to the County Board of Commissioners as follows:
      - a. Table the preliminary plat for further study or review; or
      - b. Amend the preliminary plat as submitted; or
      - c. Approve the preliminary plat as submitted; or
      - d. Deny the preliminary plat and state in writing the reason for denial.
    7. The County Board reviews the preliminary plat along with the Planning Advisory Commission recommendations, making the following decision;
      - a. Table the preliminary plat for further study or review; or
      - b. Amend the preliminary plat as submitted; or
      - c. Approve the preliminary plat as submitted; or
      - d. Deny the preliminary plat and state in writing the reason for denial.

8. Submission of a completed application for a final plat (blue-line-not final copy or mylar) to the Administrative Officer to be reviewed by the Planning Commission.
  9. Submission of the final plat to the Grant County Board of Commissioners for final approval.
  10. Recording the final plat with the Grant County Recorder, after following the "Submission of Final Plat Documentation Guidelines", as adopted by the Grant County Board of Commissioners and amended from time to time.
  11. Unless an extension of time is requested by the subdivider and granted by the Planning Advisory Commission, the subdivider shall within one (1) year following the approval of the preliminary plat submit to the County the final plat, otherwise the preliminary plat becomes null and void.
6. Preliminary Plat Presentation Requirements
- a. Preliminary Plat: prepared by Minnesota Registered Land Surveyor, Civil Engineer or Architect.
  - b. Scale: one inch equals 100 feet, if possible, but not smaller than one inch equals 200 feet.
  - c. Identification and Description:
    1. Proposed name of subdivision, which name shall not duplicate or closely resemble the name of any plat previously recorded in the county.
    2. Location by section, township, range or by other identifying description including township name, lake and number.
    3. Names and addresses of owner or owners, subdivider, surveyor and designer of plan.
    4. Graphic scale.
    5. North point.
    6. Date of preparation.
  - d. Existing conditions in tract and in surrounding area to a distance of three hundred (300) feet.
    1. Boundary line of proposed subdivision, clearly outlined and dimensional.
    2. Total acreage and total water frontage.
    3. Total number and location of dwelling units.
    4. Platted streets, right-of-way and utility easements.
    5. Boundary lines and ownership of adjoining land.
    6. Sewers, water mains, wells, culverts, tile lines, or other underground facilities.
    7. Permanent buildings and structures.
    8. Summary of soils and vegetation types (terrestrial and aquatic) including, if present, native prairie remnants, timber stands, and emergent aquatic plants.
    9. Lakes, water courses, drainage ways, bluffs, steep slopes, wetlands, the base flood elevation when required and an appropriate contour interval as defined in Part 4 of this section.
  10. Structure setbacks from any lake, river, road right-of-way, lot line, and bluff must be clearly shown by dotted lines.
  11. Illustrate or highlight the buildable area of each lot if different than sub-item 10 above.

e. Subdivision Design Features

1. Layout and width of proposed road right-of-ways, drainage easements, and utility easements.
2. Preliminary street grades, drainage and erosion control plans, and center line profiles shall be shown on either a copy of the contour map or separate sheet(s).
3. Statement of source of water supply.
4. Proposed location and statement of provisions for the design of two sewage treatment systems.
5. Documents, such as by-laws, property owner agreements, covenants and restrictions that explain how the project is designed and will function. These ordinarily include membership requirement in a property owners association, assessment of costs, various easements, a concept statement describing the project, floor plans for structures and various other drawings or plans.

f. Preliminary Title Opinion: The subdivider shall provide a preliminary title opinion prepared by an attorney of the subdivider's choosing.

g. Outlots: Outlots created following the adoption of this ordinance through the platting process must have a stated purpose. Outlots created after 1971 but before the effective date of this ordinance shall not be developed or subdivided except by re-platting.

h. An Erosion Control and Stormwater Management plan shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest Pollution Control Agency's stormwater best management practices manual, approved by the local government, and effectively implemented.

7. Dedications

a The Board of Commissioners shall require that a permanent Riparian Buffer Strip be maintained and/or established on each new lot created through a subdivision. Each lot shall be allowed a single thirty (30) feet wide area, perpendicular to the shoreline, excluded from the provisions of this requirement for person(s) on foot to access to the waters edge.

b The Board of Commissioners may require that suitable sites in the subdivision be dedicated or reserved for future public use, such as schools, parks, playgrounds, public access and open spaces as needed by subdivision.

c Any part of a street or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width, and location indicated, and shall be offered for dedication to the county or township.

d The Board of Commissioners may require that easements for flood control and/or drainage ways of widths sufficient to accommodate storm water runoff be provided.

e The Board of Commissioners may require that easements for public utilities be provided.

f Any road or street shall conform to all specifications of the Ordinance in Section V., General Requirements, Subsection O., Public Streets and Roads.

M. Subdivision Exceptions

1. The division of a lot or parcel into four (4) or fewer lots may be done by certificate of survey in accordance with this section, provided the following requirements are met:
  - a. The number of new lots created from any one lot existing as of the effective date of this ordinance does not exceed four (4), including the residual.

- b. Each lot must be suitable in its natural state for the proposed use with minimal alteration, shall be a minimum of 2.5 acres, and be a buildable lot.
- c. Each lot surveyed by a licensed professional surveyor and a certificate of survey is prepared that is suitable for recording.
- d. All requirements of the Grant County Metes and Bounds Ordinance are met.
- e. Two (2) individual sewage treatment systems are identified by a state-licensed designer, and evaluation documents are submitted to the Administrative Officer at the time of transfer.
- f. Further subdivision of lots created under this section must be done through the platting process.

N. Planned Unit Development

- 1. General: In addition, to the required Conditional Use Permit, all resorts, RV parks, manufactured home parks and campgrounds must receive a Minnesota Department of Health License.
  - a. Pre-Application Meeting: Prior to the submission of any plans for consideration to the Planning Advisory Commission under the provisions of this ordinance, the potential applicant shall meet with the Administrative Officer and learn what shall be expected of him/her in such a capacity.
  - b. Crowding Potential: Applications for Conditional Use permits for planned units of development shall take into consideration crowding potential as defined in this ordinance.
  - c. Expansions: Expansions to existing commercial planned unit developments involving up to six (6) dwelling units or sites, unless the density determined under Section V, .5 is exceeded, may be allowed as permitted uses under standards developed in this ordinance. Expansions exceeding these limits must be processed as Conditional Uses and meet the requirements in this part.
- 2. The design criteria are as follows:
  - a. Residential Planned Unit Developments must contain at least five (5) dwelling units or sites.
  - b. All Planned Unit Developments must contain open space meeting all of the following criteria:
    - 1. At least 50 % of the total project area must be preserved as open space.
    - 2. Dwelling units or sites, roads right-of-way, or land covered by road surfaces, parking areas, or structures, except accessory structures (including water-oriented) or facilities, are developed areas and should not be included in the computation of minimum open space.
    - 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.
    - 4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, or the public.
    - 5. For Residential Planned Unit Development, the shore impact zone, based on normal structure setbacks, must be included as open space. At least 50 % of the shore impact zone area of existing developments or at least 70% of the shore impact area of new developments must be preserved in their natural or existing state.



6. For Commercial Planned Unit Development, all shore impact zones must be included as open space, and at least fifty (50) percent of these areas must be preserved in their natural or existing state.
  7. Open space must not include commercial facilities or uses, but may contain accessory structures (water-oriented) or facilities.
  8. For Residential Planned Unit Developments, 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.
  9. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
3. Centralization and design of facilities and structures must be done according to the following standards:
- a. All Planned Unit Developments must be connected to publicly owned water supply and sewer systems, if available. On-site supply and sewage treatments must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Minnesota Pollution Control Agency. 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.
  - b. 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 classifications: setback from the ordinary high water mark, elevation about the surface water features, and maximum height. Setback from the ordinary high water mark must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water are increased to at least 50 percent greater than the minimum setback or the impact on the water body 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.
  - c. 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, and depth to groundwater and bedrock for other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for by occupants of dwelling units or sites located in other tiers.
  - d. For Residential Planned Unit Development, 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 the local units of government, assuming summer, leaf-on conditions.
  - e. For Commercial Planned Unit Development, structures, parking areas and other facilities must be designed and located in a manner that minimizes their visibility from

surface water features, assuming summer leaf on conditions. The structure dwelling unit, accessory structure, or parking area must be treated to reduce visibility as from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government assuming summer, leaf-on conditions. Vegetation and topographic screening must be preserved, if existing, or may be required to be provided.

- f. Accessory structures (including water-oriented) and facilities may be allowed if they meet or exceed design standards and are centralized.
4. Erosion control and storm water management for planned unit developments must:
    - a. Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after the 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.
    - b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. For Commercial Planned Unit Developments impervious surface coverage must not exceed twenty five (25) percent of the tier area except thirty five (35) percent may be allowed in the first tier of a General Development Lake with an approved storm water plan consistent with this ordinance.
  5. Dwelling Unit Density Evaluation
    - a. Suitable Area Evaluation – Proposed new or expansions to existing Planned Unit Developments must be evaluated using the following procedures and standards:
      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 Mark at the following intervals, proceeding landward:
      2. Shoreland Tier Dimensions:

a. General Development Lakes – First Tier	200 Unsewered (feet)
b. General Development Lakes – Second & Third Tiers	267 Unsewered (feet)
c. Recreational Development Lakes	267 Unsewered (feet)
d. Natural Environment Lakes	400 Unsewered (feet)
e. All River Classes	300 Unsewered (feet)
      3. The suitable area within each tier is next calculated, excluding all wetlands, bluffs, or land below the Ordinary High Water Mark of public waters. The proposed project is then subject to either the Residential or Commercial Planned Unit Development density evaluation steps.
        - a. Residential Planned Unit Development “Base” Density Evaluation – The area within each tier is divided by the single residential lot size standard for the appropriate classification of lakes or rivers to yield a base density of dwelling units or sites for each tier.
        - b. Commercial Planned Unit Development “Base” Density Evaluation – 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, unless they are habitable space.
          1. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development  
 Floor Area Ratios\*

Public Water Classes

*Average unit floor area (sq. ft.)	First tier on unsewered GD lakes; agricultural, tributary river segments	Second tier additional tiers on unsewered GD lakes; RD lakes	Natural Environment lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
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.

2. 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.
3. Divide the total floor area by tier computed in Item 2 above by the average inside living area size determined in Item 1 above. This yields a base number of dwelling units and sites for each tier.
4. 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.

Maximum Allowable Dwelling Unit or Site Density Increases for Commercial Planned Unit  
Developments

Tier	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

5. Allowable densities may be transferred from any tier to any other tier further from the lake or river, but must not be transferred to any other tier closer.
6. Density Increase Multipliers – The base density is then multiplied by the appropriate multiplier in order to determine the maximum allowable density increase per tier.

Maximum Allowable Dwelling Unit or Site Density Increase

Density Evaluation Tiers	Multiplier
First	1.5
Second	2
Third	3
Fourth	3
Fifth	3

7. 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 classification: setback from the Ordinary High Water Mark, elevation above the surface water features and maximum height. Setbacks from the Ordinary High Water Mark must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the Ordinary High Water Mark are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the Local Government Unit and the setback is at least 25 percent greater than the minimum setback.
  - c. Road widths shall comply with the most current Grant County road standards.
  - d. Any attached conditions such as limits on overall density, minimum size of the Planned Unit Development, restriction to residential uses or minimum length of water frontage may be demanded.
  - e. Two off street parking spaces shall be provided for each dwelling unit.
6. Administration and maintenance requirements
  - a. Before final approval of all Residential Planned Unit Developments, local governments must ensure adequate provisions have been developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development as a community.
  - b. 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:
    1. Commercial uses prohibited;
    2. Vegetation and topographic alterations other than routine maintenance prohibited;
    3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
    4. Uncontrolled beaching prohibited.
  - c. Development organization and functioning – Unless an equally effective alternative community framework is established, when applicable, all planned unit developments must use an owner association with the following features:
    1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
    2. Each member must pay a prorated share of the association's expenses, and unpaid assessments can become liens on units or sites.
    3. Assessments must be adjustable to accommodate changing conditions.
    4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

- d. 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:
  1. Proposed conversions must be initially evaluated using the same procedures and standards presented in this part for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
  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.
  3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as a part of the conversion. These improvements must include, where applicable, the following:
    - a. Removal of extraneous building, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
    - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from water; and
    - c. 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.

**O. Public Streets and Roads**

1. Public streets and roads shall be designed and located to take into account:
  - a. Existing and planned streets and roads.
  - b. Topographic conditions including the bearing capacity and erosion potential of the soil.
  - c. Public convenience and safety, including facilitating police and fire protection, snowplowing, mail delivery, school bus routing and pedestrian traffic.
  - d. Requirements of public utility facilities.
  - e. The proposed uses of land to be served.
  - f. Anticipated traffic volumes.
  - g. Further re-subdivision possibilities.
2. Public streets shall meet the minimum road design standards of Grant County or be of the right-of-way, roadway and surface width specified by the County Highway Engineer and approved by the County Board of Commissioners.
3. Reproducible “as built drawings” shall be required by the County Highway Engineer and shall be furnished to the County by the subdivider. Such “as built drawings” shall be certified to be true and accurate by a registered engineer or surveyor. At a minimum, said drawings shall contain the following:
  - a. A centerline profile at a minimum of 100 foot stations and such intermediate points to indicate change in grade, together with showing the constructed provisions for centerline crossings by storm water.

- b. Typical cross-sections indicating width, crown, ditch separation, and finished surface type and thickness.
- 4. Public roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with field officetechnical guides of the Grant County Soil and Water Conservation District; storm water regulations as part of the National Pollutant Discharge Elimination System (NPDES) permit program, or other applicable technical materials. Private roads are prohibited.
- 5. Roads, driveways and parking areas 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.
- 6. All new construction of a road within shoreland or reconstruction of an existing road within 200 feet of the Ordinary High Water Mark, except approaches and driveways adjacent to a public road that does not exceed 30' wide x 50' long, shall require a Conditional Use Permit.
- 7. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- 8. When required by the County Highway Engineer, subdivisions abutting right-of-ways must include provisions for controlled access.
- 9. The proposed road arrangement shall not be such as to cause hardship to owner of the adjoining property in platting their own land and providing convenient access to it.
- 10. Grant County shall, where appropriate, require the subdivider to submit a warranty maintenance bond in the amount equal to the original cost of the road. The bond shall be in force for one (1) year following final road approval by the County Highway Engineer.

**P. Controlled Access Standards**

- 1. Lots intended as controlled accesses to public waters or recreation areas for use by owners of non-riparian lots within subdivisions must meet or exceed the following standards:
  - a. They must meet the width and size for residential lots, and be suitable for the intended uses of controlled access lots. If docking, mooring, or over-water storage of watercraft is to be allowed at a controlled access lot, then the width of the lot must be increased by the percent of the requirements for riparian residential lots for each watercraft provided for by covenant beyond six, consistent with the following table:

**Controlled Access Lot Frontage Requirements**

<u>Ratio of Lake Size to Shore Length (acres/mile)</u>	<u>Required Increase in Frontage (percent)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- b. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.
- c. 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 non-significant 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.

- d. For Conventional Subdivisions controlled access shall only be allowed on lakes with a documented public access.

**Q. Lot Area & Width Standards for Duplex, Triplex, and Quad**

	<u>Non-Sewered</u>	<u>Lot Width (feet)</u>
Natural Environment		
Single	5 AC	400
Duplex	5 AC	515
Triplex	5 AC	625
Quad	5 AC	750
Recreational Development		
Single	80,000	150
Duplex	120,000	265
Triplex	180,000	375
Quad	240,000	490
General Development		
Single	60,000	150
Duplex	80,000	265
Triplex	120,000	375
Quad	160,000	490
Ag River		
Duplex	n/a	225
Triplex	n/a	300
Quad	n/a	375
Tributary River		
Duplex	n/a	150
Triplex	n/a	200
Quad	n/a	250

1. On Natural Environment Lakes, subdivision of duplexes, triplexes and quads must also meet the following standards:
  - a. Each building must be set back at least 200 feet from the OHWM.
  - b. Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
  - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
  - d. No more than 25 percent of a lake's shoreline can be in a duplex, triplex or quad development.

**R. Buffer Protection**

1. For waters identified on the Grant County Buffer Protection Map, and the Buffer Protection Map as defined in Minn. Stat. §103.F.48, subd. 1(c) shall include a buffer on all lands located parallel to and 50 feet from the ordinary highwater mark, if identified, or the top or crown of the bank or normal water level as provided in Minnesota Statutes, section 103F.48, subd. 3(c), whichever is applicable.

**S. Non-Conforming Uses**

1. Grant County must require upgrading or replacement of any existing, on-site sewage treatment system identified as nonconformity and/or failing under a program established under the County Sanitation Code. Systems installed according to the County Sanitation Code, 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 and do not meet the MCPA Chapter 7080 Standards shall be considered nonconforming and/or failing.
2. All nonconformities other than on-site sewage treatment systems must be managed according to applicable state statutes and Grant County official controls.
3. It shall be the responsibility of the owner or tenant of such place of nonconforming and/or failing sewage system to replace or fix to conformity to be eligible for future permits (Site,



- Sewage, Conditional Use, etc.). Sewage treatment systems posing an imminent threat to public health and safety, including cesspools, must be upgraded within 10 (ten) months.
4. If the notification of non-conformance is not complied with, the Administrative Officer or County Board may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such non-conforming use, and it shall be the duty of the County Attorney to institute such action.
  5. If a non-conforming use ceases to be used and properly maintained for a period of twelve consecutive months or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning use district wherein located.
  6. A non-conforming use shall not be moved to any other part of its site or to another site where it would still constitute a non-conforming use.
  7. A non-conforming use is any continuous use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of conforming use.
  8. It shall be the responsibility of the landowner or tenant to show that their septic system is in conformity by certificate of compliance.
  9. Due to public interest in the protection of the environment, at the time of property transfer, the county shall review existing records on the status of the septic system. If a valid certificate of compliance is not available, the owner shall upgrade the sewage system to a conforming or compliant sewage treatment system in regards to the current code and also conform to all state and local rules and regulations.
  10. An abatement program may be implemented to identify non-conforming or failing sewage treatment systems. Under this program sewage treatment systems inconsistent with state standards shall be corrected within the time specified in a notice issued by the Administrative Officer. If the notice is not complied with, the Administrative Officer or County Board may institute appropriate actions or proceedings to correct or abate such non-conforming or failing systems, and it shall be the duty of the County Attorney to institute such action.

T. Exemptions

1. The following uses, being essential for the operation of any zoning district, are exempt from all the provisions of this ordinance and are permitted in any district: poles, towers, telephone booths, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment of a public utility; and provided further that hedges or shrubbery may be erected, placed, maintained or grown except as they may constitute a safety hazard.
2. A structure may be erected on a lot of less than the established minimum area and width, provided the lot existed by virtue of a recorded plat or deed before July 1, 1972, or a lot existing by virtue area by a conveyance subsequent to July 1, 1972, provided a Site Permit and the proposed use is permitted within the district. However, effective April 1, 1993, if in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the established minimum area or width; the lot shall not be considered a separate parcel of land for the purposes of conveyance or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land and each parcel must meet, or more closely approach, the established minimum lot size requirements of the ordinance. This restriction shall not apply to the following circumstances:
  - a. Where each contiguous substandard lot is an improved lot, as defined herein.

- b. Where each contiguous substandard lot is a part of an approved subdivision or lot split created after July 1, 1972, and prior to the effective date hereof.
- c. Where contiguous substandard lots are part of an approved subdivision, for which the application was submitted prior to the effective date hereof.
3. One structure (ie. doghouse, wellhouse, pumphouse), 4 foot by 4 foot by 4 foot, per lot, shall be exempt from all permit provisions of this ordinance. However, it must be located in compliance with all setback requirements.
4. The following structures are exempt from the Site Permit requirements providing all setback requirements of this Ordinance are met:
  - a. Vision obstructing fences
  - b. Satellite dishes
  - c. Retaining walls (some retaining walls may need a Conditional Use Permit or a Grade/Fill Permit)

## VI. ADMINISTRATION

### A. Site Permits

1. A Site Permit shall be obtained prior to erecting or installing a new structure or altering any structure or part thereof. The applicant for a Site Permit, shall file his/her application which shall include a scale drawing of his/her proposal in the office of the Administrative Officer and pay a fee as determined by the fee schedule. The Administrative Officer may require an on-site inspection prior to issuing such a permit. The applicant shall notify the Administrative Officer once the building footings have been constructed.
2. As part of the site permit, an area 30 feet around building under construction may be landscaped by the land-owner without additional permits, excluding a walk-out basement on the public water side of the building. A Grade/Fill permit or Conditional Use Permit may be required for walk-out basements on the public water side. There shall be no landscape disturbance within the shore impact zone, nor shall more than a total of ten (10) cubic yards be excavated outside the shore impact zone, unless a Grade/Fill permit or a Conditional Use permit has been obtained pursuant to this ordinance. During construction the Minnesota Construction Site Erosion and Sediment Control Planning Handbook shall be followed. This shall include the installation of a silt fence or other approved soil erosion measures on the public water side of the building.
3. Before a Site Permit is issued, the terms of this Ordinance shall be met. This shall include bringing any non-conforming or failing sewage system located upon property for which the permit is sought up to standards of the Sanitation Code of Grant County, prior to the issuance of the Site Permit.
4. A recreational camping unit for dwelling purposes may be placed on a lot without a Site Permit on a temporary basis not to exceed 30 days per year. However, all setback and side yard requirements shall be complied with and no water connections shall be allowed unless it is served by a sewage treatment system.
5. There shall be only one (1) single family residents, one (1) guest cottage or garage quarter per lot as allowed under this Ordinance, and there shall be only one (1) accessory structure (including water-oriented) placed within the shore impact zone.
6. No permit application will be accepted and/or processed from a landowner or their agent on property on which there are current or past unresolved violations and delinquent property taxes.
7. Excavated material relating to the site permit shall not be stockpiled within the shore impact zone or within 30 feet of the top of the bluff impact zone. The excavated material shall be stockpiled a distance greater than the building setback line from the Ordinary High Water Mark unless prior approved by the administrative officer.

8. The building roof overhang shall not exceed 3 feet beyond the wall of the building measured horizontally if the wall supporting it is at the minimum setback allowed.
  9. A Stormwater Management Plan shall be submitted and approved by the County.
- B. Administrative Officer
1. The County Board hereby delegates to the Office of Land Management the duties and responsibilities as follows:
    - a. Issue Site Permits and inspect building site location following notification of applicant.
    - b. May issue "Grade/Fill Permits" for grading or filling projects of up to ten (10) cubic yards in the shore impact zone, and up to, but not exceeding 300 cubic yards outside the shore impact zone. The Administrative Officer may require an onsite inspection prior to issuing such a Permit. Within three (3) days of completion, the applicant for a Grade/Fill Permit must notify the Administrative Officer that the project is ready for inspection.
    - c. Administer the terms of this ordinance subject to any required approval of the Planning Advisory Commission.
    - d. Keep necessary records.
    - e. Where structures exist on the adjoining lots on both sides of a proposed building site, water and road setbacks may be altered without a variance to conform to the adjoining setbacks ("string test"), provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- C. Conditional Use Permits (see Sections IV and V):
- Any proposed Conditional Use Permit shall be presented to the Planning Advisory Commission for the determination of its applicability to the shoreland management district where it's proposed. In support of such determination applicability, the Planning Advisory Commission may require preliminary architectural drawings or sketches on all buildings or groups of buildings showing the front, side, and rear elevations of the proposed buildings, structures or other improvements and proposed location of such buildings on the lot as the same shall appear after the work has been completed. Such drawings or sketches shall be considered by the Planning Advisory Commission in an endeavor to ascertain that such buildings, structures, and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable, or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the county and the zoning district where it's located. Grant County may impose conditions when granting conditional use permits that specify: increased setbacks from public waters; vegetation allowed to be removed or required to be established; sewage treatment system location, design, or use; location, design, and use requirements for watercraft launching or docking, and for vehicular parking; structure or other facility design, use, and location; phasing of construction; and other conditions considered necessary.
1. The Conditional Use Permit Procedural Guidelines, as adopted by the Grant County Board of Commissioners and amended from time to time shall be followed.
  2. The applicant for a Conditional Use Permit shall file his/her application in the office of the Administrative Officer. Once the Administrative Officer deems the application to be complete, the fee shall be paid in accordance with the approved fee schedule.
  3. When Administrative staff and Planning Advisory Commission members may not be able to view the property for which a Conditional Use Permit is requested, due to snow cover, it may not be possible to meet the legal requirements to take final action within 60 days of receipt of a completed Application. Therefore, an Applicant shall be required, as part of completing the application process in the months of October through March, to indicate by written acknowledgement whether the Applicant is willing to waive the 60 day time limit and allow time for the Planning Advisory Commission to view the property, if necessary. The acknowledgement shall inform the Applicant that the absence of a waiver

of the 60 day requirement may leave the Planning Advisory Commission no alternative but to deny the Application. Circumstances may require the Planning Advisory Commission to cancel its regular meeting in one or more of the months of November through April. If meetings are canceled, no Application for a Conditional Use Permit/Preliminary Plat will be accepted as final until 21 days prior to the next scheduled meeting of the Planning Advisory Commission.

4. Within three days of receiving the permit request placard the applicant shall stake the area under consideration and post his/her name and address in a clearly visible location on property for sake of inspection purposes.
  5. The Administrative Officer shall refer the application to the Planning Advisory Commission. (see Section VI.J., Notification Procedures)
  6. The Planning Advisory Commission shall consider the application at its next regular meeting at which time is available, after compliance with the provisions of notice above specified.
  7. If an EAW, EIS or any other study such as a soil test, drainage or erosion control plan, historical survey is required for any proposed Conditional Use/Preliminary Plat application, the applicant shall assume the costs associated with preparation, review and presentation of the document.
  8. The applicant or his/her representative shall appear before the Planning Advisory Commission to answer any questions concerning the proposed Conditional Use application.
  9. The Planning Advisory Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects
  10. The recommendation of the Planning Advisory Commission shall be referred to the County Board and placed on the agenda of the Board at its regular meeting following referral from the Planning Advisory Commission.
  11. The County Board shall take action on the application in accordance with Minnesota Statutes, Chapter 15.99. If it grants the Conditional Use Permit, the Board may impose any special conditions it considers necessary to protect the public health, safety and welfare. A copy of all granted Conditional (Special) Use Permits shall be forwarded to the Commissioner of Natural Resources within 10 days of such action.
  12. Grant County may require a Bond in the amount of \$500 or greater for any Conditional Use Permit. All Bonds shall be payable to Grant County and shall be filed with the Grant County Auditor before the County Board approval of such permits.
  13. If given approval of the Conditional Use application by the County Board the applicant shall secure from the Administrative Officer a written Conditional Use permit before initiating the project.
  14. The Conditional Use permit shall be filed with the County Recorder.
  15. Within three (3) days of completion, the applicant shall notify the Administrative Officer that the project has been completed and is ready for such inspection.
- D. Board of Adjustment
1. The Board of Adjustment shall act upon all questions as they may arise in the administration of this ordinance and it shall hear and decide appeals from and review and order, requirements, decisions, or determinations made by an administrative official charged with enforcing any provision of the Ordinance. The grounds of such determination shall be stated.
  2. An appeal shall be taken in such time as prescribed by the Board of Adjustment by general rule, by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of

appeal and give due notice thereof to the applicant and the officer from whom the appeal is taken and decide the same within a reasonable time. The Board of Adjustment may reverse or affirm wholly, or partly, or may modify the order, requirements, decisions or determinations as in its opinion ought to be made in the premises and to that end shall have all powers of the officer whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of the Board shall be final; however, any person having an interest affected by such decision shall have the right to appeal to the District Court in the County in which the land is located on questions of law and fact.

E. Variance from Standards

The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities.

1. Variances shall only be permitted when they are in harmony with the general purpose 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 the Ordinance. "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 Ordinance; 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.
2. Economic considerations alone shall not constitute a hardship if reasonable use of the property exists under the terms of the Ordinance.
3. No variance may be granted that would allow any use or expansion of use that is prohibited in the Shoreland Management District.
4. The Board of Adjustment may impose conditions in granting the variance to insure compliance and to protect adjacent properties and the public interest.
5. In considering variance requests, the Board of Adjustment must also consider the following:
  - a. Whether the variance will secure for the applicant a right or rights enjoyed by other owners in the same area;
  - b. Whether existing sewage treatment systems on the property need upgrading before additional development is approved;
  - c. Whether granting the variance will be contrary to the public interest or damaging to the rights of other persons or property values in the neighborhood.
  - d. Whether granting the variance will bring the property into closer conformity with the intent of the Ordinance.
  - e. No variance will be granted simply because there are no objections or because those who do object outnumber those who do not.
6. The applicant for a variance shall file his/her application in the office of the Administrative Officer. Once the Administrative Officer deems the application to be complete, the fee shall be paid in accordance with the approved fee schedule. Each application for variance shall be accompanied by a scaled drawing of the area under consideration showing the location of any existing structures and any proposed structures. The drawing shall also indicate all setback distances, in feet to the; OHWM, lot-lines, and the road right-of-way.
7. When Administrative staff and Board of Adjustment members may not be able to view the property for which a variance is requested, due to snow cover, it may not be possible

to meet the legal requirements to take final action within 60 days of receipt of a completed application. Therefore, an applicant shall be required, as part of completing the application process, in the months of October through March, to indicate by written acknowledgement whether the applicant is willing to waive the 60 day time limit and allow time for the Board of Adjustment to view the property, if necessary. The acknowledgement shall inform the applicant that the absence of a waiver of the 60 day requirement may leave the Board of Adjustment no alternative but to deny the application. Circumstances may require the Board of Adjustment to cancel its regular meeting in one or more of the months of November through April. If meetings are cancelled, no application for a Variance will be accepted as final until 21 days prior to the next scheduled meeting of the Board of Adjustment.

8. Within three (3) days of receiving the placard for the county the applicant shall stake the area under consideration and post his/her name and address in a clearly visible location on the property for sake of inspection purposes.
9. The Administrative Officer shall refer the Application to the Board of Adjustment.
10. The Board of Adjustment shall consider the application at its next regular meeting at which time is available, after compliance with the provisions of notice above specified.
11. If approved the decision on the application shall be filed with the County Recorder.

F. Amendments

This Ordinance may be amended in whole or in part by the Board of County Commissioners after proper public hearing conducted by the Planning Advisory Commission.

G. Enforcement and Penalties

1. This Ordinance shall be administered and enforced by the Administrative Officer who is hereby designated the enforcing officer.
2. Any violation of the terms and provisions of this Ordinance shall constitute a misdemeanor. All fines paid for violations shall be credited to the County General Revenue Fund. Each 24-hour day that a violation continues shall constitute a separate offense.
3. In the event of a violation or a threatened violation of the Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceeding 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. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction, including restoration of the premises to its existing condition prior to the violation.
4. Any taxpayer or taxpayers of the County may institute mandamus proceeding in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
5. All employees of the Grant County Land Management Office, members of the County Board of Commissioners, Planning Commission and Board of Adjustment, in the performance of their duties, shall have free access on all land included in Shoreland Management use districts.
6. All public bodies of water not specifically designated or enumerated in "Waters of Grant County Classification" are hereby given the classification of Natural Environment.
7. Construction not started by the effective date of this ordinance, with or without a permit, is considered a new construction and shall conform to all requirements of this Ordinance.

H. Effective Date

This Ordinance as amended shall be in full force and effect on and after August 5, 2008.

I. Validity

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decisions shall not affect the validity of the remainder.

J. Notification Procedures

1. Conditional Use Permit Applications

Written notice shall be sent to property owners of record within one quarter (1/4) mile of the affected property or to the ten properties nearest the affected property, whichever will provide the greater number of owners. Written notice shall also be sent to the Town Board of the Township wherein the use is proposed, the governing body of any city or village of which the incorporated limits lie within two (2) miles of the proposed use and to the Commissioner of Natural Resources. The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the Planning Advisory Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

2. Variance Applications

Written notice shall be sent to property owners of record within five hundred (500) feet of the affected property. Written notice shall also be sent to the Town Board of the Township wherein the variance is proposed, the governing body of any city or village of which the incorporated limits lie within two (2) miles of the proposed variance and to the Commissioner of Natural Resources. The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3. Amendments

- a. This ordinance may be amended in whole or in part by the Board of County Commissioners after proper public hearing conducted by the Planning Advisory Commission and as provided in Minnesota Statutes 394.26.
- b. Written notice of hearing for consideration of amendment(s) to the existing controls shall be sent to the commissioner and the governing body of all towns and municipalities within Grant County. This written notice shall be given not less than fourteen (14) days prior to the hearing at which the amendment(s) will be considered.

4. Plat

- a. Written notice shall be sent to the property owners of record within one half (1/2) mile of a proposed subdivision, written notice shall also be sent to the Town Board of the Township wherein the proposed subdivision lies, the governing body of any city or village of which the incorporated limits lie within two (2) miles of the proposed subdivision and to the Commissioner (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the Planning Commission will consider said subdivision, although failure of any property owner to receive such notification shall not invalidate the proceedings.
- b. A copy of approved amendments and plats and final decisions granting Variances or Conditional Use Permits under local shoreland management controls must be sent to the Commissioner and postmarked within ten (10) days of final action.

**VII. Grant County Protected Waters and Shoreland Classification**

NE = Natural Environment  
 RD = Recreational Development  
 GD = General Development  
 CNE= County - Natural Environment

PWI ID	PWI NAME	SECTION	TWP.	RANGE	PW CLASS	SL CLASS
21-0374	Albert	31,36	129	40,41	P	NE
21-0375	Christina	Various	130	40,41	P	RD
26-0001	Bah	Various	129	40,41	P	NE
26-0002	Pelican	Various	130	40,41	P	RD
26-0002a	Pelican	Various	130	40,41	P	NE
26-0002b	Pelican	Various	130	40,41	P	NE
26-0002c	Pelican	Various	130	40,41	P	NE
26-0002d	Pelican	Various	130	40,41	P	NE
26-0002e	Pelican	Various	130	40,41	P	NE
26-0003	Unnamed	SW 4	127	41	P	NE
26-0006	Wilson	Various	127	41	W	NE
26-0007	Bolin	15	127	41	P	NE
26-0008	Unnamed	22	127	41	W	NE
26-0009	Reed	Various	127	41	P	NE
26-0010	Unnamed	25	127	41	W	CNE
26-0013	Unnamed	Various	127,128	41	P	NE
26-0014	Sylvan	Various	128	41	P	NE
26-0015	Unnamed	2	128	41	W	NE
26-0016	Peterson	Various	128	41	P	NE
26-0017	Unnamed	5	128	41	P	NE
26-0018	Unnamed	8	128	41	W	CNE
26-0020	Thompson	Various	128	41	P	NE
26-0021	Unnamed	12	128	41	P	NE
26-0022	Unnamed	13	128	41	P	NE
26-0024	Ellingson	Various	128	41	P	NE
26-0025	Hjermenrud	Various	128	41	P	NE
26-0026	Torstenson	Various	128	41	P	NE
26-0027	Round	Various	128	41	P	NE
26-0029	Unnamed	Various	128	41	P	NE
26-0030	Turtle	Various	128	41	P	NE
26-0031	Round	Various	128	41	P	NE
26-0032	Spring	Various	128	41	P	NE
26-0033	Retzlaff	Various	128	41	P	NE
26-0034	Unnamed	22	128	41	W	CNE
26-0035	Unnamed	22	128	41	W	NE
26-0036	Unnamed	22	128	41	W	CNE
26-0038	Church	Various	128	41	P	NE
26-0039	Olson	Various	128	41	P	NE
26-0040	Elk	Various	128	41	P	RD
26-0042	Unnamed	29	128	41	P	NE
26-0043	Unnamed	Various	128	41	P	NE
26-0044	Pomme de Terre R.	30	128	41	P	NE
26-0045	Unnamed	33	128	41	W	NE
26-0046	Lower Elk	Various	128	41	P	NE
26-0047	Elk	Various	128	41	P	NE
26-0048	Lower Elk	Various	128,129	41	P	NE
26-0049	Unnamed	5	129	41	W	CNE
26-0050	Kenny	Various	129	41	P	NE
26-0051	Lee	Various	129	41	P	NE
26-0052	Unnamed	11	129	41	W	CNE



PWI ID	PWI NAME	SECTION	TWP.	RANGE	PW CLASS	SL CLASS
26-0053	Lee	Various	129	41	P	NE
26-0054	Unnamed	Various	129	41	P	NE
26-0055	Thorstad	17	129	41	P	NE
26-0056	Lee	19	129	41	P	NE
26-0058	Malmgren	Various	129	41	P	NE
26-0059	Unnamed	Various	129	41	W	CNE
26-0061	Unnamed	Various	129	41	W	CNE
26-0063	Unnamed	27	129	41	W	NE
26-0064	Erickson	Various	129	41	P	NE
26-0065	Unnamed	Various	129,130	41	P	NE
26-0066	Shady Grove	Various	129	41	P	NE
26-0067	Unnamed	1	130	41	W	CNE
26-0068	Unnamed	Various	130	41	W	NE
26-0069	Unnamed	2	130	41	W	CNE
26-0070	Unnamed	2	130	41	W	NE
26-0071	Unnamed	3	130	41	W	CNE
26-0072	Unnamed	Various	130	41	P	NE
26-0073	Larson	Various	130	41	W	CNE
26-0074	Unnamed	8	130	41	P	NE
26-0075	Mellay	Various	130	41	W	NE
26-0076	Little	Various	130	41	P	NE
26-0077	Melby	Various	130	41	P	NE
26-0078	Ask	Various	130	41	P	NE
26-0079	Slotsye	Various	130	41	W	NE
26-0080	Burns	Various	130	41	P	NE
26-0081	Unnamed	18	130	41	W	CNE
26-0082	Larson	19	130	41	P	NE
26-0083	Werson	20	130	41	W	CNE
26-0084	Unnamed	Various	130	41	P	NE
26-0085	Unnamed	Various	130	41	P	NE
26-0086	Anderson	Various	130	41	W	CNE
26-0087	Unnamed	Various	130	41	W	NE
26-0088	Sand	30	130	41	P	NE
26-0089	Unnamed	32	130	41	W	CNE
26-0091	Unnamed	SE 32	130	41	P	NE
26-0092	Unnamed	Various	130,131	41	W	NE
26-0093	Unnamed	Various	130,131	41	W	NE
26-0094	Unnamed	Various	127	41,42	W	NE
26-0095	Barrett	Various	128	41,42	P	GD
26-0095a	Barrett	Various	128	41,42	P	NE
26-0095b	Barrett	Various	128	41,42	P	NE
26-0096	Unnamed	Various	129	41,42	P	NE
26-0097	Pomme de Terre	Various	129,130	41,42	P	GD
26-0097a	Pomme de Terre	Various	129,130	41,42	P	NE
26-0097b	Pomme de Terre	Various	129,130	41,42	P	NE
26-0098	Unnamed	Various	130	41,42	W	CNE
26-0099	Unnamed	13	130	42	W	CNE
26-0101	Unnamed	Various	126,127	42	W	NE
26-0106	Unnamed	Various	127	42	W	NE
26-0108	Unnamed	22	127	42	W	NE
26-0109	Unnamed	22	127	42	W	NE
26-0110	Unnamed	Various	127	42	P	NE
26-0111	Patchen	Various	127	42	P	NE
26-0112	Unnamed	29	127	42	W	CNE
26-0113	Unnamed	Various	127	42	W	CNE
26-0114	Shauer	34	127	42	P	NE
26-0116	Unnamed	7	128	42	W	NE
26-0117	Cormorant	Various	128	42	P	NE

PWI ID	PWI NAME	SECTION	TWP.	RANGE	PW CLASS	SL CLASS
26-0118	Janstad	Various	128	42	P	NE
26-0119	Unnamed	11	128	42	P	NE
26-0120	Horseshoe	Various	128	42	P	NE
26-0121	Huset	Various	128	42	P	NE
26-0126	Unnamed	21	128	42	P	NE
26-0127	Unnamed	21	128	42	W	CNE
26-0133	Unnamed	Various	128	42	P	NE
26-0135	Unnamed	31	128	42	P	NE
26-0136	Eide	Various	128,129	42	W	NE
26-0137	Unnamed	1	129	42	P	NE
26-0140	Elbow	Various	129	42	P	NE
26-0141	Trisko	7	129	42	W	NE
26-0142	Flekkefjord	Various	129	42	P	GD
26-0146	Unnamed	17	129	42	P	NE
26-0147	Island	Various	129	42	P	NE
26-0148	Long	Various	129	42	P	NE
26-0149	Round	Various	129	42	P	NE
26-0152	Unnamed	1	130	42	W	NE
26-0153	Briggs	Various	130	42	P	NE
26-0154	Hagen	2	130	42	W	NE
26-0155	Unnamed	3	130	42	P	NE
26-0158	Unnamed	8	130	42	W	CNE
26-0159	Four Mile	Various	130	42	P	NE
26-0160	Field	Various	130	42	P	NE
26-0161	Unnamed	10	130	42	W	NE
26-0162	Duck	Various	130	42	P	NE
26-0163	Unnamed	Various	130	42	P	NE
26-0164	Unnamed	11	130	42	P	NE
26-0165	Unnamed	11	130	42	P	NE
26-0166	Horseshoe	Various	130	42	W	NE
26-0167	Mill Pond	Various	130	42	P	NE
26-0168	Unnamed	15	130	42	P	NE
26-0169	Unnamed	Various	130	42	W	NE
26-0170	Unnamed	17	130	42	W	NE
26-0174	Scotts	Various	130	42	P	NE
26-0175	Unnamed	27	130	42	W	CNE
26-0177	Unnamed	29	130	42	W	CNE
26-0178	Woessner	Various	130	42	W	NE
26-0179	Skunk	34	130	42	W	NE
26-0180	Unnamed	35	130	42	P	NE
26-0181	Unnamed	Various	126,127	42	W	NE
26-0182	Jones	Various	128	42,43	P	NE
26-0183	Unnamed	6	129	42	P	NE
26-0184	Unnamed	Various	130	42,43	P	NE
26-0185	Cottonwood	Various	126,127	43	P	NE
26-0186	Burr	2	128	43	P	NE
26-0187	Unnamed	Various	127	43	W	NE
26-0188	Unnamed	Various	127	43	P	NE
26-0191	Unnamed	Various	127	43	P	NE
26-0194	Big	Various	127	43	P	NE
26-0195	Johnson	11	127	43	P	NE
26-0197	Unnamed	13	127	43	W	NE
26-0198	Unnamed	14	127	43	W	NE
26-0199	Unnamed	Various	127	43	P	NE
26-0200	Unnamed	Various	127	43	W	NE
26-0201	Unnamed	17	127	43	P	NE
26-0202	Slough	Various	127	43	P	NE
26-0203	Nelson	19	127	43	P	NE

PWI ID	PWI NAME	SECTION	TWP.	RANGE	PW CLASS	SL CLASS
26-0204	Graham	Various	127	43	P	NE
26-0205	Unnamed	Various	127	43	P	NE
26-0206	Keitzman Slough	Various	127	43	P	NE
26-0207	Doughty	20	127	43	P	NE
26-0208	Ohlsrud	Various	127	43	P	NE
26-0209	Werk Slough	25	127	43	P	NE
26-0210	Unnamed	Various	127	43	W	NE
26-0212	Unnamed	Various	127	43	W	NE
26-0213	East Neimakl	Various	127	43	P	NE
26-0214	West Neimakl	Various	127	43	P	NE
26-0215	Unnamed	Various	127	43	P	NE
26-0216	Barrows	Various	127	43	P	NE
26-0217	Unnamed	33	127	43	P	NE
26-0218	Unnamed	Various	127	43	P	NE
26-0219	Unnamed	36	127	43	P	NE
26-0220	Unnamed	Various	127,128	43	W	NE
26-0223	Bailey Slough	6	128	43	P	NE
26-0224	Unnamed	7	128	43	P	NE
26-0225	Unnamed	8	128	43	W	NE
26-0227	Unnamed	Various	128	43	P	NE
26-0228	Hodgson	10	128	43	P	NE
26-0235	Mustinka River	Various	128	43	P	NE
26-0237	Prescott	Various	128	43	P	NE
26-0238	Moses	Various	128	43	P	NE
26-0241	Unnamed	23	128	43	W	CNE
26-0242	Unnamed	24	128	43	P	NE
26-0243	Unnamed	Various	128	43	P	NE
26-0244	Hibrooten	25	128	43	P	NE
26-0245	Schram	27	128	43	W	NE
26-0246	Unnamed	Various	128	43	P	NE
26-0247	Unnamed	Various	128	43	W	NE
26-0248	Rhimey	33	128	43	P	NE
26-0255	Unnamed	NW 12	129	43	W	CNE
26-0259	Unnamed	Various	129,130	43	W	NE
26-0260	Unnamed	1	130	43	W	CNE
26-0262	Unnamed	Various	130	43	W	CNE
26-0264	Stony	Various	130	43	P	NE
26-0265	Pletan	Various	130	43	P	NE
26-0267	Unnamed	6	130	43	P	NE
26-0268	Unnamed	6	130	43	P	NE
26-0271	Unnamed	8	130	43	W	CNE
26-0272	Unnamed	8	130	43	P	NE
26-0273	Unnamed	9	130	43	W	NE
26-0274	Unnamed	9	130	43	W	CNE
26-0275	Elling	10	130	43	P	NE
26-0276	Unnamed	13	130	43	W	NE
26-0277	Unnamed	14	130	43	P	NE
26-0278	Unnamed	14	130	43	W	NE
26-0279	Foss	Various	130	43	P	NE
26-0280	Engralson	14	130	43	P	NE
26-0281	Unnamed	15	130	43	W	CNE
26-0282*	Lightning	Various	130	43	P	RD
26-0282a	Lightning	Various	130	43	P	NE
26-0283	Unnamed	Various	130	43	W	CNE
26-0284	Unnamed	Various	130	43	W	CNE
26-0286	Engralson	22	130	43	W	NE
26-0287	Unnamed	24	130	43	P	NE
26-0290	Unnamed	Various	129,130	43	P	NE

PWI ID	PWI NAME	SECTION	TWP.	RANGE	PW CLASS	SL CLASS
26-0291	Unnamed	Various	130,131	43	W	NE
26-0292	Unnamed	Various	130,131	43	W	CNE
26-0294	Ash	Various	130	43,44	P	NE
26-0295	Unnamed	Various	126,127	44	P	NE
26-0297	Unnamed	Various	127	44	W	NE
26-0298	Pullman	Various	127	44	P	NE
26-0299	Unnamed	Various	127	44	P	NE
26-0300	Unnamed	35	127	44	P	NE
26-0303	Unnamed	Various	130	44	P	NE
26-0304	Unnamed	Various	130	44	P	NE
26-0305	Stony	12	130	44	P	NE
26-0306	Unnamed	Various	130	44	P	NE
26-0307	Mud	Various	129,130	44	P	NE
26-0308	Schmall Marsh	9	129	41	P	NE
26-0310	Unnamed	13	129	41	W	CNE
26-0312	Swift	Various	130	43	W	NE
26-0313	Unnamed	Various	128	43	P	NE
26-0314	Unnamed	Various	127	41	W	NE
26-0316	Unnamed	14	129	42	W	CNE
26-0320	Unnamed	23	129	42	W	CNE
26-0321	Unnamed	Various	129	42	W	CNE
26-0323	Unnamed	Various	128	42	W	CNE
26-0325	Unnamed	24	128	42	W	CNE
26-0326	Unnamed	Various	128	42	W	CNE
26-0327	Unnamed	3	130	42	W	CNE
26-0328	Unnamed	Various	130	42	W	CNE
26-0329	Unnamed	5	130	42	W	CNE
26-0330	Unnamed	13	130	42	W	CNE
26-0331	Unnamed	13	130	42	W	CNE
26-0332	Unnamed	34	130	42	W	CNE
26-0333	Unnamed	2	128	41	W	CNE
26-0334	Unnamed	Various	128	41	W	NE
26-0336	Unnamed	Various	128	41	P	NE
26-0337	Unnamed	27	128	41	W	CNE
26-0339	Unnamed	NW 14	127	43	W	CNE
26-0340	Unnamed	17	127	43	W	CNE
26-0341	Unnamed	21	127	43	W	CNE
26-0342	Unnamed	24	127	43	W	CNE
26-0343	Unnamed	Various	127	43	P	NE
26-0344	Unnamed	29	127	43	W	NE
26-0346	Unnamed	Various	127	43	W	CNE
26-0347	Unnamed	Various	127	43	P	NE
26-0348	Unnamed	1	130	43	P	NE
26-0349	Unnamed	6	130	43	P	NE
26-0350	Unnamed	Various	130	43	P	NE
26-0351	Unnamed	Various	130	43	W	CNE
26-0352	Unnamed	10	130	43	W	CNE
26-0353	Unnamed	Various	130	43	P	NE
26-0356	Unnamed	Various	130	43	W	CNE
26-0357	Unnamed	30	130	43	W	CNE
26-0358	Unnamed	1	130	44	P	NE
26-0359	Unnamed	2	130	44	W	CNE
26-0360	Unnamed	3	130	44	W	CNE
26-0361	Unnamed	Various	130	44	P	NE
26-0362	Unnamed	Various	130	44	P	NE
26-0365	Unnamed	NW 30	130	41	W	NE
26-0366	Unnamed	30	130	41	W	CNE
26-0367	Unnamed	36	130	41	P	NE

PWI ID	PWI NAME	SECTION	TWP.	RANGE	PW CLASS	SL CLASS
26-0373	Unnamed	Various	127	41	P	NE
26-0374	Unnamed	11	127	41	W	CNE
26-0375	Unnamed	22	127	41	W	CNE
26-0376	Unnamed	10	127	42	W	CNE
26-0377	Unnamed	Various	127	42	P	NE
26-0378	Unnamed	Various	127	42	W	CNE
26-0379	Unnamed	11	128	43	P	NE
26-0380	Unnamed	Various	128	43	W	CNE
26-0381	Unnamed	24	128	43	W	CNE
26-0382	Unnamed	Various	128	43	P	NE
26-0383	Unnamed	Various	128	43	P	NE
26-0388	Unnamed	35	128	43	W	CNE
26-0389	Unnamed	Various	128	43	W	CNE
26-0390	Unnamed	36	128	43	W	CNE
26-0392	Unnamed	15	127	44	P	NE
26-0393	Unnamed	Various	127	44	W	NE
26-0394	Unnamed	NW 9	129	43	W	CNE
26-0395	Unnamed	19	129	43	P	NE
26-0396	Unnamed	36	129	43	W	CNE
26-0397	Unnamed	3	129	41	W	CNE
26-0398	Unnamed	Various	129	41	P	NE
26-0399	Unnamed	Various	129	41	P	NE
26-0401	Unnamed	17	129	41	W	CNE
26-0402	Unnamed	Various	129	41	P	NE
26-0403	Unnamed	19	129	41	P	NE
26-0404	Unnamed	Various	129	41	P	NE
26-0405	Unnamed	35	129	41	W	CNE
26-0406	Unnamed	36	129	41	W	NE
26-0407	Unnamed	36	128	42	P	NE
26-0408	Unnamed	Various	128	42	P	NE
26-0409	Unnamed	11	127	43	W	NE
26-0410	Unnamed	16	127	43	W	NE
56-0389	Unnamed	Various	130,131	41	W	NE
75-0164	Silver	Various	126,127	42	P	NE
75-0246	Unnamed	Various	126,127	43	W	CNE

### vii. Grant County Protected Watercourses

Name	Section (From)	Township	Range	Section (To)	Township	Range
Chippewa River (CR)	1	128	41	36	127	41
Unnamed to CR	35	127	41	36	127	41
Pomme de Terre River (PDTR)	2	130	42	31	127	41
Pelican Creek (PC)	4	130	41	12	130	42
Unnamed to PC	13(basin 21-375)	130	41	16	130	41
Unnamed to PdT Lake	35	130	41	7(basin 97)	129	41
Unnamed to Unnamed	21	129	41	8	129	41
Unnamed to Barrett Lake	34	129	41	6(basin 95)	128	41
Unnamed to PdT River	16	127	41	29	127	41
Unnamed to PdT River	14	127	42	30	127	41
Unnamed to PdT River	28	127	41	32	127	41
Mustinka River (MR)	3	130	43	19	128	44
Unnamed to MR	1(basin 260)	130	43	3	130	43
Unnamed to MR	4	130	43	10	130	43
Unnamed to MR	11	130	43	10	130	43
Unnamed tributary	13	129	43	11(basin 290)	129	43
Unnamed to MR	15	129	42	11	128	43

<u>Name</u>	<u>Section (From)</u>	<u>Township</u>	<u>Range</u>	<u>Section (To)</u>	<u>Township</u>	<u>Range</u>
Unnamed to Unnamed	33(basin 136)	129	42	32	129	42
Unnamed to Unnamed	16	129	42	29	129	42
Unnamed to MR	31	128	42	26	128	43
Five Mile Creek (FMC)	23(basin 299)	127	44	19	127	44
Unnamed to CD #8	24	127	43	24(basin 298)	127	44
Unnamed tributary	34	127	43	26(basin 343)	127	43
Unnamed to FMC	31	127	43	27	127	44
Unnamed tributary	1	130	44	21	130	44