

LAND USE CONTROLS ORDINANCE

Pope County, Minnesota

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

SECTION 1. GENERAL PROVISIONS

1.1 TITLE:

This Ordinance, from the date of its passage, shall be known as the LAND USE CONTROLS ORDINANCE, Pope County, Minnesota.

1.2 PURPOSE:

The purpose of this ordinance is to regulate the use and development of the unincorporated areas of Pope County, and in furtherance of the following described policy: The unplanned and unguided use and development of the unincorporated areas of Pope County and the uncontrolled use of shorelands of Pope County, Minnesota, each affect the public health, safety and general welfare by fostering conflicts resulting from incompatible uses, by contributing to pollution of public waters, and by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise use and development of all land situated in the unincorporated areas of the county including all shorelands of public waters. The Legislature of Minnesota has delegated responsibility to the counties of the state to regulate the subdivision, use and development of the shorelands of public waters located in unincorporated areas and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. The Legislature has also authorized the county to engage in land use planning activities and to adopt official controls over the use of her lands as needed to promote the general health, safety and welfare of her citizens. These responsibilities are hereby recognized by Pope County, Minnesota.

1.3 LEGAL AUTHORITY:

This land use controls ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Rules, Parts 6120.2500-6120.3900, Minnesota Rules Chapter 7020, Minnesota Statutes (1997) Section 116.07 Subdivision 7, the public health nuisance abatement authority found in Minnesota Statutes (1998) Section 145A.05, and the planning and zoning enabling legislation in Minnesota Statutes (1998), Chapter 394.

1.4 COMPLIANCE:

The use of all land situated within the unincorporated areas of this county; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; the subdivision of land; and all other uses of land regulated by this ordinance shall be in full compliance with the terms of this ordinance, any permit issued pursuant to this ordinance, and other applicable regulations. It shall be equally the duty of the landowner and the contractor to make certain that proper permits as required by this ordinance are obtained and that construction and related activity takes place in compliance with the permit as issued.

1.5 JURISDICTION:

The jurisdiction of this Ordinance shall apply to all land in Pope County, except land located within any city, including a city operating under a home rule charter. The jurisdiction of this Ordinance, or parts thereof, may extend into the boundaries of any city or city operating under a home rule charter if the city or city operating under a home rule charter chooses to come under the jurisdiction of this Ordinance.

SECTION 2. RULES OF INTERPRETATION & DEFINITIONS

2.1 RULES OF INTERPRETATION:

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- 2.1.1** The word “shall” is mandatory, and not discretionary; the word “may” is permissive.
- 2.1.2** The word “person” includes a firm, an association, organization, partnership, trust, company, corporation or individual.
- 2.1.3** Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular.
- 2.1.4** Words shall be given their common usage if not defined.

2.2 DEFINITIONS

(1) **Abandoned Vehicle:** "Abandoned Vehicle" means a motor vehicle that:

- a. has remained illegally:
 - i. for a period of more than 48 hours on any property owned or controlled by any unit government, or more than four hours on that property when it is properly posted; or
 - ii. on private property for more than 48 hours without the consent of the person in control of the property; and
 - iii. lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

"Abandoned Vehicle" does not include:

- a. Vehicles which are registered as or which qualify for registration as classic car or pioneer car, as defined in Minnesota Statutes Section 168.10;
- b. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes Section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations.
- c. Vehicles being held for storage by agreement or being held under police authority or pursuant to a writ or court; or
- d. Unregistered vehicles which are being modified or have been modified for competitive use in stock car races.

(2) **Access Lot:** a parcel of land that provides access to public waters.

(3) **Accessory On-Farm Enterprise (AOFE):** an activity that is accessory to an agricultural farm and comprises one or both of the following:

- a. The storage, preparation, processing and sale of agricultural products, provided that more than 50 percent of the total annual sales are from agricultural products that are principally produced on the farm at which the business is located.

- b. Agritourism that features agricultural practices or agricultural products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring agricultural products, and classes or exhibits in the preparation, processing, or harvesting of agricultural products. “Farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or agricultural products, or both. A farm stay includes the option for guests to participate in such activities. *(AS AMENDED 19 April 2022)*
- (4) **Accessory structure:** a structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. *(AS AMENDED 19 April 2022)*
- (5) **Accessory use:** a use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located. *(AS AMENDED 19 April 2022)*
- (6) **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word “Administrator” as it appears in this ordinance means the Director of the Pope County Land & Resource Management department. *(AS AMENDED 6 April 2021)*
- (7) **Adult Oriented Use:** any commercial use of real estate to sell, support, create, promote, disseminate, or provide access to sexually explicit or obscene materials or exhibitions. For the purposes of this ordinance, sexually explicit or obscene materials or exhibitions shall include any and all activities which support, promote, or knowingly provide access to live performances involving nudity or partial nudity; graphic live performances simulating sexual activity; auditory messages, whether live or recorded, describing specific sex acts or simulating the auditory environment of sexual intercourse; graphic images of persons engaged in or simulating sex acts including but not limited to masturbation and acts of sexual penetration; and any other obscene material. “Graphic images” shall without limitation include any and all visual media whether reproduced by means of drawing, printing, photographic film, video tape, or electronic or digital imaging. As used in this definition, “sexually explicit materials” shall not include materials, images, access made available through hospitals, clinics, schools, or churches for educational purposes or for treatment of physical, emotional, or psychological needs of patients. It shall also not include materials or images displayed or access secured within a private residence without remuneration or to providers of telephone or cellular service, Internet access, or cable or digital television facilities which relay or transport an electronic or digital signal originating outside of the county.
- (8) **Agent:** a person authorized in writing by the property owner to represent and act for a property owner in contact with town or county employees, committees, commissions, and the council, regarding matters regulated by this title. *(AS AMENDED 19 April 2022)*
- (9) **Agricultural accessory structure:** a structure for sheltering or confining animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, noncommercial greenhouses, coops, corrals, and pens. Does not include pasture fencing. *(AS AMENDED 19 April 2022)*
- (10) **Agricultural farm:** a farm where the principal occupation of its residents is farming. A farm demonstrating a average gross annual sales exceeding \$50,000 over the three preceding years shall be deemed an agricultural farm without regard to the amount or source of off farm income. A farm having an average gross annual sale of less than \$50,000 over the three preceding years shall not be considered an agricultural farm unless it is demonstrated that the income from the farm constitutes more than 50% of the combined household income of all persons residing on the farm.
- (11) **Agricultural land:** contiguous acres used during the preceding year for agricultural purposes. *(AS AMENDED 19 April 2022)*

- (12) **Agricultural purposes:** the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. *(AS AMENDED 19 April 2022)*
- (13) **Agricultural products:** as defined in Minnesota Statute 273.13, Subdivision 23 or subsequent legislation, includes the production for sale of:
- a. livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apriary products by the owner;
 - b. aquacultural products for sale and consumption, as defined under Minnesota Statutes Chapter 17 §17.47, if the aquaculture occurs on land zoned for agricultural use;
 - c. the commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products as defined in (a);
 - d. property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;
 - e. game birds and waterfowl bred and raised (i) on a game farm licensed under Minnesota Statutes Chapter 97A §97A.105, provided that the annual licensing report to the Department of Natural Resources, which must be submitted annually by March 30 to the assessor, indicates that at least 500 birds were raised or used for breeding stock on the property during the preceding year and that the owner provides a copy of the owner's most recent schedule F; or (ii) for use on a shooting preserve licensed under Minnesota Statutes Chapter 97A §97A.115;
 - f. insects primarily bred to be used as food for animals;
 - g. trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and
 - h. maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under Minnesota Statutes Chapter 28A as a food processor. *(AS AMENDED 19 April 2022)*
- (14) **Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, silviculture, aquaculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. *(AS AMENDED 6 April 2021)*
- (15) **Agritourism:** Any activity carried out on a farm or ranch (ancillary to the primary farm or ranch use) that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: agriculture; horticulture; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity. *(AS AMENDED 6 April 2021)*

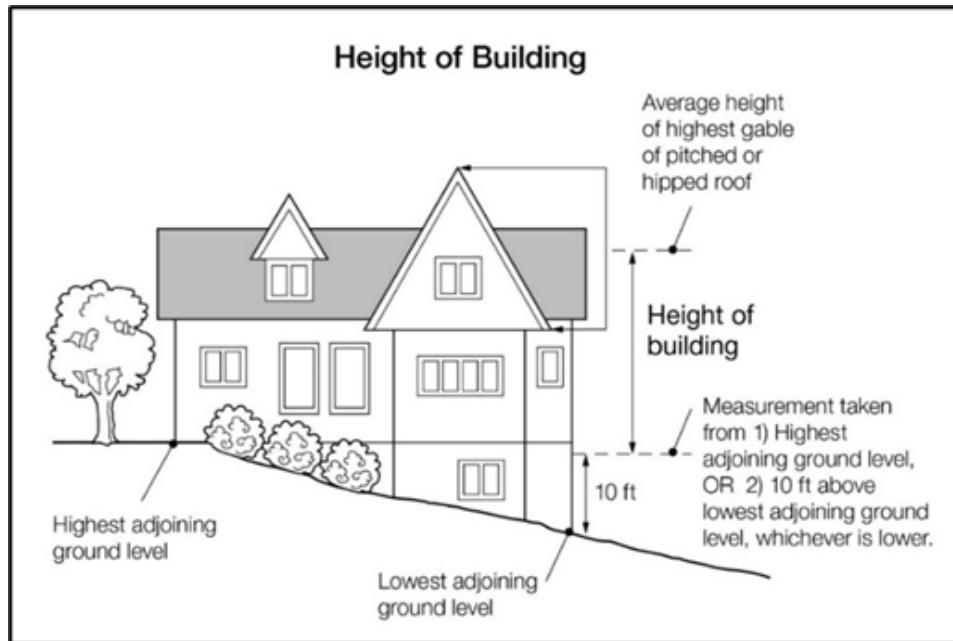
- (16) **Animal feedlot:** “Animal feedlot” means a lot, building or combination of lots and buildings owned or controlled by a single entity or by multiple entities with a common purpose and intended for the confined feeding, breeding, raising, or holding of birds, animals, or fish and specifically 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 animal feedlots. Pastures and supplemental feeding areas shall not be considered animal feedlots under these parts. An established animal feedlot is not “unused” for the purposes of this ordinance until the feedlot has not been used for the production of livestock for a period of five years.
- (17) **Animal Unit:** Animal Unit shall have the meaning given to that term or to any successor unit used as a uniform measure of animal population established in Minnesota Rules Chapter 7020 as amended from time to time.
- (18) **Antenna:** any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- (19) **Assembly:** any gathering of 600 or more individuals for a specific period of time at any specified location at any time for the specified purpose. Examples include, but are not limited to, music, racing, political, promotional, or social entertainment or other similar types of activities.
- (20) **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, Part 6120.5000. *(AS AMENDED 6 April 2021)*
- (21) **Bluff:** a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
- Part or the entire feature is located in a shoreland area;
 - The slope rises at least 25 feet above the ordinary high water level of the waterbody;
 - The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
 - The slope must drain toward the waterbody.
- (22) **Bluff impact zone:** a bluff and land located within 20 feet from the top of a bluff.
- (23) **Board:** refers to the Pope County Board of Commissioners.
- (24) **Building line:** a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- (25) **Campground:** *(AS AMENDED 3 July 2007)* 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. Campground sites must remain in common ownership and can not be individually sold.
- (26) **Cartway:** A land access road, generally two rods in width, established by specific action of a town board to provide access to otherwise land-locked property.
- (27) **Certificate of survey:** An official document prepared and signed by a professional land surveyor which depicts property dimensions and may include the location of improvements on the property and their distances to property lines, easements, rights-of-way, or other features on the property. *(AS AMENDED 6 April 2021)*

- (28)**Change of use:** the replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged. *(AS AMENDED 19 April 2022)*
- (29)**Clustering or clustered:** 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 visualization of permanently preserved open space.
- (30)**Commercial use:** the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services, excepting Vacation Home Rental use from this definition. *(AS AMENDED 7 July 2020)*
- (31)**Commercial Wireless Telecommunication Services:** licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.
- (32)**Common Interest Community:** A common interest community shall have the meaning given in Minnesota Statutes, chapter 515B; or successor statutes. *(AS AMENDED 6 April 2021)*
- (33)**Common open space:** a portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of 25 feet around each structure or any impervious surface.
- (34)**Conditional Use:** a use which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after public hearing provided certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. A Conditional Use permit may be denied if proposed use is deemed incompatible with other permitted uses of the district.
- (35)**Condominium:** a common interest community in which portions of the real estate are designed as units and the remainder of the real estate are designed as units and the remainder of the real estate is designed for common ownership solely by owners of the units. In addition, undivided in the common elements are vested in the unit's owners.
- (36)**Construction:** any activity that directly alters the environment, including land preparation or facilities fabrication, excluding surveying or mapping. *(AS AMENDED 19 April 2022)*
- (37)**Controlled Access:** a parcel of lakeshore that is used by more than one party of back lot owners or other persons for access to lake.
- (38)**Conservation subdivision:** 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 roadways versus cul-de-sacs, maximum road setback 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 surface, rain gardens, and swales.

- (39)**Convenience store:** a retail store of three thousand five hundred square feet or less in gross floor area, which carries a range of merchandise oriented to convenience and/or travelers' shopping needs. *(AS AMENDED 19 April 2022)*
- (40)**Conventional subdivision:** 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 regards for natural features or common open space as compared to a conservation subdivision where lots are clustered and common opens space is provided.
- (41)**Cooperative:** a common interest community in which the real estate is owned by an association each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.
- (42)**Deck:** a horizontal, unenclosed structure 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 one foot above ground.
- (43)**Development:** any construction activity or alteration of the landscape, its terrain contour or vegetation, the erection or alteration of structures, including any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this ordinance or an amendment to thereof. *(AS AMENDED 19 April 2022)*
- (44)**Disabled:** any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such an impairment or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Fair Housing Act, unless they have a separate disability. *(AS AMENDED 19 April 2022)*
- (45)**Duplex, triplex, and quad:** "Duplex," "triplex" and "quad" means a dwelling structure on a single lot, having two, three and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- (46)**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. *(AS AMENDED 6 April 2021)*
- (47)**Essential Services:** underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems - including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings or structures as defined herein.
- (48)**"Expansion," "enlargement," or "intensification":** any increase in a dimensional size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the existing use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant to Pope County. *(AS AMENDED 19 April 2022)*
- (49)**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 Statute, Sections 93.44 to 93.51. *(AS AMENDED 19 June 2018)*
- (50)**Flood Fringe:** The portion of the one-percent annual chance floodplain located outside of the floodway. *(AS AMENDED 6 April 2021)*

- (51) **Floodplain:** The beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood. *(AS AMENDED 6 April 2021)*
- (52) **Floodway:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge. *(AS AMENDED 6 April 2021)*
- (53) **Gravel mining site:** any site where the ground cover and top soil has been or are proposed to be removed and where any of the following activities are occurring or will occur: removal, crushing, washing, refining, borrowing, or processing. An “active” gravel-mining site is a site where any combination of the above-identified activities resulted in the handling of more than 500 yards of material within the preceding calendar year.
- (54) **Guest cottage:** 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. *(AS AMENDED 6 April 2021)*
- (55) **Guest quarter:** An area of an accessory structure that contains sleeping space and is not the primary use of the structure. *(AS AMENDED 6 April 2021)*
- (56) **Habitable space:** space within a dwelling unit for living, sleeping, eating, or cooking. *(AS AMENDED 19 April 2022)*
- (57) **Hardship:** the property cannot be put to a reasonable use if used under the circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
- (58) **Hazardous Material:** any material in solid, semi-solid, liquid, or combined gaseous form which, because of its quantity, concentration, chemical, physical, or infectious characteristics may:
- a. cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or
 - b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (59) **Hazardous waste:** The term "Hazardous Waste" shall have the meaning given under Minnesota Rules, Pt. 7045.0214 and 7045.0135.

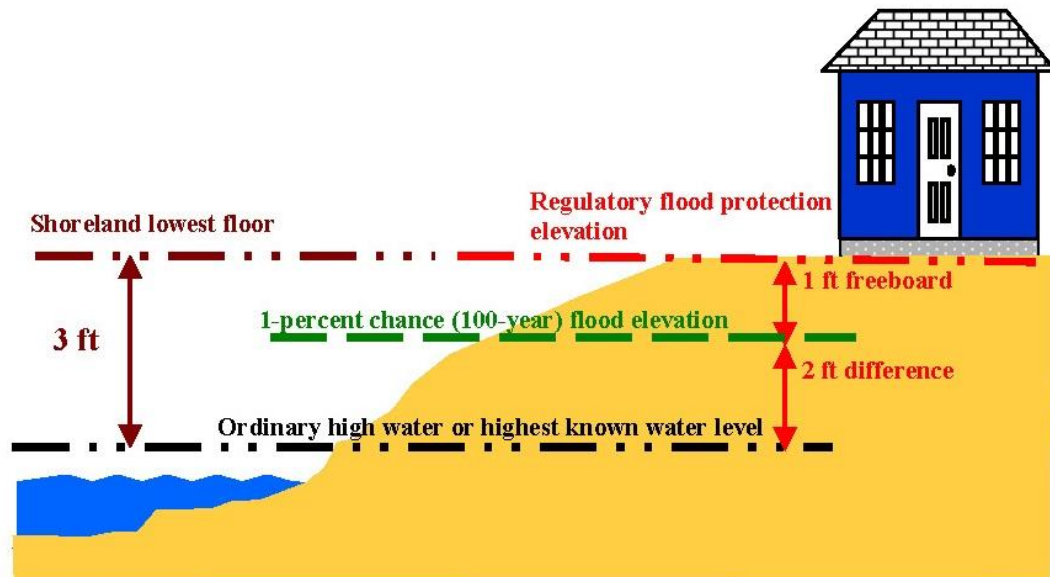
- (60) **Height of Structure:** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or a average height of the highest gable of a pitched or hipped roof. *(AS AMENDED 6 April 2021)*



- (61) **Home occupation:** includes any use customarily conducted entirely within a building and carried on by the inhabitants therein, which use is clearly incidental and secondary to the use of the property.
- (62) **Impervious surface:** a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, prepared road aggregate or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.
- (63) **Industrial:** Any activity engaged in the manufacturing, processing, and production, cleaning treatment, servicing, testing, repair or storage of goods or products.
- (64) **Intensive vegetation clearing:** the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (65) **Interim Use:** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. *(AS AMENDED 6 April 2021)*
- (66) **Junk Vehicle:** "Junk Vehicle" means a vehicle that:
- is three years old or older;
 - is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;
 - is apparently inoperable;
 - does not have a valid, current registration plate; and
 - has an approximate fair market value equal only to the approximate value of the scrap in it.

"Junk Vehicle" does not include:

- a. Vehicles which are registered as or which qualify for registration as classic car or pioneer car, as defined in Minnesota Statutes Section 168.10.
 - b. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes Section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations.
 - c. Vehicles being held for storage by agreement or being held under police authority or pursuant to a writ or court order.
 - d. Unregistered vehicles which are being modified or have been modified for competitive use in stock car races. As applied to inoperable vehicles, this exclusion is limited to a total of 30 days of outside storage per inoperable vehicle.
- (67) **Kennel, animal boarding:** a commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. *(AS AMENDED 19 April 2022)*
- (68) **Land use permit:** authority granted by Pope County to use a specified site for a particular purpose. *(AS AMENDED 19 April 2022)*
- (69) **Lot:** A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership. *(AS AMENDED 6 April 2021)*
- (70) **Lot width:** the shortest distance between lot lines measured at the midpoint of the building line.
- (71) **Lowest floor:** The lowest floor of the lowest enclosed area, including basement and crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3. *(AS AMENDED 6 April 2021)*



- (72)**Manufactured home:** any structure built for human dwelling which is designed such that it is movable by transporting on its own wheels, on a flatbed, or on other trailers, excluding recreational camping vehicles as defined herein. Any manufactured home must meet Minnesota safety standards to be allowed for residential use.
- (73)**Manufactured home park:** any site, lot, field, or tract of land upon which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such manufactured home park.
- (74)**Manufacturing/processing—heavy:** a facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following:
- a. **Chemical product manufacturing:** an establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
 - b. **Concrete, gypsum, and plaster product manufacturing:** an establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under building and landscape materials sales.
 - c. **Glass product manufacturing:** an establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under (manufacturing—light—handcraft industries and small-scale manufacturing).
 - d. **Paving and roofing materials manufacturing:** the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) (lumber and wood product manufacturing).
 - e. **Petroleum refining and related industries:** industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations (public utility facilities), or petroleum product distributors (petroleum product storage and distribution).

- f. **Plastics, other synthetics, and rubber product manufacturing:** the manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (vehicle services—major repair/body work).
- g. **Primary metal industries:** an establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
- h. **Pulp and pulp product manufacturing:** an establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (manufacturing—light—paper product manufacturing).
- i. **Textile and leather product manufacturing:** an establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (manufacturing—light—clothing and fabric product manufacturing), and industries that transform hides into leather by tanning or curing. Includes:
- i. Coating, waterproofing, or otherwise treating fabric
 - ii. Dressed and dyed furs
 - iii. Dyeing and finishing fiber, yarn, fabric, and knit apparel
 - iv. Leather-tanned, curried, and finished
 - v. Manufacture of knit apparel and other finished products from yarn
 - vi. Manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles
 - vii. Manufacturing of woven fabric, carpets, and rugs from yarn
 - viii. Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
 - ix. Scouring and combing plants
 - x. Upholstery manufacturing
 - xi. Yarn and thread mills (*AS AMENDED 19 April 2022*)
- (75) **Manufacturing/processing—intensive:** a facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under **manufacturing—light**, but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of intensive manufacturing uses include the following:
- a. **Lumber and wood product manufacturing:** manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
- i. Containers, pallets and skids
 - ii. Manufactured and modular homes
 - iii. Matches (wood)
 - iv. Milling operations

- v. Trusses and structural beams
- vi. Turning and shaping of wood products
- vii. Wholesaling of basic wood products
- viii. Wood product assembly

Does not include craft-type shops (handcraft industries and small-scale manufacturing); other wood and cabinet shops (furniture and fixture manufacturing, cabinet shops); or the entirely indoor retail sale of building materials, construction tools and equipment (building and landscape materials sales).

- b. **Machinery manufacturing:** an establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances (electronics, equipment, and appliance manufacturing).
 - c. **Metal products fabrication, machine and welding shops:** an establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
 - i. Blacksmith and welding shops
 - ii. Plating, stripping, and coating shops
 - iii. Sheet metal shops
 - iv. Machine shops and boiler shops
 - d. **Motor vehicles and transportation equipment:** manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for a attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under lumber and wood products).
 - e. **Stone and cut stone product manufacturing:** an establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (handcraft industries, small-scale manufacturing).
 - f. **Structural clay and pottery product manufacturing:** an establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses. *(AS AMENDED 19 April 2022)*
- (76)**Manufacturing/processing—light:** a facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following:
- a. **Clothing and fabric product manufacturing:** an establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see personal services). See also, manufacturing—heavy—textile and leather product manufacturing.
 - b. **Electronics, equipment, and appliance manufacturing:** an establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- i. Appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- ii. Aviation instruments
- iii. Computers, computer components, peripherals
- iv. Electrical transmission and distribution equipment
- v. Electronic components and accessories, semiconductors, integrated circuits, related devices
- vi. Electrical welding apparatus
- vii. Lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- viii. Industrial controls
- ix. Instruments for measurement, testing, analysis and control, associated sensors and accessories
- x. Miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- xi. Motors and generators
- xii. Optical instruments and lenses
- xiii. Photographic equipment and supplies
- xiv. Radio and television receiving equipment
- xv. Surgical, medical and dental instruments, equipment, and supplies
- xvi. Storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- xvii. Surveying and drafting instruments
- xviii. Telephone and telegraph apparatus
- xix. Transformers, switch gear and switchboards
- xx. Watches and clocks

Does not include testing laboratories (soils, materials testing, etc.), or research and development facilities separate from manufacturing.

- c. **Food and beverage product manufacturing:** manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- i. Bottling plants
- ii. Breweries
- iii. Candy, sugar and confectionery products manufacturing
- iv. Catering services separate from stores or restaurants
- v. Coffee roasting
- vi. Dairy products manufacturing
- vii. Fats and oil product manufacturing
- viii. Fruit and vegetable canning, preserving, related processing
- ix. Grain mill products and by-products
- x. Meat, poultry, and seafood canning, curing, by-product processing
- xi. Soft drink production
- xii. Miscellaneous food item preparation from raw products

Does not include: bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant.

- d. **Handcraft industries, small-scale manufacturing:** establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
- e. **Paper product manufacturing:** an establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see manufacturing—heavy—pulp and pulp product manufacturing). (*AS AMENDED 19 April 2022*)
- (77)**Motor vehicle:** every vehicle which is self-propelled.
- (78)**Motor vehicle salvage facility:** the storage of four or more motor vehicles, of the type requiring licensing by the State of Minnesota, by persons on private property within unincorporated areas of the county for the purpose of dismantling and disposition of parts and salvage material.
- (79)**Negative declaration:** a written statement by the RGU that a proposed project does not require the preparation of an EIS. (*AS AMENDED 19 April 2022*)
- (80)**New animal feedlot:** an animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.
- (81)**Non-conforming use:** any 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 a conforming use.
- (82)**Office:** this title distinguishes between the following types of offices. These do not include medical offices.
- a. **Accessory:** office facilities that are incidental and accessory to another business or sales activity that is the primary use.
 - b. **Business/service:** establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, etc. This use does not include bank, financial services, which are separately defined.
 - c. **Government:** administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities.
 - d. **Professional (office):** office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:
 - i. Accounting, auditing and bookkeeping services
 - ii. Advertising agencies
 - iii. Attorneys
 - iv. Commercial art and design services
 - v. Construction contractors (office facilities only)
 - vi. Counseling services
 - vii. Court reporting services
 - viii. Detective agencies and similar services
 - ix. Design services including architecture, engineering, landscape architecture, urban planning
 - x. Educational, scientific and research organizations
 - xi. Financial management and investment counseling
 - xii. Literary and talent agencies

- xiii. Management and public relations services
- xiv. Media post-production services
- xv. News services
- xvi. Photographers and photography studios
- xvii. Psychologists
- xviii. Secretarial, stenographic, word processing, and temporary clerical employee services
- xix. Security and commodity brokers
- xx. Writers and artists offices (*AS AMENDED 19 April 2022*)

- (83) **Open space:** a use of land that is basically non-consumptive in nature, that is not occupied by any square footage area required for PUD units or resort cabins, recreational camping area lots, mobile home park lots, that is not occupied by service roads, parking areas, out buildings, storage or any use that is accessory to a commercial, industrial or residential use. Areas which may be considered open space areas are: Open mowed areas, golf course areas, beach areas, garden areas; non-maintenance areas that are allowed to grow timber, brush or other natural vegetation, buffer areas and agricultural areas.
- (84) **Ordinary high water level:** this is the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- (85) **Outdoor recreation facilities:** those facilities related to any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.
- (86) **Pastures:** "Pastures" means areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices. Pastures do not include supplemental feeding areas.
- (87) **Percent slope:** $(\text{Vertical distance} / \text{Horizontal distance}) \times 100$.
- (88) **Person:** includes but is not limited to any natural person, partnership, joint venture, firm, corporation, cooperative, association, trust, company, society or group, limited liability company, limited liability partnership or any other legal entity or combination of entities and, as used in this ordinance, the singular includes the plural.
- (89) **Pesticide:** any substance, whether organic or inorganic, which is applied in agricultural, horticultural, silvicultural, or aquacultural activities in an effort to kill or retard the growth of injurious or competitive species of plants, insects, fungus, rodents and other nuisance animals. The definition includes, but is not limited to all regulated herbicides, fungicides, and insecticides.

- (90)**Planned Unit Development (PUD):** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. *(AS AMENDED 6 April 2021)*
- a. **Commercial planned unit developments:** Developments 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. *(AS AMENDED 6 April 2021)*
 - b. **Residential planned unit development:** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. *(AS AMENDED 6 April 2021)*
- (91)**Plat (or Final Plat):** A delineation of one or more existing parcels of land drawn to scale showing all data as required by Minnesota Statutes, Chapter 505, or successor statutes, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways and any other information required by statute or Pope County Subdivision Controls Ordinance. *(AS AMENDED 6 April 2021)*
- (92)**Platform:** a horizontal, unenclosed structure without attached railings, trellises, or other features, attached or functionally related to a principal use or site and at any point extending less than one foot above ground.
- (93)**Protected Waters Inventory (PWI) map:** the official Minnesota Department of Natural Resources map setting forth the inventoried waters and wetlands.
- (94)**Public water:** a body of water capable of substantial beneficial public use. For the purpose of this ordinance, this shall be construed to mean any lake, pond or flowage of ten (10) acres or more in size, or any river or stream with a total drainage area of two square miles or more which has the potential to support any type of recreational pursuit or water supply purpose.
- (95)**Recreation use area:** the area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments and new resorts.
- (96)**Recreational camping area:** any site, lot, field, or tract of land upon which two or more occupied recreational camping vehicle units, as defined herein, are harbored either free of charge or for revenue purposes. Recreational camping area sites are either **dependent** upon a central toilet/bath/shower facility; or **independent** of central toilet/bath/shower facility with individual hookups for electricity, water and sewer at each site.
- (97)**Recreational camping vehicle:** A form of temporary living quarters which is designed such that it can be moved on the public highways system without additional moving permits beyond normal motor vehicle license requirements. Said temporary living quarters are commonly known as travel trailers, pick up campers, motor homes, camper trailers, slide-in campers and park trailers. Recreational camping units, as herein defined, are permitted to be located in recreational camping areas and private property regulated by this ordinance. *(AS AMENDED 6 April 2021)*

- (98) **“Replacement,” “reconstruction,” or “restoration”**: construction that exactly matches pre-existing conditions. *(AS AMENDED 19 April 2022)*
- (99) **Residential accessory use or structure**: any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also **agricultural accessory structure**.
- a. Garages
 - b. Gazebos
 - c. Greenhouses (noncommercial)
 - d. Spas and hot tubs
 - e. Storage sheds
 - f. Studios
 - g. Swimming pools
 - h. Tennis and other on-site sport courts
 - i. Workshops *(AS AMENDED 19 April 2022)*
- (100) **Residential lot suitable area**: the minimum area on a residential lot or parcel of that is the sum of the buildable area and the sewage treatment system suitable area for unsewered areas or the buildable area in sewerred areas.
- (101) **Resort**: any buildings, structures, or enclosures kept, used maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day to one week or longer, and having for rent three or more resort cabins, rooms, or enclosures.
- (102) **Resort, licensed**: an existing resort, manufactured housing park, or a campground that is licensed by the State of Minnesota Department of Health and is owned by a single person, family or business entity. Timeshares, common interest communities, resortominiums, or other arrangements in which private individuals own or have ownership interest in individual cabins shall not be considered licensed resorts for the purpose of this definition.
- (103) **Responsible Governmental Unit (RGU)**: the governmental unit that is responsible for preparation and review of environmental documents. *(AS AMENDED 19 April 2022)*
- (104) **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 flora or fauna in need of special protection.
- (105) **Setback**: The required minimum horizontal distance between a structure, well, or sewage treatment system and another element such as ordinary high water mark, street or highway right-of-way, side property lot line, etc.
- (106) **Sewage**: any water carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.
- (107) **Sewage treatment system**: a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080.

- (108) **Sewer system:** pipelines or conduits, pumping stations, and forced mains, and all other constructions, devices, appliances, or appurtenances used for conducting sewage industrial waste or other wastes to a point of ultimate disposal.
- (109) **Sewer system suitable area:** the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.
- (110) **Shore impact zone:** land located between the ordinary high water level of a public water and a line parallel to it at setback of 50 percent of the structure setback.
- (111) **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; and
 - 500 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.
- (112) **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, 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (113) **Solar Energy System (SES):** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation. *(AS AMENDED 7 July 2020)*
- (114) **Special Event:** A special event is a gathering of people, whether it be on public or private property, generally lasting from a few hours to a few days, designed to celebrate, honor, discuss, sell, teach about, encourage, observe, or influence human endeavors. Such an event may be described as a temporary use on private or public property that extends beyond the normal uses and standards allowed by this Ordinance in which impacts are anticipated on public parks, streets, rights-of-ways, surrounding neighborhoods, businesses, the community as a whole and emergency service providers such as police, fire and ambulance personnel. Special events include, but are not limited to, publicly attended auctions, concerts, expositions, vehicle shows, tournaments, music or other festivals. Special events do not include non-commercial events held on private property, such as weddings, receptions, graduation parties or social parties. *(AS AMENDED 19 April 2022)*
- (115) **Split:** division or subdivision of real estate involving conveyance or reservation of the fee interest in any part less than the whole of a lot or parcel of record as of the effective date hereof.
- (116) **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 survey's or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- (117) **Storm water:** under Minnesota Rules 7077.0105, subp. 41(b) storm water means precipitation runoff, storm water runoff, snow melt runoff and any other surface runoff and drainage.

- (118) **Structure:** any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph or gas lines; including towers, poles and other supporting appurtenances, tennis courts and swimming pools. “Structure” includes structures made of earth and used for containment of manure, shelter, or other purposes which a building or improvement used as storage facility might serve.
- (119) **Subdivision:** The division or redivision of a lot, tract, or parcel of land regardless of how it is to be used, into two or more lots, parcels or tracts either by plat, by a aliquot description or by metes and bounds description for the purpose of offer, sale or lease; or the division or redivision of land involving dedication of a new park, playground, road or other public right-of-way or facility; or the vacation, realignment or any other changes in existing roads, alleys, easements, recreation areas, water, or other public improvements or facilities. *(AS AMENDED 6 April 2021)*
- (120) **Substandard use:** any use existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.
- (121) **Suitable Area:** the area remaining on a lot parcel of land after bluffs, areas with slopes greater than 25 percent all easements and rights-of-way, historic sites, wetlands, land below the ordinary high water level of public waters, and all setback requirements.
- (122) **Supplemental feeding area:** supplemental feeding area means an area used to grow crops or for pasture during the growing season which is fenced and used to confine animals during the winter. supplemental feeding areas shall not be considered animal feedlots solely because the confined animals are provided with supplemental feed. However, supplemental feeding areas which develop other characteristics of an animal feedlot, such as excessive manure accumulation, significant loss of vegetation, and potential to discharge into the waters of the state, shall be considered an animal feedlot. Any supplemental feeding area which is deemed a feedlot by the agency having jurisdiction under Minnesota Rules Chapter 7020 shall also be deemed a feedlot for the purpose of this ordinance.
- (123) **Surface water-oriented commercial use:** the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
- (124) **Temporary structure:** a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. *(AS AMENDED 19 April 2022)*
- (125) **Toe of the bluff:** the lower point of a 50-foot segment with an average slope exceeding 18 percent.
- (126) **Top of the bluff:** the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (127) **Tower:** any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
- (128) **Tree:** a woody plant four (4) inches or more in diameter as measured from a point two (2) feet from the ground.
- (129) **Vacation Home Rentals (VHR’s):** A single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days. *(AS AMENDED 7 July 2020)*
- (130) **Variance:** A modification or relief of the provisions of this ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause practical difficulties as defined in MN Chapter 394.27 Subdivision 7. *(AS AMENDED 6 April 2021)*

- (131) **Vegetative Buffer:** a strip of well-rooted, natural vegetation consisting of a mixture of grasses, shrubs and trees.
- (132) **Vehicle:** every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.
- (133) **Vehicle services:** the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:
- a. **Major repair/body work:** these establishments include towing; collision repair; other body work; and painting services; tire recapping.
 - b. **Minor maintenance/repair:** minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping). *(AS AMENDED 19 April 2022)*
- (134) **Vehicle storage:** a service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include dismantling yards. *(AS AMENDED 19 April 2022)*
- (135) **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, detached decks and fire rings. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures. *(AS AMENDED 19 June 2018)*
- (136) **Wetland:** any lands as defined in Minnesota Statutes section 103G.005, subd. 19. These lands are 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. Wetlands must have the following three attributes: (1) have a predominance of hydric soils; (2) 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 (3) under normal circumstances support a prevalence of such vegetation.

SECTION 3. ZONING DISTRICT RULES OF APPLICATION

3.1 For the purpose of this ordinance, pope county is hereby divided into zoning districts which shall be designated as follows:

3.1.1 General Zoning Districts

- Shoreland-General Development District (S-GD)
- Shoreland-Recreational Development District (S-RD)
- Shoreland-Natural Environment District (S-NE)
- Shoreland-Rivers/Streams District (S-RS)
- Residential District (R)
- Agriculture-Non-Intensive (A-1)
- Agricultural Protection District (A-2)

3.1.2 Specific Zoning Districts

- Special Protection District (SP)
- Special Residential District (SR)
- Special Commercial District (SC)
- Special General Use District (SG)
- Historic District (H)
- Special Agricultural District (SA)
- Special Urban Expansion District (SU)

3.2 The requirements set forth in this section for each of the districts defined as part of this ordinance shall govern the development within the said districts. The county is hereby divided into zoning use districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

3.3 The official zoning map shall be identified by the signature of the chairman of the county board of commissioners, attested by the county auditor, and bearing the seal of the county under the following words: "this is to certify that this is the official zoning map of Pope County, Minnesota. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the county board.

The official zoning map shall be supplemented by a map prepared by or at the direction of the Pope County Highway Department which classifies and identifies all public roads in the unincorporated areas of the county as Arterials, Major Collectors, Minor Collectors, and other roads. Such map shall be approved, signed, and attested to in the same manner as the official zoning map and shall bear the following language: "This is to certify that this is an official supplement to the zoning map of Pope County, Minnesota." This supplement shall be used only to determine the setbacks from the public roads applicable in all districts other than shoreland districts.

3.4 Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under the provisions of this ordinance.

- 3.5** Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map, which shall be located in the office of the zoning administrator, shall be the final authority as the current zoning status.
- 3.6** Final determination of the exact location of land use district boundaries shall be made by the zoning administrator with the concurrence of the county board of commissioners and subject to appeal to the board of adjustment.
- 3.7** Land use regulations as established by this ordinance for general districts shall govern except where areas of these districts are more specifically defined in specific districts. For each zoning district, there are listed permitted uses and uses requiring conditional use permit. For a proposed use listed as a permitted use, permits are obtained from the zoning administrator. For a proposed use listed as a conditional use, permit application is made to the zoning administrator, but the permit is issued by the county board. Conditional uses may be compatible within the zoning districts, but by their nature shall be reviewed at a hearing by the planning commission to ascertain compatibility and can be issued only by the county board of commissioners in the form of a conditional use permit. A conditional use permit shall be required for expansion or addition to existing conditional uses, and shall meet section 10 requirements. A proposal for a use not listed as a permitted use or as a conditional use requiring conditional use permit shall initially require a request for rezoning to the appropriate zoning district as listed in section 9. The general zoning districts are as follows with each respective permitted uses and uses requiring conditional use permit.

SECTION 4. SHORELAND DISTRICTS

4.1 SHORELAND DISTRICT BOUNDARIES (S-GD, S-RD, S-NE, S-RS):

4.1.1 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 flowage & 500 feet from a river or stream or the landward extent of a floodplain designated by ordinance of all public waters in pope county.

4.1.2 Shoreland areas shown on the official zoning map on file in the office of the pope county zoning administrator’s office are the controlling authority regarding location of boundaries.

4.1.3 The classification of each area surrounding each public body of water is hereby established according to the document entitled “Public Waters Classification of Pope County” as shown below.

4.1.4 Public Waters Classification for Pope County

1. General Development Lakes	61-2	East Johanna (Rocky Mountain)	61-31	East Ellen (Ellen)
	61-3	Round	61-32	Alice
	61-4	Crook	61-33	West Ellen (Ellen)
<u>Lake No.</u> <u>Lake Name</u>	61-5		61-34	Simon
61-130 Minnewaska	61-6	Johanna	61-35	
	61-7		61-36	Nilson
2. Recreational Development Lakes	61-8		61-38	
	61-10	Johnson (Kittelson)	61-39	(Magnus)
	61-11		61-40	
<u>Lake No.</u> <u>Lake Name</u>	61-12		61-42	
61-23 Grove	61-13		61-43	Goose
61-37 Linka	61-14	Tracey Slough	61-44	Johnson (Fish)
61-41 Scandinavian	61-15		61-45	
61-64 Amelia	61-16		61-46	
61-67 Villard	61-17		61-47	Sather
61-72 Gilchrist	61-18	Krantz	61-48	Round
61-78 Reno	61-19	Mud	61-49	
61-111 Pelican	61-20	Lincoln	61-50	
61-112 Shallow Pond	61-21		61-51	Swenoda
	61-22	Eckert	61-52	
	61-24	McCloud	61-53	(Anderson)
3. Natural Environment Lakes	61-25	Swan	61-54	Anderson
	61-26		61-56	
	61-27		61-57	
<u>Lake No.</u> <u>Lake Name</u>	61-29	Westport	61-58	
61-1	61-30	Burroughs	61-59	
			61-60	Marlu (Marloo)

61-61		61-116	McClellan (Mike,	61-166	
61-62	State		McLean's)	61-167	
61-63		61-118	Lair	61-168	
61-65		61-119		61-169	
61-66	Leven	61-120	Horse	61-170	Larson
61-68		61-121		61-171	Mitmoen
61-69	Rice	61-122	Ann	61-172	
61-70		61-123	John	61-173	Anderson
61-71		61-124	Frederick	61-174	
61-73		61-125		61-175	
61-75	Lee	61-126	Mud	61-176	
61-76	Camp	61-127		61-178	
61-77		61-128	Strandness (Victoria)	61-179	
61-79		61-129		61-180	Emily
61-80	Hanson (Woodpecker)	61-131	Diamond	61-181	
61-81		61-132	Thoralson	61-182	
61-82	Kolstad	61-133	(Gundar)	61-183	Pike
61-83		61-134	Paulson	61-184	Erickson
61-84		61-135		61-185	Hoff
61-85	(Gustad)	61-136		61-186	
61-86	Rasmuson	61-137		61-187	
61-87		61-138		61-188	
61-88		61-139	Benson	61-189	
61-89	Anderson	61-140		61-190	
61-90	(Coats)	61-142	Swan	61-191	Payne Hagen
61-91		61-143		61-192	
61-92	Hoff (Helga)	61-144		61-193	
61-93		61-145		61-194	Danielson Slough (Cyrus)
61-94		61-146		61-195	
61-95	Steenerson	61-147		61-196	
61-96	Gilbertson	61-148		61-197	
61-97	Benson (Ben)	61-149	Signalness (Mountain)	61-198	
61-98	Jennum	61-150		61-199	McIver
61-99	Mary	61-151		61-200	Lybeck
61-100	Celia	61-152		61-201	Christopherson
61-101	Nelson	61-153		61-202	
61-102		61-154		61-203	Osterberg
61-103		61-155		61-204	Wicklund (Abrahamson)
61-105	Helle (Dalager, Lee)	61-156	Wallin (Wollan)	61-205	Shopper
61-106	Edwards	61-158		61-206	
61-107		61-159	(Hiram)	61-207	Rosby
61-108	White Star (Star)	61-160		61-208	
61-109		61-161		61-209	
61-110	(Refuge)	61-162	Malmedahl	61-210	
61-113		61-163		61-211	Irgen(s)
61-114	Fosse (Resolution 200709)	61-164	Jorgenson	61-212	Belgum
61-115		61-165		61-213	

61-214		<u>Lake No.</u>	<u>Lake Name</u>	75-46	Charlotte
61-215		73-294	Grass (Stearns Co)	76-51	(Swift Co)
61-216	Otter	34-356	(Kandiyohi Co)	76-72	Camp (Swift Co)
		34-357	Crook (Scanning) (Kandiyohi Co)	* (Lake names in parenthesis indicate a name obtained from a source other than Bulletin No. 25)	
Boundary Lakes - mostly in another county		75-1	(Stevens Co)		
		75-2	Cyrus (Stevens Co)		
		75-3	(Stevens Co)		

4.1.5 River Classifications for Pope County

CLASS	RIVER	FROM	TO
• A	Chippewa *[public ditch that is altered natural watercourse]	Border of Stevens and Pope Counties	Center, Sec.21, T123N, R40W
• A	East Branch Chippewa	Outlet of Amelia L. in Sec. 2, T125N, R37W	County Road bridge in Sec. 14, T124N, R37W
• T	East Branch Chippewa	County Road bridge in Sec. 14, T124N, R37W	Inlet of Gilchrist L. in Sec. 7, T123N, R37W
• A	East Branch Chippewa	Outlet of Gilchrist L. in Sec. 17, T123N, R37W	Border of Swift and Pope Counties
• T	North Fork Crow *[public ditch that is altered natural watercourse]		
• Tr	All other non-classified watercourses as shown on county protected waters inventory map and list.		

KEY

T = Transition: Mixture of cultivated, pasture and forested lands.

A = Agricultural: Intensively cultivated areas.

Tr = Tributary: All other rivers in the Protected (Public) Waters Inventory.

4.1.6 The following maps on file in the office of the Planning and Zoning Administrator may also be used to interpret shoreland boundaries. Nothing in this statement shall be construed to mean that other maps of greater accuracy or detail cannot be used for such purposes: Westport, Leven, Reno, Ben Wade, Nora, New Prairie, White Bear Lake, Minnewaska, Glenwood, Grove Lake, Bangor, Chippewa Falls, Barsness, Blue Mounds, Walden, Hoff, Langhei, Rolling Forks, Gilchrist, Lake Johanna Watershed Map of Pope County, Minnesota Department of Highways (1951).

4.2 SHORELAND - GENERAL DEVELOPMENT DISTRICT (S-GD):**4.2.1 Permitted Uses:**

- A. Single family seasonal and year-round residential uses.
- B. Agricultural uses, subject to Section 10.2.1.
- C. Parks and playgrounds.
- D. Public accesses, publicly owned.
- E. Home occupations meeting Section 10.9 requirements.
- F. Existing golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- I. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- J. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

4.2.2 Conditional Uses:

- A. Planned Unit Developments
- B. Campgrounds, resorts, motels and vacation rental properties (subject to Section 10.30.3.2.b). *(AS AMENDED 7 July 2020)*
- C. Commercial.
- D. Duplexes, triplex and quad dwellings.
- E. Industrial uses for which it is necessary to locate within shoreland, provided that all storage within 500 feet of a public right-of-way or public water shall be completely enclosed in buildings or effectively screened by appropriate landscaping and a solid wall or fence that is no less than eight (8) feet in height.
- F. Manufactured Home Park provided the criteria found in Section 10.13 are met.
- G. Churches, chapels, temples, synagogues and public meeting places.
- H. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- I. Towers, subject to the standards at Section 10.5.
- J. Controlled Access
- K. Extractive Use. *(AS AMENDED 19 June 2018)*
- L. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

4.2.3 Minimum Lot Area/Width in Square Feet:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

4.2.4 Setbacks:

- A. **Structure Setbacks:** 75 feet from Ordinary High Water Level
(see exception as noted in Section 4.6.17)
- B. **On-Site Sewage System Setbacks:** 50 feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

4.3 SHORELAND - RECREATIONAL DEVELOPMENT DISTRICT (S-RD):

4.3.1 Permitted Uses:

- A. Single family seasonal and year-round residential uses.
- B. Agricultural uses, subject to Section 10.2.1..
- C. Parks and playgrounds.
- D. Home occupations, subject to Section 10.9.
- E. Antennae when mounted on a rooftop or along a building or other structure
- F. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- G. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- H. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

4.3.2 Conditional Uses:

- A. Planned Unit Developments.
- B. Commercial.
- C. Campgrounds, resorts, motels, and vacation rental properties (subject to Section 10.30.3.2.b). *(AS AMENDED 7 July 2020)*
- D. Duplexes, triplex and quad dwellings.
- E. Public accesses and controlled accesses.
- F. Churches, chapels, temples, synagogues and public meeting places.
- G. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- H. Towers, subject to the standards at Section 10.5.
- I. Extractive Use. *(AS AMENDED 19 June 2018)*
- J. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

4.3.3 Minimum Lot Requirements/Width in square feet:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

4.3.4 Setbacks:

- A. **Structure Setbacks:** 100 feet from Ordinary High Water Level
(see exception as noted in Section 4.6.17)
- B. **On-Site Sewage System Setbacks:** 75 feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state, or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established use. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

4.4 SHORELAND - NATURAL ENVIRONMENT DISTRICT (S-NE):

4.4.1 Permitted Uses:

- A. Single family seasonal and year-round residential use.
- B. Agricultural uses, subject to Section 10.2.1..
- C. Home occupations, subject to Section 10.9.
- D. Antennae when mounted on a rooftop or along a building or other structure.
- E. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- F. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

4.4.2 Conditional Uses:

- A. Parks and playgrounds.
- B. Planned Unit Development.
- C. Public accesses and controlled accesses.
- D. Duplex, triplex and quad dwellings.
- E. Towers, subject to the standards at Section 10.5.
- F. Commercial (limited to small scale manufacturing, processing and servicing businesses). *(AS AMENDED 18 July 2017)*
- G. Public/Semipublic/Private recreational facilities characterized by significant open or green space (examples: golf courses, shooting ranges, hunting preserves). *(AS AMENDED 19 June 2018)*
- H. Extractive Use. *(AS AMENDED 19 June 2018)*
- I. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

4.4.3 Minimum Lot Area/Width in square feet:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

4.4.4 Setbacks:

- A. **Structure Setbacks:** 200 feet from Ordinary High Water Level
(see exception as noted in Section 4.6.17)
- B. **On-Site Sewage System Setbacks:** 150 feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state, or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Vegetative Buffer Setback:** 50 Feet maintained from the Ordinary High Water Level
- I. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

4.5 SHORELAND - RIVERS AND STREAMS DISTRICT (S-RS):

4.5.1 Purpose:

This district includes river classifications of transition, agricultural and tributary: lands surrounding all rivers and streams classified as shoreland shall fall in this district.

4.5.2 Minimum Lot Width Standards:

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

	<u>Transition</u>	<u>Agricultural/Tributary</u>
Single	250 Feet	150 Feet
Duplex	375 Feet	225 Feet
Triplex	500 Feet	300 Feet
Quad	625 Feet	375 Feet

4.5.3 Setbacks: *(AS AMENDED 3 July 2007)*

- A. **Structure Setbacks:** 150 Feet from Ordinary High Water Level
 - 1. Transition: 150 Feet from Ordinary High Water Level
 - 2. Agricultural/Tributary: 150 Feet from Ordinary High Water Level
- B. **On-Site Sewage System Setbacks:** 100 feet from Ordinary High Water Level
 - 1. Transition: 100 Feet from Ordinary High Water Level
 - 2. Agricultural/Tributary: 100 Feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 Feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state, or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Vegetative Buffer Setback:** 50 Feet maintained from the Ordinary High Water Level
- I. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications or additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

4.6 SHORELAND DISTRICT REGULATIONS:

The following shall apply to the following districts: S-GD, S-RD, S-NE, S-RS

4.6.1 Bluff Impact Zones

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

4.6.2 Access Lots and Easements *(AS AMENDED 3 July 2007)*

- A. **Purpose.** To manage water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface water by suspension of sediment, to maintain property values, and to maintain natural characteristics of shorelands, shoreland controls must regulate access to public waters.
- B. **Access lots.** Access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, may be allowed where the local government determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of nonriparian lots or parcels shall be prohibited. Where allowed by local governments, access lots shall meet or exceed the following standards:
1. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot. These access lots shall also comply with all of the dimensional standards under the ordinance. Where more than six subdivision lots are served, the width of the access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
 2. Access lots must be jointly owned by all of those purchasers of riparian lots having rights of usage of the access lot and governed by an owner's association.
 3. Access lots shall be suitable in their natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, but is not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.
 4. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking, but shall not include residential or commercial uses. A single dock and boat launching ramp may be permitted and no owner shall own an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served.

5. Covenants governing access lots shall limit the total number of vehicles allowed to be parked, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities should be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify which activities, such as swimming, sunbathing, and picnicking, shall be allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The owner's association shall enforce covenants.
 6. Access lots shall meet or exceed the shoreland vegetation buffer standards and have a vegetation management plan approved by the local government.
 7. The impervious surface coverage for access lots must not exceed 12 percent of lot area, and stormwater management shall meet all relative standards.
- C. **Controlled access lots.** Controlled access lots, or any lot, tract or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of nonriparian lots, shall be restricted to having a single dock, no permanent watercraft, no loading or unloading of watercraft from lot and no structures on the access lot.

4.6.3 Decks:

The Zoning Administrator may issue a Land Use Permit for an open deck that does not meet structural setback from lake requirements if the following is met: There is no roof or other enclosure over the open deck other than normal roof overhang of 3 ft. or less on structures; the open deck meets other setback requirements; the open deck extends lakeward from dwelling no more than 10 ft. and is at least 30 ft. back from ordinary high water mark; and the deck does not constitute any enclosed area either above or below the floor. For lots that were not developed prior to adoption of this ordinance (**April 5, 1972**), full setback requirements shall apply to decks.

4.6.4 Density Restrictions:

Residential subdivisions with dwelling unit densities exceeding those in the tables can only be allowed if designed and approved as residential planned unit developments under this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

4.6.5 Placement, Height, and Design of Structures (AS AMENDED 1 June 2021)

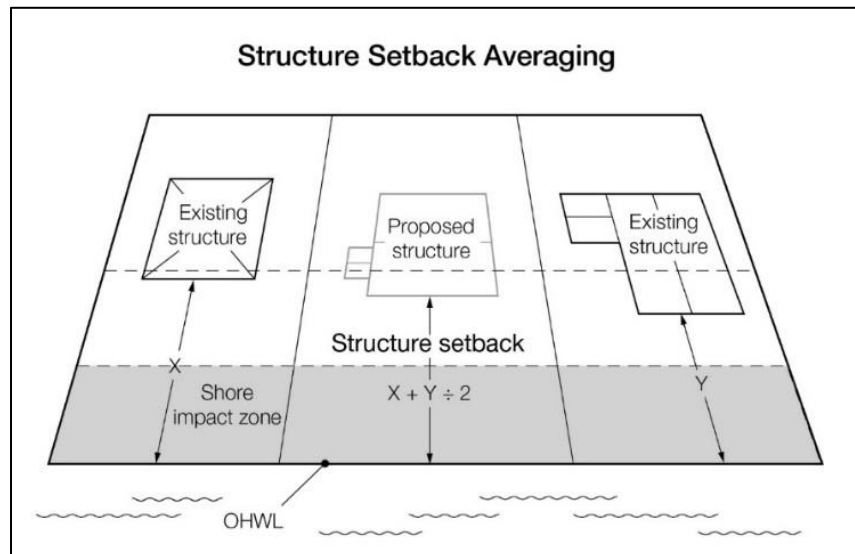
A. Placement of Structures and Subsurface Sewage Treatment Systems on Lots

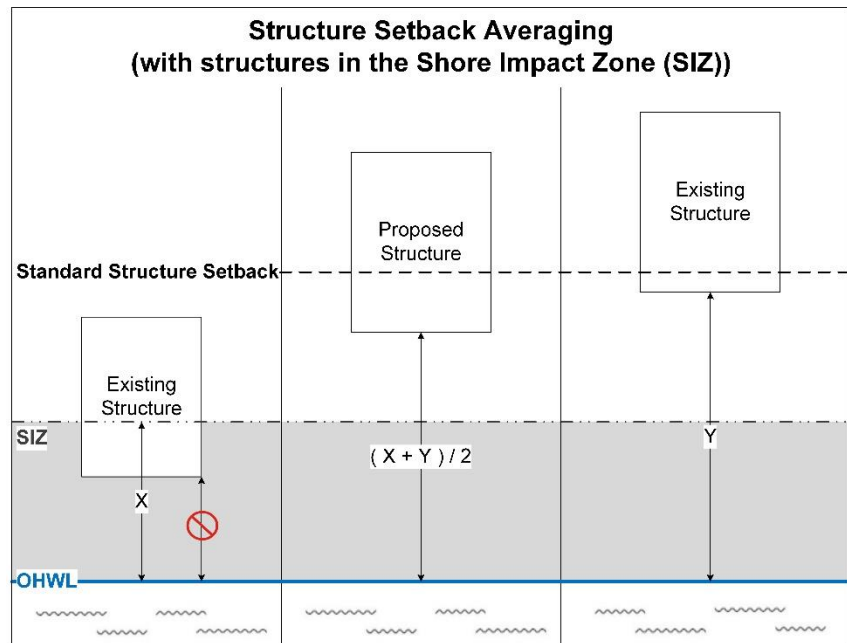
When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

- 1. OHWL Setbacks:** Structures, and subsurface sewage treatment systems (SSTS) must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure, designed in accordance with Section 4.6.17 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

Zoning District	Structure Setback from OHWL (feet)	SSTS Setback from OHWL (feet)
S-GD	75	50
S-RD	100	75
S-NE	200	150
S-RS	150	100

- 2. Setback averaging:** 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 OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone. In reference to the following diagram however, neither x nor y may be a number less than the shore impact zone.



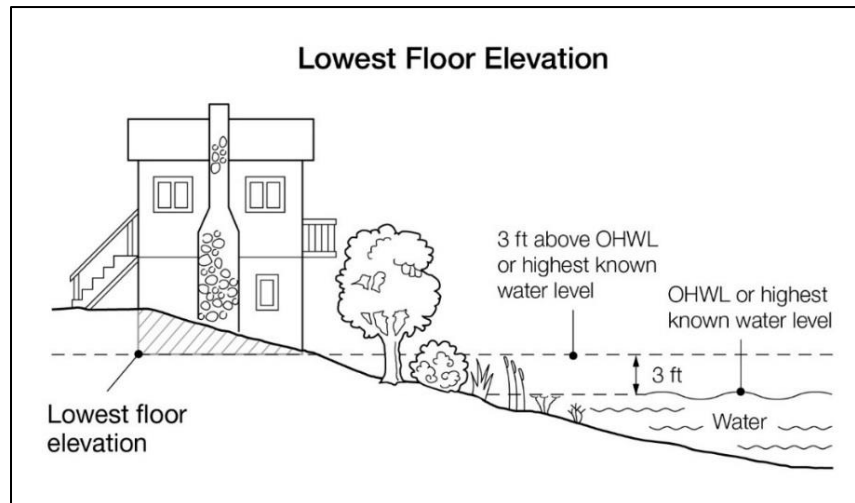


3. **Additional structure setbacks:** Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (feet)
Top of Bluff	30
Side Yard	10
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, other legal roads or streets not classified	40

- B. **Height of Structures:** All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

- C. **Lowest Floor Elevation:** Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
 2. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
 3. If the structure is floodproofed instead of elevated under items 1 and 2 above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).



4.6.6 Reserved for Future Use

4.6.7 Lots of Record:

- A. Lots of record in the County Recorder’s office prior to April 5, 1972, which are located in a shoreland district and which do not meet the requirements of this section may be allowed as building sites provided:
 - 1. Such use is permitted in the zoning district;
 - 2. The lot is in separate ownership from abutting lands at all times since it became substandard. If, they are in a group of two or more contiguous lots under the same ownership, and an individual lot does not meet the requirements of this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development.
 - 3. All sanitary, dimensional and setback requirements of this ordinance are complied with.
- B. For parcels of less than 10,000 square foot area with existing development, which are located in a shoreland district and which were parcels of record prior to April 5, 1972 the following shall apply:
 - 1. The minimum structure setback from State or County Highway right-of-way is 25 ft.;
 - 2. The minimum structure setback from other roads and streets is 20 ft.;
 - 3. The minimum structure setback from side lot property line is 5 ft.;
 - 4. The minimum sewage system setback from property line is 5 ft.

4.6.8 Reserved for Future Use

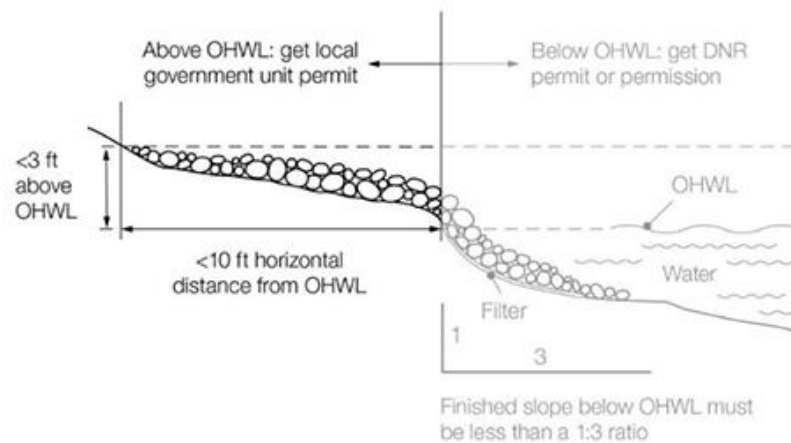
4.6.9 Reserved for Future Use

4.6.10 Shoreland Alterations: (AS AMENDED 1 June 2021)

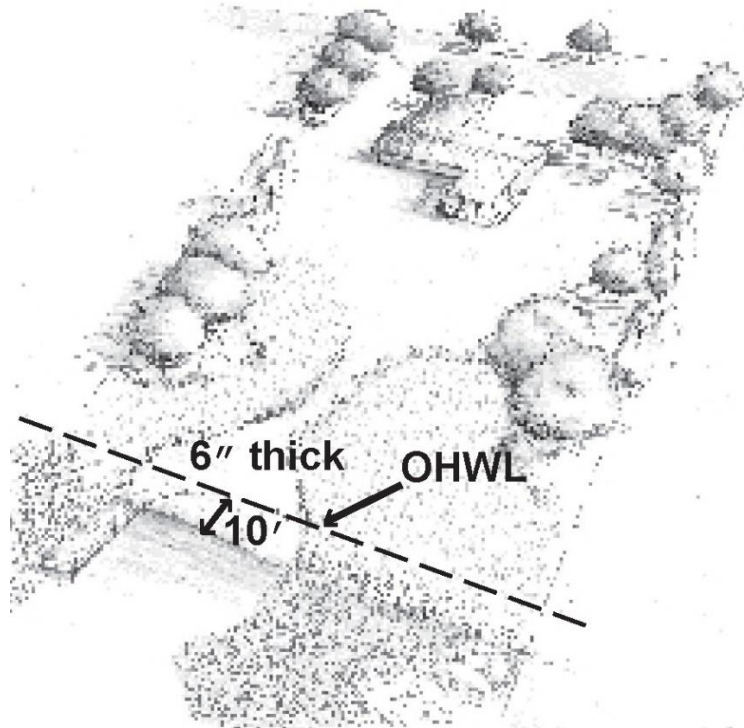
- A. **Grading and filling** involving more than 50 cubic yards within the shore or bluff impact zones or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a Conditional Use Permit. This shall be meant to include any gravel pit operation, or retaining wall which is adjacent to or below the ordinary high water level (OHWL); extensive filling, excavating or landscaping or any activity such as irrigation or drainage which might have an impact upon the public water. Also to be included is construction or re-construction of any road or street within shoreland areas, which has not been reviewed in the Subdivision Controls process except for the construction or re-construction of public roads and parking areas if consistent with Minnesota Rules 6120.3300 Subpart 5. In granting a Conditional Use Permit for shoreland alterations the following conditions shall be met:
1. The smallest amount of bare ground is exposed for as short a time as feasible.
 2. Temporary ground cover such as mulch is used and permanent cover such as sod is planted.
 3. Diversions, silting basins, terraces and other methods to trap sediment are used.
 4. Fill is stabilized according to accepted engineering standards.
 5. Fill will not restrict a floodway or destroy the storage capacity of a flood plain.
 6. An **Erosion Control Plan** pursuant to Section 10.4 is in place for shoreland alterations of greater than 1,500 square yards.
 7. Not placing fill or excavated material in a manner that creates unstable slopes. 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 thirty (30) percent or greater.
 8. Fill or excavated material must not be placed in bluff impact zones.
 9. Any alterations below the OHWL of public waters must first be authorized by the MN DNR Commissioner under Minnesota Statutes, Section 103G or subsequent regulations.
 10. Alterations of topography are only allowed if they do not adversely affect adjacent or nearby properties, water quality or lakeshore stability.
- B. **Administratively Issued Permit:**
1. Shoreland alterations of a smaller scale in which the total amount of fill being deposited or dirt being moved is more than ten (10) cubic yards may be approved by the Administrator upon issuance of Shoreland Alteration Permit.
 2. The fee for such permit shall be according to the fee schedule resolution of the Board of Commissioners and if refused by the Administrator, the applicant may apply for Conditional Use Permit if desired.
 3. Conditional requirements may be attached to this permit at the discretion of the Administrator.

4. Work which changes a shoreline or steep slope adjacent to a shoreline under authority of Shoreland Alteration Permit shall be limited to a working face width of 25 feet except for in the case of natural rock rip-rap.
5. Installation of natural rock rip-rap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline. Shoreland Alteration Permit authorizing natural rock rip-rapping shall require:
 - a. Only natural rock free of debris, averaging 6 to 30 inches in diameter, may be used; concrete is not allowed.
 - b. A filter of crushed rock, gravel or filter fabric material underneath the natural rock rip-rap.
 - c. The finished slope of the natural rock rip-rap does not exceed three (3) feet horizontal to one (1) foot vertical.
 - d. The landward extent of the rip-rap is within ten (10) feet of the OHWL.
 - e. The height of the rip-rap above the OHWL does not exceed three (3) feet.
 - f. Rip-rap waterward of the OHWL must follow MN DNR *Shoreline Alterations: Riprap* information sheet guidance or subsequent guidelines.
 - g. The rip-rap area must not be more than two hundred (200) lineal feet of shoreline.

Riprap Guidelines



6. A Shoreland Alteration Permit authorizing a beach sand blanket shall conform to the following:
 - a. The sand or gravel layer may be:
 - i. Up to six (6) inches thick;
 - ii. Up to fifty (50) feet wide along the shoreline or half the width of the lot, whichever is less; and
 - iii. Does not extend more than ten (10) feet waterward of the OHWL.



Based on an illustration by Roxanna Esparza.

- b. No plant barrier or liner (i.e., filter fabric or plastic) is installed underneath the beach sand.
- c. Emergent aquatic vegetation is not covered, unless authorized by a MN DNR aquatic plant management permit.

C. Vegetation Management:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
2. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling unit and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. Existing shading of water surfaces along lakes and rivers is preserved where practicable;
 - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d. Perennial ground cover is retained.

D. Exceptions

The shoreland alterations sections as stated above shall not apply for the following cases:

1. Excavation of a walk-out for a basement, provided that the walk-out excavation is shown on the Land Use Permit, that the excavation extends no further than thirty (30) feet toward the lake and is no wider than the main living portion of the house, and that the excavation is no deeper than eight (8) feet below the original grade.
2. Normal site preparation for construction activity occurring within 30 feet of structure wall(s) is a permitted use once the Land Use Permit is issued.
3. Removal of natural vegetation will be allowed for normal construction as authorized by a Land Use Permit or Sewer Permit, provided that the removal of vegetation shall not extend lakeward any further than thirty (30) feet from the house.
4. To allow a view corridor of the lake, it shall be permissible to clear-cut a twenty-five (25) foot wide strip from the house to the lake if a Land Use Permit has been issued. The remainder of the natural vegetation shall be sufficiently left to provide cover to screen cars, dwellings and other structures.
5. Removal of invasive species, trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards.
6. Natural rock rip-rap repair if the conditions outlined in the MNDNR *Shoreline Alterations: Riprap* information sheet, or subsequent guidelines, are followed.
7. Grading or removal of an ice ridge within one year of said occurrence if the conditions outlined in the MN DNR *Shoreline Alterations: Ice Ridges* information sheet, or subsequent guidelines, are followed.

4.6.11 Stairway, Lifts and Landings:

Stairways and lifts are the preferred alternative to major topographic alterations for achieving a 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 feet in width on residential lots. Wider stairways may be used for, public open-space recreational properties, and planned unit developments;
- B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 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 in a manner that ensures control of soil erosion.
- 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; and
- F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving a access to shore areas, provided that the dimensional and performance standards of subitems A. to E. are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

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

A. Description:

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 with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Requirements:

Those with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, storm water management requirements, setbacks, and other zoning standards presented elsewhere, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a. 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.
 - b. 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 or adjacent properties.
 - c. 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.

4.6.13 Steel Buildings, Pole Structures, and Other Dwellings: *(AS AMENDED 6 April 2021)*

- A. **Lots smaller than five acres:** The following uses, by their nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.
1. Locating of accessory structures larger than 1100 square feet or with side wall height exceeding twelve (12) feet shall be by Conditional Use.
 2. Placement of residential structures less than 20 ft. wide over more than 25% of the residential structure area shall be by Conditional Use.
 3. Placement of any used accessory structure of greater than 200 square feet in area which is to be moved onto a lot shall be by Conditional Use.
 4. In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out-of-place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. A temporary permit for a period of up to a three year duration may be allowed even if the findings do not meet those described above

4.6.14 Reserved for Future Use

4.6.15 Subdivision Standards on Natural Environment Lakes:

On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:

- A. Each building must be set back at least 200 feet from the ordinary high water level.
- 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 duplex, triplex, or quad developments.

4.6.16 Reserved for Future Use

4.6.17 Water-Oriented Accessory Structures or Facilities. (AS AMENDED 19 June 2018)

Each lot may have one water-oriented accessory structure or facility if it complies with the following provisions:

- A. The structure or facility cannot occupy an area greater than 250 square feet.
- B. Structure must not exceed ten feet in height;
- C. For structures that have side walls that do not exceed four feet in height, they must be located at least ten feet from the ordinary high water level;
- D. For structures that have side walls that exceed four feet in height, they must not be located in the shore impact zone except in instances where a steep slope (18%) impedes that location and then it may be located at least ten feet from the ordinary high water level;
- E. The structure or facilities may not be located in the Bluff Impact Zone;
- F. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
- G. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- H. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

SECTION 5. **RESIDENTIAL DISTRICT (R)**

5.1 PURPOSE:

The purpose of this district is to allow residential development in areas where substantial residential development has already taken place and where additional residential development is both anticipated and encouraged.

5.2 PERMITTED USES:

- A. Single Family Dwelling. Only one single family dwelling unit is permitted per lot.
- B. Two-Family Dwellings. Only one two-family dwelling unit is permitted per lot.
- C. Agricultural uses, subject to Section 10.3.
- D. Parks and playgrounds.
- E. Home occupations meeting Section 10.9 requirements.
- F. Antennae when mounted on a rooftop or along a building or other structure.
- G. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- H. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

5.3 CONDITIONAL USES:

- A. Churches, chapels, temples and synagogues.
- B. The offices of members of recognized professions.
- C. Planned Unit Developments.
- D. Those commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity.
- E. Multiple family dwellings allowed at a density of one unit per 7,500 square feet. Lots intended for multiple family dwellings must identify two (2) sewage treatment sites.
- F. Bed and Breakfast facilities.
- G. Manufactured Home Parks provided the criteria found in Section 10.13 are met.
- H. Other uses of the same general character as those listed above, provided they are uses that are not more concentrated or intensive than the uses listed above, produce no greater impact on the neighborhood than those listed above, and are not incompatible with existing adjacent uses.
- I. Towers, subject to the standards at Section 10.5.
- J. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- K. Vacation rental properties, subject to the performance standards in Section 10.30. *(AS AMENDED 7 July 2020)*

- L. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

5.4 MINIMUM LOT AREA FOR LOTS/STRUCTURES:

Single	40,000	Square Feet
Duplex	80,000	Square Feet
Triplex	120,000	Square Feet
Quad	160,000	Square Feet

5.5 SETBACKS:

- A. **Side Yard Setback:** 10 Feet
- B. **Unplatted cemetery:** 50 Feet
- C. **From centerline of public roadways classified as:**
 - Arterials 225 Feet
 - Major Collectors 150 Feet
 - Minor Collectors 125 Feet
- D. **From centerline of town roads, public streets, and all other legal roads or streets not classified as an arterial or collector:** 100 Feet.
- E. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

5.6 RESIDENTIAL DISTRICT REGULATIONS:

5.6.1 Steel Buildings, Pole Buildings, and Other Dwellings: *(AS AMENDED 6 April 2021)*

A. **Lots smaller than five acres:** The following uses, by their nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.

1. Locating of accessory structures larger than 1100 square feet or with side wall height exceeding twelve (12) feet shall be by Conditional Use.
2. Placement of residential structures less than 20 ft. wide over more than 25% of the residential structure area shall be by Conditional Use.
3. Placement of any used accessory structure of greater than 200 square feet in area which is to be moved onto a lot shall be by Conditional Use.
4. In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out-of-place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. A temporary permit for a period of up to a three year duration may be allowed even if the findings do not meet those described above.

5.6.2 Height of Structures:

All structures, in residential districts except churches and non-residential agricultural structures must not exceed 30 feet in height. *(AS AMENDED 3 July 2007)*

5.7 LOTS OF RECORD:

- A. Lots located in an area zoned residential which were of record in the County Recorder's office prior to December 31, 1999 and which do not meet the requirements of this section may be allowed as building sites provided:
 - 1. Such use is permitted in the zoning district.
 - 2. The lot was in separate ownership from abutting lots or lands prior to the date on which the area was zoned residential; and
 - 3. All sanitary, dimensional and setback requirements of this ordinance are complied with.
- B. For parcels of less than 10,000 square feet with development existing as of the date on which the area was zoned residential and which were lots of record prior to the date on which the area was zoned residential, the following shall apply:
 - 1. The minimum structure from State or County Highway right-of-way is 25 feet.
 - 2. The minimum setback from other roads and streets is 20 feet.
 - 3. The minimum structure setback from side lot property is 5 feet.
 - 4. The minimum sewage system setback from property line is 5 feet.

SECTION 6. NON - INTENSIVE AGRICULTURE (A-1)

(AS AMENDED 19 APRIL 2022)

6.1 PURPOSE:

The purpose of this district is to provide a buffer to separate more intensive agricultural production practices from incompatible recreational and residential uses. Residential development within this area is discouraged.

6.2 PERMITTED USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Accessory Solar Energy Systems: Agricultural/Farm Use, subject to performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- C. Accessory structures.
- D. Single family dwelling. Maximum of two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- E. Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds, and existing animal feedlots.
- F. Agricultural structures.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Existing golf courses and other similar commercial recreational facilities.
- I. Farm drainage systems, flood control and watershed/erosion control devices meeting all County, State and Federal minimum regulations.
- J. Guest cottage or guest quarter, subject to performance standards in Section 10.8.
- K. Home occupations meeting Section 10.9 requirements.
- L. Vacation rental use, subject to performance standards in Section 10.30.3.2.a.
- M. Parks and playgrounds.
- N. Recreational camping vehicles used for seasonal, intermittent recreational or guest use, subject to performance standards in Section 10.15.
- O. Special events with a capacity of less than two hundred (200) people, subject to performance standards in Section 10.29.4.D.4.
- P. Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner, subject to performance standards in Section 10.15.

6.3 CONDITIONAL USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- C. Manufacturing/Processing-light.
- D. Cemeteries.
- E. Educational institutions and incidental uses when situated on the same site or unit of property.
- F. Game farms, shooting ranges and commercial hunting establishments.
- G. Home occupations.
- H. Motor vehicle salvage facility, subject to performance standards in Section 10.14.
- I. Municipal wastewater treatment facilities.
- J. New or expanded golf courses and other similar commercial recreational facilities characterized by significant open or green space provided that they are partially within or adjacent to a shoreland or residential district and are so laid out as to keep the depth of extension from the boundary of that district into the A-1 district to a minimum.
- K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development, provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than two residential structures (farm or non-farm) being located within any division, subdivision, or other "split" of any quarter quarter section (40 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.) Prior to the issuance of a conditional use permit for a non farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an "Acknowledgement of Agriculture Protection Zone Designation" disclosure. The acknowledgement shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the office of the Pope County Zoning Administrator.
- L. Residential Planned Unit Developments provided that they are partially within or adjacent to a shoreland or residential district and are so laid out as to keep the depth of extension from the boundary of that district into the A-1 district to a minimum. A person who applies for a residential planned unit development shall, not later than ten business days after the application is submitted, provide notice to each owner of agricultural real property within 5,000 feet of the perimeter of the proposed development. The notice may be delivered by first class mail, in person, or by publication in a newspaper of general circulation within the affected area and must include information on the number of residential units. This notice shall not be required if Minnesota Statutes 1998 Section 394.305 is repealed subsequent to the effective date hereof.
- M. Restaurants, convenience stores, gas stations, on/off sale liquor sales.

- N. Solid waste processing facilities and sanitary landfills provided they meet all applicable County and State laws.
- O. New or expanded feedlots requiring a permit or a agreement under Minnesota Pollution Control Agency rules or a Verification of Compliance from Pope County with a capacity of up to 200 animal units, subject to performance standards in Section 10.3.
- P. Commercial storage units, subject to performance standards in Section 10.6.
- Q. Towers, subject to performance standards in Section 10.5.
- R. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

6.4 INTERIM USES:

- A. A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member. An annual inspection is required to validate applicable status.
- B. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- C. Mining and extraction, subject to performance standards in Section 10.2.
- D. Non-confinement feeding areas, subject to performance standards in Section 10.3.
- E. Seasonal worker housing.
- F. Recreational camping vehicles used either as temporary living quarters or for seasonal, intermittent recreational use greater than ninety (90) days, subject to performance standards in Section 10.15.
- G. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- H. Special events with a capacity of more than two hundred (200) people, subject to performance standards in Section 10.29.
- I. Vacation rental properties, subject to performance standards in Section 10.30.
- J. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

6.5 MINIMUM LOT AREA FOR LOTS/STRUCTURES:

Farm Residence	3 Acres
Preserved Farm Homestead	3 Acres
New Residence	3 Acres

6.6 SETBACKS:

- A. **Side Yard Setback:** 10 Feet
- B. **Unplatted cemetery:** 50 Feet
- C. **From centerline of public roadways classified as:**
 - Arterials 225 Feet
 - Major Collectors 150 Feet
 - Minor Collectors 125 Feet
- D. **From centerline of town roads, public streets, and all other legal roads or streets not as an arterial or collector:** 100 Feet
- E. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications or additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Non Farm Residence	Feedlot	500 foot minimum setback increasing at the rate of 2 feet for each animal unit in excess of 50
Farm Residence	Feedlot	500 foot minimum setback increasing at the rate of 2 feet for each animal unit in excess of 50
Feedlot	Residence	500 foot minimum setback increasing at the rate of 2 feet for each animal unit in excess of 50
Feedlot	Hospitality Business	1000 foot minimum setback increasing at the rate of four feet for each animal unit in excess of 50
Hospitality Business	Feedlot	1000 foot minimum setback increasing at the rate of four feet for each animal unit in excess of 50

In the case of an unpermitted feedlot, the setback shall be estimated based upon the size and number of animals reported by the feedlot operator or observed by others, whichever is larger.

New feedlots in this district are also subject to 500 foot minimum setback, increasing at the rate of an additional two feet for each animal unit in excess of fifty, from any boundary which separates the district from a general shoreland district, general residential district, or municipality.

Notwithstanding the foregoing, the county may grant a conditional use permit for the construction of a residence or establishment of a feedlot which does not meet the setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant's proposed use. The covenant must be in recordable form and binding on the grantor's heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.

The reciprocal setbacks established by this subpart shall not apply to feedlots which have been unused or abandoned for five years or more and also shall not apply to residential structures which have not been used as dwellings or otherwise used for human habitation for five or more years.

6.7 LOTS OF RECORD:

- A. Lots of record in the County Recorder's office prior to December 31, 1999, which are located in an A-1 district and which do not meet the requirements of this section may be allowed as building sites provided:
1. Such use is permitted in the zoning district.
 2. The lot is in separate ownership from a butting lots or lands prior to December 31, 1999; and
 3. All sanitary and setback requirements of this ordinance are complied with.

6.8 EXISTING BUILDING SITES:

- A. Existing building sites which are split from properties and converted to non farm residential uses after the date hereof shall be nonetheless be deemed a lot of record provided the minimum lot size established for the district is met.

SECTION 7. AGRICULTURE PROTECTION (A-2)

(AS AMENDED 19 APRIL 2022)

7.1 PURPOSE:

The purpose of this district is to maintain and enhance agricultural land in the County which is and has historically been farmed, and to protect the agricultural and natural resource land from scattered residential development and land use conflicts resulting from such development. Residential development in this zone is strongly discouraged.

7.2 PERMITTED USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Accessory Solar Energy Systems: Agricultural/Farm Use, subject to performance standards in Section 10.12. *(AS AMENDED 7 JULY 2020)*
- C. Accessory structures.
- D. Single family dwelling, Maximum of two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- E. Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds and including existing animal feedlots and new or expanded feedlot requiring a permit or agreement under Minnesota Pollution Control Agency rules or a Verification of Compliance from Pope County, having a capacity of fewer than 500 animal units, except swine facilities, which are limited to having a capacity of fewer than 300 animal units. *(AS AMENDED 17 JULY 2018)*
- F. Agricultural structures.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Existing golf courses and other similar commercial recreational facilities.
- I. Farm drainage systems, flood control and watershed/erosion control devices meeting all County, State, and Federal minimum regulations.
- J. Guest cottage or guest quarter, subject to performance standards in Section 10.8.
- K. Home occupations meeting Section 10.9 requirements.
- L. Vacation rental use, subject to performance standards in Section 10.30.3.2.a.
- M. Parks and playgrounds.
- N. Recreational camping vehicles used for seasonal, intermittent recreational or guest use, subject to performance standards in Section 10.15.
- O. Special events with a capacity of less than two hundred (200) people, subject to performance standards in Section 10.29.4.D.4.
- P. Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner, subject to performance standards in Section 10.15.

7.3 CONDITIONAL USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- C. Manufacturing/Processing-light.
- D. Cemeteries.
- E. Expansion of existing golf courses.
- F. Game farms, shooting ranges, and commercial hunting establishments.
- G. Home occupations.
- H. Motor vehicle salvage facilities, subject to performance standards in Section 10.14.
- I. Municipal wastewater treatment facilities.
- J. New and expanded feedlots having a permitted capacity of up to 2000 animal units.
- K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than one non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.). Prior to the issuance of a conditional use permit for a non farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an "Acknowledgement of Agriculture Protection Zone Designation" disclosure. The acknowledgment shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the office of the Pope County Zoning Administrator.
- L. Solid waste processing facilities and sanitary landfills provided they meet all applicable County and State laws.
- M. Commercial storage units, subject to performance standards in Section 10.6.
- N. Towers, subject to performance standards in Section 10.5.
- O. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

7.4 INTERIM USES:

- A. A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member. An annual inspection is required to validate applicable status.
- B. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.

- C. Adult oriented use, subject to performance standards in Section 10.1.
- D. Mining and extraction, subject to performance standards in Section 10.2.
- E. Non-confinement feeding areas, subject to performance standards in Section 10.3.
- F. Seasonal worker housing.
- G. Recreational camping vehicles used either as temporary living quarters or for seasonal, intermittent recreational use greater than ninety (90) days, subject to performance standards in Section 10.15.
- H. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12. *(AS AMENDED 7 JULY 2020)*
- I. Special events with a capacity of more than two hundred (200) people, subject to performance standards in Section 10.29.
- J. Vacation rental properties, subject to performance standards in Section 10.30.
- K. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

7.5 MINIMUM LOT AREA FOR LOTS/STRUCTURES:

Farm Residence	3 Acres
New Residence	3 Acres
Preserved Farm Homestead	3 Acres

7.6 SETBACKS:

- A. **Side Yard Setback:** 10 Feet
- B. **Unplatted cemetery:** 50 Feet
- C. **From centerline of public roadways classified as:**
 - Arterials 225 Feet
 - Major Collectors 150 Feet
 - Minor Collectors 125 Feet
- D. **From centerline of town roads, public streets, and all other legal roads or streets not classified as an arterial or collector:** 100 Feet.
- E. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications or additions to established uses. Residential structures which serve farm property upon which feedlots are located or will be located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Non Farm Residence	Feedlot	***
Farm Residence	Feedlot	***
Feedlot	Residence	***
Feedlot	Feedlot	***

*** 1320 foot minimum setback increasing at the rate of two feet for each permitted animal unit in excess of 300.

In the case of an unpermitted feedlot, the setback shall be estimated based upon the size and number of animals reported by the feedlot operator or observed by others, whichever is larger.

Notwithstanding the foregoing, the county may grant a conditional use permit for the construction of a residence or establishment of a feedlot which does not meet the setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant’s proposed use. The covenant must be in recordable form and binding on the grantor’s heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.

The reciprocal setbacks established by this subpart shall not apply to feedlots which have been unused or abandoned for five years or more and also shall not apply to residential structures which have not been used as a dwelling or otherwise used for human habitation for five or more years.

7.7 LOTS OF RECORD:

- A. Lots of record in the County Recorder's office prior to December 31, 1999, which are located in an A-2 district and which do not meet the requirements of this section may be allowed as building sites provided:
 1. Such use is permitted in the zoning district.
 2. The lot is in separate ownership from a butting lots or lands prior to December 31, 1999; and
 3. All sanitary and setback requirements of this ordinance are complied with.

7.8 EXISTING BUILDING SITES:

- A. Existing building sites which are split from farm properties and converted to non-farm residential uses after the date hereof shall be nonetheless deemed a lot of record provided the minimum lot size established for the district is met.

SECTION 8. COMMERCIAL (C) & INDUSTRIAL (I)

(AS AMENDED 19 APRIL 2022)

8.1 COMMERCIAL (C)**8.1.1 Purpose:**

The purpose of this district is to provide a location for commercial uses along a federal, state, county or local road or in locations consistent with those indicated in the Pope County Comprehensive Land Use Plan which may be incompatible with other land uses elsewhere in the county.

All uses are subject to the submittal of a site Stormwater Management Plan, see section 8.3.4. and 10.24 for required performance standards.

8.1.2 Permitted Uses:**A. Commercial, Group I-Retail and Service Establishments:**

1. Agricultural related equipment sales and service.
2. Automotive sales and sales lots.
3. Auction Facilities, vehicle and equipment.
4. Building materials sales.
5. Equipment rental, sales and service.
6. Convenience stores.
7. Florist shops, plant nurseries and garden supplies sales.
8. Manufactured homes and travel trailer sales.
9. Motor or appliance repair shops and showrooms.
10. Seed, fertilizer, feed and petroleum products sales.
11. Retail sales.
12. Wholesale businesses with no outdoor storage.
13. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

B. Commercial, Group II-Professional Facilities and Services:

1. Athletic clubs, fitness centers, martial arts studios.
2. Contractor's offices, shop and showroom.
3. Daycare, commercial.
4. Hotels, motels, motor lodges and resorts.
5. Mini or seasonal storage facility, subject to performance standards in Section 10.6.
6. Office buildings.
7. Veterinary clinics or offices with no outside kennels.

8. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.
- C. **Commercial, Group III-Recreational Facilities:**
1. Indoor- Ballrooms, Billiard halls, Ice/Roller Skating facilities, etc.
 2. Outdoor-Miniature golf courses, driving ranges, go-cart tracks, water slides, etc.
 3. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.
- D. **Commercial, Group IV-Other Uses:**
1. Agriculture, including farm dwellings and agricultural structures, but not including agricultural or commercial feedlots.
 2. Essential services, subject to performance standards in Section 10.7.
 3. Hobbyist Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
 4. Signage structures, subject to performance standards in Section 8.3.7.
 5. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.
- E. Expansion, alteration or replacement of existing residential dwellings.

8.1.3 Conditional Uses:

- A. Restaurants, Bars, lounges, clubs, lodges, and dance halls (public or private).
- B. Car washes (when separate from Auto Service).
- C. Gas stations, vehicle service garages and facilities.
- D. Kennels.
- E. New residential dwellings.
- F. Recycling Center in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
- G. Shopping and entertainment malls.
- H. Towers, subject to performance standards in Section 10.5.
- I. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted and conditional uses listed in this section.

8.1.4 Interim Uses:

- A. Contractor's storage yards (not to be confused with scrap/dismantling yards).
- B. Mining and extraction, subject to performance standards in Section 10.2.
- C. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12.
- D. Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
- E. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

8.2 INDUSTRIAL (I)

8.2.1 Purpose:

The purpose of this district is to provide a location for commercial/industrial uses along a federal, state, county or local road or in locations consistent with those indicated in the Pope County Comprehensive Land Use Plan which may be incompatible with other land uses elsewhere in the county.

All uses are subject to the submittal of a site Storm water Management Plan, see section 8.3.4. and 10.24 for required performance standards.

8.2.2 Permitted Uses:

A. Industrial, Group I-Retail and Service Establishments:

1. Agricultural related equipment sales and service.
2. Automotive sales and sales lots.
3. Auction Facilities, vehicle and equipment.
4. Building materials sales.
5. Equipment rental, sales and service.
6. Convenience stores.
7. Florist shops, plant nurseries and garden supplies sales.
8. Manufactured homes and travel trailer sales.
9. Motor or appliance repair shops and showrooms.
10. Seed, fertilizer, feed and petroleum products sales.
11. Retail sales.
12. Wholesale businesses with no outdoor storage.
13. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

B. Industrial, Group II-Professional Facilities and Services:

1. Athletic clubs, fitness centers, martial arts studios.
2. Contractor's offices, shop, showroom and storage yards less than 50,000 square feet per storage yard.
3. Daycare, commercial.
4. Hotels, motels, motor lodges and resorts.
5. Office.
6. Veterinary clinics or offices with no outside kennels.
7. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

C. Industrial, Group III-Manufacturing, Processing and Storage Facilities:

1. Manufacturing/Processing-light.
2. Mini or seasonal storage facility, subject to performance standards in Section 10.6.
3. Warehouse.
4. Feed storage/Grain elevators.
5. Transportation or freight terminal.
6. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

D. Industrial, Group IV-Other:

1. Accessory Solar Energy Systems: Industrial facility/on-site use, subject to performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
2. Agriculture, including farm dwellings and agricultural structures, but not including agricultural or commercial feedlots.
3. Antennae when mounted on a rooftop or along a building or other structure.
4. Experimental Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
5. Signage structures, subject to performance standards in Section 10.XX.
6. Essential services, subject to performance standards in Section 10.7.
7. Recycling Center in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
8. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

8.2.3 Conditional Uses:

- A. Agricultural products processing.
- B. Alcohol fuel plants.
- C. Animal hospitals.
- D. Bulk liquid storage.
- E. Car washes (when separate from Auto Service).
- F. Contractor's offices and storage yards greater than 50,000 square feet per storage yard.
- G. Kennels.
- H. Manufacturing/Processing:
 1. Heavy.
 2. Intensive.
- I. Motor vehicle salvage facilities, subject to performance standards in Section 10.14.

- J. Pawn broker.
- K. Restaurants, cafes, bars and taverns.
- L. Sewage treatment plants.
- M. Single-family housing.
- N. Solid waste management facilities in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
- O. Towers, subject to performance standards in Section 10.5.
- P. Transfer station.
- Q. Truck stops, gas stations, vehicle service garages and facilities.
- R. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section, provided they are not incompatible with existing adjacent uses.

8.2.4 Interim Uses:

- A. Asphalt and concrete mixing plants, portable.
- B. Dwelling units for security persons and their families located on the premises where they are employed.
- C. Mining and extraction, subject to performance standards in Section 10.2.
- D. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12.
- E. Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
- F. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section, provided they are not incompatible with existing adjacent uses.

8.3 PERFORMANCE STANDARDS

8.3.1 Setbacks:

- A. **Side and Rear Yard Setback:**
 - 1. Abutting residential district: 80 Feet
 - 2. Abutting non-residential district: 20 Feet
- B. **Unplatted cemetery:** 50 Feet
- C. **From centerline of public roadways classified as Arterials, Major and Minor Collectors:** 125 Feet
- D. **From centerline of town roads, public streets, and all other legal roads or streets not classified as an arterial or collector:** 100 Feet
- E. No parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, or any residential, special protection, or agriculture district except railroad loading areas.

8.3.2 Minimum Lot Area and Width:

- Area = Two (2) acres when utilizing an on-site sewage treatment system; or
One (1) acre if connected to a public sewer system.
- Width = 200 feet
- Depth = 330 feet

8.3.3 Lots of Record:

- A. Lots located in an area zoned commercial or industrial which were of record in the County Recorder's office prior to the date on which an area was zoned commercial or industrial and which do not meet the requirements of this section may be allowed as building sites provided:
 - 1. Such use is permitted in the zoning district;
 - 2. The lot was in separate ownership from abutting lots or lands prior to the date on which the area was zoned commercial or industrial; and
 - 3. All sanitary, dimensional, and setback requirements of this ordinance are complied with.

8.3.4 Stormwater Management for Commercial or Industrial Zoned Areas

Activities in commercial or industrial areas shall conform to the Stormwater Management standards in Section 10.24 as well as the following additional standards:

- A. A stormwater management plan must be submitted for all uses in both Commercial and Industrial Districts.
- B. Industrial stormwater should be managed in compliance with the Minnesota Pollution Control Agency *Industrial Stormwater, Best Management Practices Guidebook (current version)*.

- C. A facility Stormwater Pollution Prevention Plan (SWPPP) must be implemented and maintained where required by the Pope County Board of Commissioners.

8.3.5 Screening Requirements

- A. Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the Planning Advisory Commission.
- B. If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the Planning Advisory Commission.
- C. Any outdoor storage or display of goods, materials, or damaged vehicles awaiting body repair shall be screened from view from any non-industrial zones (except farm fields) to the satisfaction of the Planning Advisory Commission using a combination of fencing, coniferous and deciduous plantings and/or berming.

8.3.6 Signs

- A. Advertising devices must be located outside of the road right-of-way, and be 300 feet from the intersection of any primary highway at grade with another highway, or with a railroad; provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.
- B. A sign face, whether a single sign face or each face of two back-to-back or V-type signs, shall not exceed five hundred (500) square feet including border and trim, but excluding base and apron supports and other structural members, except as provided under this ordinance. The maximum size limitation stated in this subdivision shall apply to each side of a sign structure and signs may be placed back-to-back, side by side, or in a V-type construction, but not more than two displays to each facing and such sign structure shall be considered as one sign.
- C. Advertising devices shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of a primary highway, of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle; or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
- D. No sign shall extend in height above the parapet wall of any principal building, except that one (1) free standing sign shall be allowed not exceeding thirty (30) feet in height above the average grade.
- E. No sign shall be mounted on a structure on or above the roof line.
- F. One temporary sign not to exceed one hundred thirty (130) square feet with no more than two (2) surfaces, may be displayed on a parcel during the time that the parcel is for sale, available for lease, or under construction.

SECTION 9. SPECIFIC ZONING DISTRICT REGULATIONS

9.1 DESCRIPTION:

The regulations set forth in Section 9.1 shall apply to the following districts: SP, SR, SC, SG, H, SA, SU

9.1.1 Purpose:

The following described Specific Zoning Districts are overlay districts located within the General Districts as described above. Through further study of the General areas, it has been determined that some areas are more compatible with certain types of land use that are defined under this section. Specific Zoning Districts will be determined by the County Board of Commissioners from time to time as an amendment to this ordinance following the procedures for rezoning or a amendment to the ordinance set forth in Section 11.7.

9.1.2 Requirements:

Specific zoning districts established under this section must

- A. Be precisely defined using standard legal descriptions;
- B. Be as small in area and compact in shape as minimally necessary to accomplish the intended purpose;
- C. Compatible in purpose with the purpose of the zone in which it is to be established; and
- D. Not exceed 640 acres provided, however, that creation of a new specific district in an area contiguous to an existing specific district of the same type shall not be considered a violation of the 640 acre limitation if all other criteria for the district are independently satisfied. Applications for creation of specific zoning districts may be made by the Pope County Environmental Service Department on its own initiative, by fee owners of land within the proposed district, or by an organization formally organized and existing under the laws of the state of Minnesota declaring and claiming a specific and tangible interest in the use of the land within the proposed district. The county need not accept or process an application for specific zoning district submitted by an individual who does not have a fee interest in real property located within the proposed district, or by any other entity which does not identify a specific and tangible interest in the property within the proposed district. The county also need not accept or process an application for specific zoning district which does not meet the informational requirements established in this section for the specific zone to be established or which, in the opinion of the zoning administrator, is otherwise incomplete. Specific zoning districts specified under this section and located within shoreland areas shall be consistent with the Public Waters Classification requirements. Specific zoning districts specified under this section and located outside shoreland areas shall be consistent with requirements established for the zone in which it is located. Unless otherwise stated, restrictions established in specific overlay districts are in addition to those established for the underlying zone and shall not serve to replace, reduce or lessen the effect of the restrictions established for the underlying zone.

9.2 SPECIAL PROTECTION DISTRICT (SP):

9.2.1 Purpose:

The purpose of this district is to manage areas unsuitable for development, industrial use, or intensive livestock production due to wet soils, steep slopes, excessive soil permeability or specific geologic feature which allows mingling of ground and surface waters, or large areas of exposed bedrock; and to manage areas of unique natural or biological characteristics in accordance with compatible uses.

9.2.2 Requirements:

- A. Prior to the adoption of a special protection district for any parcel, a protection plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said plan may be submitted by any organization having a stated interest in the property, by a landowner within the proposed district, or by the County.
- B. Said protection plan must identify those specific characteristics of the proposed protection area which render it unusually vulnerable to degradation, contain specific recommendations for use restrictions to be imposed on the identified land, and be accompanied by objective scientific data in support of the plan.
- C. Each application and proposed protection plan for a special protection district must be submitted for review by the Pope County Soil and Water Conservation District. The Pope County Soil and Water Conservation shall in turn submit written comments and recommendations regarding the application to the County Board. The planning commission or the board may also request review and comment by any appropriate state or federal agency. Comments and recommendations received pursuant to this subpart shall be deemed a part of the record of the public hearing held in the course or processing the application.

9.2.3 Permitted Uses: (Unless restricted in the underlying zone)

- A. General agricultural pasture and minimum tillage cropland uses, except that no wetlands shall be drained to facilitate cultivation of shorelands and shorelands shall not be cultivated within 150 feet of ordinary high water mark.
- B. Forestry, except that clear-cutting practices shall not be used within 150 feet of the normal high water mark.
- C. Parks and waysides that do not maintain overnight camping facilities.
- D. Nature areas, hiking and riding trails (except for motor vehicles), wildlife preserves, and designated official wetland or wildlife areas.
- E. Designated Historical Sites.
- F. Single family residential provided that the minimum lot is ten (10) acres in size and a minimum of 400 feet wide in a shoreland or residential district; that the proposal meets the minimum area requirements for other underlying general districts; that no structure shall be placed within 500 feet of the lake; and that soils shall be suitable for on-site sewage system. Essential Services as necessary for a permit issued under this subsection shall be permitted.

9.2.4 Conditional Uses:

- A. All aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located in other than a Special Protection District.
- B. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the County Board of Commissioners as being compatible with other general, allowable uses of the district.
- C. Public access or controlled access in a shoreland district provided that the access is as wide as minimum lot size on the lakeshore and that no more than one such access is allowed per 1000 feet of lakeshore.

9.3 SPECIAL RESIDENTIAL DISTRICT (SR):**9.3.1 Purpose:**

The purpose of this district is to preserve areas suitable for residential development from encroachment by commercial and industrial establishments and to allow limited and concentrated residential development in those parts of agricultural zones which are already residential in character or are otherwise more suitable for residential than agricultural uses. Special residential districts established in agricultural zones must be developed in a manner which acknowledges the agricultural character of the underlying district, gives notice to future residents that the purpose of the underlying district is to preserve and promote agricultural production in the county, and minimizes the impact of the development on current and future agricultural uses in the area.

9.3.2 Requirements:

- A. Prior to the adoption of a residential district in an area zoned for non-intensive agricultural uses (A-1) or for agricultural protection (A-2), a comprehensive plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said plan may be submitted by any developer, organization, by an individual, or by the County.
- B. **Said comprehensive plan must:**
 - 1. Identify all existing non-farm uses within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 2. Identify all permitted and operating feedlots within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 3. Identify those characteristics or policy considerations which render the lands contained within the proposed boundaries more suitable for residential use than agricultural use. Such characteristics or considerations may include proximity to rural municipalities or existing residential development, residential growth trends, proximity to and nature and capacity of existing public roads, public utilities including telecommunications, electric, public water and sewer facilities, suitability of soils for on-site sewage treatment systems, nature and proximity of existing agricultural, commercial, or industrial development, and suitability of soils (e.g. quality, erodibility, and drainage) for continued agricultural use.

4. Identify proposed density, structure placement and roads within the proposed development.
 5. Identify measures to be taken by the proponent, owner, or developer to minimize the impact of the proposed residential use on existing and future agricultural uses. Such measures may include screening, dedication of lands owned by or subject to the control of the proponent to green space, wildlife production, or non-intensive agricultural practices, covenants given for the benefit of adjacent agricultural lands restricting the developer’s successors in interest from interfering with accepted agricultural practices, and covenants purchased or otherwise acquired from adjacent landowners restricting specific agricultural practices within a given area.
- C. A person who applies for creation of a special residential district shall, not later than ten business days after the application is submitted, provide notice to each owner of agricultural real property within 5,000 feet of the perimeter of the proposed development. The notice may be delivered by first class mail, in person, or by publication in a newspaper of general circulation within the affected area and must include information on the number of residential units. This notice shall not be required if Minnesota Statutes Section 394.305 is repealed subsequent to the effective date hereof.

9.3.3 Permitted Uses:

- A. Agriculture - limited, however, to plant husbandry.
- B. Single family seasonal or year-round uses.
- C. Parks and playgrounds.
- D. Duplex, triplex and quad residential uses providing the conditions of the district to be located are met.
- E. Home occupations provided criteria found in Section 10.9 are met.

9.3.4 Conditional Uses:

- A. Manufactured Home Parks provided the criteria found in Section 0 are met.
- B. Controlled access provided the criteria found in Section 0 are met.
- C. Residential planned unit development.

9.3.5 Minimum Lot Area:

Notwithstanding a more restrictive density restriction in the underlying district, the minimum lot size in a Special Residential District shall be as follows: For single family residences utilizing an Individual Septic System (ISTS), three acre minimum is required. For sewered lots of lots utilizing a common drain field governed by an approved drain field agreement, the following minimum areas (exclusive of any area used for drain field purposes) shall apply:

Single	40,000 square feet
Duplex	80,000 square feet
Triplex	120,000 square feet
Quad	160,000 square feet

9.4 SPECIAL COMMERCIAL DISTRICT (SC):**9.4.1 Purpose:**

The purpose of this district is to centralize service facilities for recreational areas and to enhance the economic growth potential of those areas suitable for limited commercial development.

9.4.2 Permitted Uses:

- A. Any permitted use allowed in the Residential District.
- B. Duplex, triplex and quad residential uses provided that the requirements of the district to be located are met.
- C. Home occupations provided the criteria found in Section 10.9 are met.

9.4.3 Conditional Uses:

- A. Manufactured Home Parks, provided the criteria in Section 0 are met.
- B. Churches, chapels, temples, and synagogues, including Sunday Schools, Convents, and Parish houses meeting the requirements of the district.
- C. Public meeting places.
- D. Recreational camping areas (Campgrounds) provided the conditions specified in Section 10.19 are met.
- E. Commercial uses provided that the lot is compatible with the proposed use in matters of appearance, lighting, hours of operation, parking, building height, sewage disposal, signs and lot size; and PUD standards are met.
- F. Commercial planned unit development.

9.5 SPECIAL GENERAL USE DISTRICT (SG):**9.5.1 Purpose:**

The purpose of this district is to manage areas where use may be directed toward urban or municipal activities or for any type of land use not provided for in the other zoning districts. Generally, the uses of this zoning district should be separated from adjacent residential areas by a buffer zone to ease the effects of their incompatibility. Permitted uses for this district are generally commercial and industrial in nature, but for any proposed use in this district, a Conditional Use Permit may be required at the discretion of the County Board.

9.6 HISTORIC DISTRICT (H):**9.6.1 Purpose:**

The purpose of this district is to provide the opportunity for the encouragement and promotion of historic integrity in areas of proven historic significance as evidenced by data compiled by the County Historical Society, the State Historical Society, or by inclusion on the National Register of Historic Places.

9.6.2 Requirements:

- A. Parcels may be placed in a historic district by the County Board of Commissioners as an amendment to this ordinance.
- B. Prior to the adoption of a historic district for any parcel, a comprehensive plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said comprehensive plan may be submitted by any organization or society, by an individual, or by the County.
- C. Said comprehensive plan may include a recommendation for a text of land use rules or regulations which may vary from existing ordinance requirements. If the comprehensive plan is adopted by the County, the land use rules or regulations in the plan shall become a part of this ordinance.
- D. If a Historic District is adopted for a parcel of land, the County Board may grant review and comment authority to a bonafide historical organization or society. The review and comment authority shall be named in the amendment as shall be the extent of the review and comment authorization.

9.7 SPECIAL AGRICULTURAL DISTRICT (SA):**9.7.1 Purpose:**

The purpose of this district is to enhance the economic growth potential of those areas most suitable for concentrated livestock production and to minimize conflicts with other land uses in the area. A Special Agricultural District may be established only in an Agricultural Protection District.

9.7.2 Requirements:

- A. Prior to the adoption of a Special Agricultural District, a comprehensive plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said plan may be submitted by any developer, organization, by an individual, or by the County.
- B. In addition to all requirements for a feedlot Conditional Use Permit set forth in Section 10.3.4, said comprehensive plan must:
 - 1. Identify all existing non-farm uses within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 2. Identify all permitted and operating feedlots within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 3. Identify those characteristics or policy considerations which render the lands contained within the proposed boundaries suitable for concentrated livestock production. Such characteristics or considerations may include proximity to rural municipalities or existing residential development, residential growth trends, proximity to and nature of public roads, suitability of soils for on-site manure storage, nature and proximity of existing agricultural, commercial, or industrial development, and suitability of soils (e.g. quality, erodibility, and drainage patterns) for application of manure as proposed.
 - 4. Identify capacity of any proposed feedlot and species to be sheltered.

5. Identify measures to be taken by the proponent, owner, or developer to minimize the impact of the proposed livestock production activities on existing uses in the area. This portion of the plan must include a discussion of proposed odor mitigation strategies and of emergency response plans in the event of a threatened manure spill.

9.7.3 Permitted Uses:

- A. All uses permitted in an Agricultural Protection District (A-2) are permitted uses in a Special Agricultural District.

9.7.4 Conditional Uses:

- A. All uses which are conditional uses in an Agricultural Protection District (A-2).
- B. Planned Agricultural Development.
- C. Industrial Planned Unit Development for Processing of Agricultural Products.

9.8 SPECIAL URBAN EXPANSION DISTRICT (SU):

9.8.1 Purpose:

The purpose of this district is to provide for deferred development of areas adjacent to municipal areas pending extension of services and orderly development in conformity with municipal planning goals. A Special Urban Expansion District may be established only in areas zoned A-1 (Non-Intensive Agriculture) which are adjacent to a municipality or property owned by a municipality and used for municipal purposes.

9.8.2 Permitted Uses:

- A. All uses permitted in a Non-Intensive Agriculture District (A-1) are permitted uses in a Special Urban Expansion District except feedlots or feedlot expansions.

9.8.3 Conditional Uses:

- A. All uses which are Conditional Uses in a Non-Intensive Agriculture District (A-1) except feedlots or feedlot expansions, towers, and motor vehicle salvage facilities.

SECTION 10. PERFORMANCE STANDARDS

10.1 ADULT ORIENTED USES:

This section is to control the location of adult oriented uses within the county so as to minimize conflicts with residential communities and adjacent uses, and to ensure that the adult use is operated in compliance with all applicable state and federal laws. A conditional use permit shall be required for all adult oriented uses and shall be granted as a matter of right if the requirements of this section are met. Review and requalification shall be required annually. Permit renewal may not be denied on the basis of product or performance content alone, but may be denied upon a finding that the adult use has been operated in violation of the terms of this section, or in violation of the provision of the state liquor code, within the preceding year. No owner or operator of an adult use may allow a person under the age of eighteen to be on the premises unless visual and physical access to sexually explicit or obscene materials is limited by physical barriers or electronic (programming) safeguards. No owner or operator of an adult use may allow a person under the age of eighteen to otherwise have access to sexually explicit or obscene materials at any time. An adult use shall be set back from a state trunk highway or county state aid highway a distance of 500 feet and shall be set back a distance of 1,320 feet from any residence. Reasonable additional conditions may be set by permit, and may be added upon renewal.

10.2 AGGREGATE MINING AND PROCESSING:

(AS AMENDED 7 July 2020)

10.2.1 Purpose

The purpose of this section is to control mining, extraction and processing of aggregate so as to minimize conflicts with adjacent land uses and to ensure that the mining area is restored at the completion of the mining operation.

A. Permit/Registration Requirements

1. Administratively Issued Land Use Permit/Registration Required:

- a. Current mine sites which are mining 500 cubic yards of gravel or more.
- b. Annual registration is required.

2. Conditional Use Permit Required: New or expanding mine sites mining more than 500 cubic yards of gravel.

B. State Environmental Review Requirements

1. Environmental Assessment Worksheet (EAW) Required (*MN Chapter 4410 Part 4410.4300 Subpart 12*):

- a. Mining which will exceed forty (40) acres to a mean depth of ten (10) feet or more.
- b. Mining which will exceed twenty (20) acres of forested or other naturally vegetated land in a sensitive shoreland area.
- c. Mining which will exceed forty (40) acres of forested or other naturally vegetated land in a nonsensitive shoreland area.

2. **Environmental Impact Statement (EIS) Required (MN Chapter 4410 Part 4410.4400 Subpart 9):**
 - a. Mining which will exceed one hundred sixty (160) acres to a mean depth of ten (10) feet or more.
 - b. Mining which will exceed forty (40) acres of forested or other naturally vegetated land in a sensitive shoreland area.
 - c. Mining which will exceed eighty (80) acres of forested or other naturally vegetated land in a nonsensitive shoreland area.

10.2.2 Definitions

- A. **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word “Administrator” as it appears in section 10.30 of the Land Use Controls Ordinance means the Director of the Pope County Land & Resource Management department.
- B. **Environmental assessment worksheet (EAW):** a brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS (*MN Chapter 4410 Part 4410.0200 Subpart 24*).
- C. **Environmental impact statement (EIS):** a detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a (*MN Chapter 4410 Part 4410.0200 Subpart 26*).
- D. **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 Statute, Sections 93.44 to 93.51. (*AS AMENDED 19 June 2018*)
- E. **Gravel mining site:** any site where the ground cover and top soil has been or are proposed to be removed and where any of the following activities are occurring or will occur: removal, crushing, washing, refining, borrowing, or processing. An “active” gravel-mining site is a site where any combination of the above-identified activities resulted in the handling of more than 500 yards of material within the preceding calendar year.
- F. **Sensitive shoreland area:** shoreland designated as a special protection district pursuant to part 6120.3200 or shoreland riparian to any of the following types of public waters:
 1. lakes or bays of lakes classified as natural environment pursuant to part 6120.3000;
 2. trout lakes and streams designated pursuant to part 6264.0050;
 3. wildlife lakes designated pursuant to Minnesota Statutes, section 97A.101, subdivision 2;
 4. migratory waterfowl feeding and resting lakes designated pursuant to Minnesota Statutes, section 97A.095, subdivision 2; or
 5. outstanding resource value waters designated pursuant to part 7050.0335.

- G. **Stormwater Pollution Prevention Plan (SWPPP):** a plan that describes the strategies and steps that will be taken to prevent nonpoint source pollution discharging from a site. The development of a proper SWPPP is a requirement of the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater (CSW) permits.

10.2.3 Performance Standards

The following standards shall apply to the removal, crushing, washing, refining, borrowing or processing of gravel within Pope County.

- A. Federal, state, county and township regulations and permitting must be adhered to and obtained prior to operation.
- B. **Annual Registration.** The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the County, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval and to review bonding requirements.
- C. **Application Requirements:** The following information shall be provided by the landowner requesting the conditional use permit:
1. Name and address of person or a agency requesting the mining permit.
 2. The exact legal property description and acreage of area to be mined.
 3. The following maps drawn at an Engineer's scale showing the following information is required:
 - a. **Existing Conditions Map**
 - i. Topography at two (2) foot intervals and source of contour interval.
 - ii. Existing vegetation (list type and percent of coverage; e.g. grassland, pasture, plowed field, wooded areas, etc.).
 - iii. Waterways, watercourses, lakes, public water wetlands and delineated wetlands.
 - iv. Existing structures.
 - v. Existing wells.
 - b. **Proposed Operations Map**
 - i. Structures to be erected.
 - ii. Location of sites to be mined, showing depth of proposed excavation.
 - iii. Location of machinery to be used in the mining operation.
 - iv. Location of tailing/stripping deposits showing maximum height of deposits.
 - v. Location of storage and mined materials, showing the maximum height of storage deposits.
 - vi. Location of vehicle parking, access roads and local routes to truck routes.
 - vii. Location of storage areas for explosives.
 - viii. Erosion and sediment control structures.
 - ix. Cross-section sketch of the proposed mining operation.

- x. Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.
 - c. **End Use Plan Map**
 - i. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
 - ii. Location and species of vegetation to be replanted.
 - iii. Reclamation staging plan.
 - 4. A plan for dust, noise, stormwater runoff (SWPPP) and erosion control.
 - 5. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for completion.
 - 6. A Mining Operations & Reclamation Plan shall be completed and submitted to the Department.
 - 7. Any other information requested by the Planning Commission or County Board.
- D. **Operating Standards:**
- 1. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and prevent the proliferation of noxious or invasive vegetation.
 - 2. All equipment used for mining and extraction operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noise, dust and vibration adversely affecting the surrounding property.
 - 3. Safety fencing may be required around all or portions of the mining operation, at the discretion of the County Board.
 - 4. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall be planted with a species of fast-growing trees.
 - 5. Processing of minerals shall not be conducted closer than one hundred (100) feet from the property line nor closer than five hundred (500) feet from any residential, commercial or industrial structures without the written consent of all owners and residents of said structures.
 - 6. Mining operations shall not be conducted closer than thirty (30) feet from the boundary of any zoning district where such operations are not permitted.
 - 7. Mining operations shall not be conducted closer than two hundred (200) feet from the ordinary high water level of any public water.
 - 8. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice so as to assure that such buildings, structures and plants will not become dilapidated.

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9. All access roads from mining operations to public highways, roads or streets, or to adjoining property shall be paved or surfaced to minimize dust considerations.
 10. Surface mining below the upper limit of the static water table is prohibited unless otherwise approved by the Pope County Board of Commissioners. The upper limit of the static water table is the higher of the following:
 - a. the depth at which regular mining operations are so impaired by the presence of standing water not associated with precipitation so as to require continuous drainage or dewatering; or
 - b. the depth established as a static water by a Registered Engineer.
- E. Rehabilitation & Reclamation:**
1. All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one (1) year. The following standards shall apply:
 - a. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slopes shall exceed twenty-five (25) percent in grade.
 - b. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three (3) inches. The topsoil shall be seeded, sodded, or planted with legumes and grasses. Such plantings shall adequately retard soil erosion.
 2. The County shall require the applicant or owner of the property on which the mineral extraction is occurring to post a bond, letter of credit or cash escrow in such form and sum as determined by the Board as part of the permit. The security shall be sufficient to reimburse the following costs:
 - a. Costs of bringing the operation into compliance with the Conditional Use Permit requirements, including site monitoring and enforcement costs.
 - b. Costs of repairing County roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the County Engineer.
 - c. Site restoration.
 - d. Costs the County may incur in enforcing the terms of the Conditional Use Permit, including a attorney's fees.

10.3 AGRICULTURAL USE STANDARDS:

10.3.1 Intent:

This section is to regulate the operation of feedlots so as to minimize the impact of livestock production, and the crop production, and cultivation of plants for commercial and recreational purposes on the waters and other common resources of the county and to minimize conflict between these and other uses in the area where feedlots are located.

10.3.2 General Standards:

A. Feedlots in Shoreland and/or General Residential District:

1. New feedlots must not be located in shoreland or general residential districts.
2. Modifications or expansions to a capacity not exceeding 50 animal units of existing feedlots that are located within shorelands or general residential districts are allowed via conditional use permit if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones in shoreland areas, and are contiguous with, or extend away from the existing feedlot toward the boundary of an agricultural zone. Prior to issuance of a modification or expansion permit, an approved plan for control and containment of animal waste runoff shall be submitted.

B. **County Board Resolution:** The County Board may, by resolution, require review and inspection of all unpermitted feedlots within the county in order to determine if a pollution hazard exists and to otherwise determine whether such feedlots are being operated in compliance with the feedlot management provisions of this ordinance. Such resolution may provide for accelerated and/or concentrated compliance reviews within areas deemed to be environmentally sensitive by the County Board. These areas may include, but are not limited to: shoreland areas, specific watersheds or sub-watersheds, or areas determined by the County Board to be sensitive to ground or surface water pollution. The resolution adopting these requirements must state the reason or reasons for declaring the area an environmentally sensitive area and shall include legally sufficient findings of fact. Although not an amendment to this ordinance, proceedings to adopt such resolution shall include a public hearing noticed in the manner set forth in Minnesota Statutes Section 394.26. Additionally, all feedlots and local governments within the proposed area shall receive written notice of board's intention to take action on such a resolution at least 10 days prior to the scheduled hearing date.

C. **Storage of Manure:** Storage of liquid manure is prohibited except in a permitted containment system. Solid manure intended for use as fertilizer may be stored for a period not to exceed one year provided that the location used to store manure or to store manure for any periods exceeding eight months must be approved by the Pope County Feedlot Officer. For the purposes of this subpart, solid manure is manure that dries sufficiently (with or without bedding added) to make it stackable solid. All other manure will be considered liquid manure.

- D. **Abandonment of Manure Storage Structures:** All manure storage structures must be properly closed within six months of abandonment, permit revocation, or other permanent cessation of livestock production at the facility. Closure must be completed in accordance with Minnesota Pollution Control Agency Guidelines for Closure and Abandonment of Manure Storage Structures dated July 1997; or successor guidelines which are hereby incorporated by reference. In the event that storage structure is not properly closed within six months of permanent cessation of livestock production on the site, the county may remove any remaining manure and close the structure and the costs of such removal and closure may be assessed against the property.
- E. **Uncontrolled Release of Manure:** It shall be the duty of any feedlot owner or operator to immediately notify the Pope County Zoning Administrator in the event of an uncontrolled release of manure from a manure storage structure or if it appears that contamination of ground or surface waters might reasonably be expected to result from a spill or an action related to the field application of manure.
- F. **Catastrophic Loss:** It shall be the duty of any feedlot owner or operator to notify the Zoning Administrator immediately in the event of a catastrophic loss of animals from fire, natural disaster, neglect, suffocation or disease. In any event where notification is required, the feedlot owner or operator must promptly commence clean up and disposal of dead animals in a manner consistent with Minnesota Board of Animal Health regulations found in Minnesota Rules, Chapter 1719 or successor rules. Failure to notify and failure to timely dispose of the dead animals as required in this subpart are separate courses of conduct and are separate violations of this ordinance.
- G. **Dead Animal Disposal:** If an owner or operator of a feedlot fails to promptly and properly dispose of dead animals after being given notice and an administrative order to cease and desist and/or for abatement, and the Pope County Director of Public Health finds that the dead animals constitute a public health nuisance, the county may immediately remove and/or dispose of the dead animals and the costs of such removal and closure may be assessed against the property.
- H. **Abandonment of Feedlot:** Owners of record and Operators are jointly and severally liable for clean-up, closure and remediation of the feedlot site. Mortgagees in possession and other voluntary successors in interest to real estate of an abandoned feedlot shall also be liable for such clean-up, closure and remediation costs.
- I. **Application/Transportation/Storage/Stockpile:** The application, transportation, storage or stockpile of animal manure in any manner which causes contamination of surface or ground waters of the County shall be unlawful. In all cases animal manure shall be appropriately contained until such time as it is land applied according to agronomic rates of application which constitute best management practices for soil and water. All county and state rules regarding the application of manure on frozen ground will apply (*AS AMENDED 18 November 2008*).
1. **Management Requirements:** (*AS AMENDED 18 November 2008*)
- a. Manure management plans are required for operations over 300 head and fields used to feed cattle over winter months will follow the plan in regard to nitrogen and phosphorus application and removal by the following crop.

- b. A plan to address the prevention of runoff to waters of the state will include any buffering, berming, fencing, and site management that is determined according to slope of land and sensitive areas.
 - c. Calculations of manure production will be made using factors of number of head, weight of cattle, length of time on field, and feed.
 - d. Minimum state requirements for phosphorus are to prevent long term build-up within 300 feet of any sensitive area. Producers will exclude determined buffer areas from manure application to ensure discharge standards are met.
 - e. State rules limit the application of nitrogen to not exceed the expected crop needs of non-legumes and the expected removal for legumes.
- J. **Steep Slope/Shore/Bluff Impact Zone:** The shore impact zone for parcels with permitted agricultural land uses is an area with a 50-foot average width and a 30-foot minimum width, as measured from the ordinary high water level 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.
- General cultivation farming, grazing, nurseries, horticultural, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slope and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the Pope Soil and Water Conservation District or the United States Natural Resource Conservation Service, as provided by a qualified individual or agency. *(AS AMENDED 3 January 2017)*
- K. **Manure Storage:** Stockpile or storage of manure is prohibited within 500 ft. of a lake, waterway or tile inlet unless the storage is in a permitted containment system.

10.3.3 Setbacks for Newly Constructed Feedlots:

Newly constructed feedlots will meet the following setback requirements of this Ordinance:

- A. **Public Well:** New feedlots may not be located closer than 1000 feet from any public well.
- B. **Other Wells:** New feedlots may not be located less than 200 feet from any private well which is less than 50 feet deep or is located in an aquifer which is not protected by a geologic confining layer. In all other cases, new feedlots shall be setback not less than 100 feet from existing private wells.
- C. **Steep Slope/Riparian Zone:** New feedlots or expansion of an existing feedlot shall be setback at least 30 feet from the top of a steep slope when adjacent to any riparian zone.
- D. **Drainage Ditch:** New feedlots must be setback 100 feet from a public or private drainage ditch.
- E. **Residences:** Setbacks for new feedlots from residences are governed by the setbacks established in this ordinance for the zone in which the feedlot is to be located.
- F. **Property Lines:** New feedlots must be setback 50 feet from all other property lines.
- G. **Right of Way:** New liquid manure containment systems must be setback at least 200 feet from a public road right of way.

- H. **Wellhead Protection Areas:** New construction of liquid manure storage facilities or feedlot structures is prohibited in the following areas:
1. Within the drinking water supply management area for a wellhead protection area delineated and established pursuant to Minnesota Rules, Chapter 4720, or any successor rules.
 2. Within one mile of any well maintained by a municipality as a source of potable water for consumption by the public which is not the subject of an approved wellhead protection area.

10.3.4 Conditional Use Permits Requirements:

The following standards apply to Conditional Use Permits issued and Planned Agricultural Developments approved allowing the operation of a feedlot in Pope County. The County may also add additional conditions which the Planning Commission or Board consider necessary to protect the public health, safety, and welfare.

- A. An owner or operator of a feedlot not otherwise required to obtain a conditional use permit is nonetheless required to do so when any of the following conditions exist:
1. An expansion or modification of an existing feedlot is proposed in a shoreland or residential district.
 2. A lagoon system, or an earthen storage basin is proposed for the storage or treatment of animal waste.
 3. An existing feedlot is identified by the Zoning Administrator as one which poses an imminent and substantial pollution hazard and is in an area scheduled for accelerated compliance review and enforcement by resolution of the County Board or is otherwise among a group targeted for compliance action by the MPCA or the county feedlot permitting program.
- B. Any party harboring animals or livestock on a parcel or lot smaller than 5 acres may be required to obtain a conditional use permit for the purpose of correcting nuisance or water quality problems.
- C. No Conditional Use Permit shall be effective for the operation or expansion of a feedlot until the applicant also obtains a Verification of Compliance from Pope County or an Interim permit, Construction Short Form permit, NPDES permit, SDS permit or written agreement with the Minnesota Pollution Control Agency.

- D. Only one Conditional Use Permit shall be required for a feedlot consisting of a combination of lots and buildings if the lots and buildings are in common ownership, under common control, or being used for a common purpose in a partnership or other joint business venture, if such lots or buildings are within 1320 feet of one another as measured by the diameter of a circle encompassing all of the area of such buildings and lots, and connecting the most distant points on the perimeters of the buildings or lots of which the feedlot is comprised, and the capacity of such combination of lots and buildings shall be calculated as one feedlot. Additional conditional use permits shall be required for buildings or lots which are more than 1320 feet from other lots or buildings used or intended for use as a feedlot and under common ownership or control regardless of whether they are being used for a common purpose. If a second conditional use permit is required pursuant to this part, capacity shall be based solely on the combination of lots or buildings to which the second conditional use permit applies.
- E. **Swine Facilities: Open Lagoons prohibited:** No Conditional Use allowing construction or use of an open earthen basin or "lagoon" in connection with the sheltering or keeping of swine shall be approved after the date hereof except:
1. As a cost effective remedial measure proposed to curb pollution from an identified site whether by runoff or by leaching upon the recommendation of the Pope Soil and Water Conservation District or other government agency charged with soil and water mandates.
 2. In connection with re-permitting viable existing facilities for which permits have lapsed by reason of non-use.
In any event, no variance shall be given, and no permit approved under these exceptions unless the facility:
 - a. meets or can be made to meet current standards; and
 - b. meets all setbacks applicable to the district in which proposed.This subsection shall not be constructed as an attempt to diminish, alter or conflict the effect of any law of the State of Minnesota which prohibits or limits the use of open manure containment systems for swine facilities in effect as of the enactment hereof. This provision shall remain in effect notwithstanding the repeal, modification or lapse of any state legislation governing the same or similar subject matter.
- F. **Land Availability Requirements:** Conditional Use Permits shall be in effect only as long as sufficient land specified for spreading manure is available and being used for such purposes as regulated otherwise by this Ordinance.
- G. **Verification of Compliance:** All feedlots shall be operated in a manner consistent with MPCA requirements and this Ordinance.
- H. **Closure Requirements:** The Board may require the applicant, or permit holder, to submit a storage facility closure plan detailing "shut down" procedures to be followed in the event of cessation of animal production activities for any period exceeding six months and such financial assurances as the board may deem adequate to ensure execution of the plan.

- I. **Manure Storage:** All manure storage lagoons and earthen storage basin shall conform with MPCA design standards. All plans for manure storage lagoons and earthen manure storage basins shall be designed, and the plans signed, by a qualified professional engineer registered in the State of Minnesota, or by qualified staff of the United States Natural Resource Conservation Service.
- J. **Construction Reports:** An agricultural or civil engineer registered in the State of Minnesota or qualified staff of the United States Natural Resource Conservation Service shall provide the county feedlot officer with a signed construction report and certification that the manure storage lagoon, or earthen manure storage basin was constructed to the standards of the approved plan.
- K. **Liquid Manure:** Liquid manure will be injected or incorporated into the soil, unless otherwise specified on the permit.
- L. **Earthen Basins:** For new earthen basins, storing manure from 1,000 animal units or more, the Board may require an independent inspector, of the county's choosing to inspect the site during construction of the basin. The inspection may include sample cores of the clay liner as required to ascertain the compaction density of the liner. The applicant shall be responsible for all cost associated with the inspection and testing.
- M. **Manure Management Plan:** It shall be a condition of all permits issued hereunder that the applicant shall have and observe a manure management plan prepared that meets or exceeds all minimum guidelines published or otherwise recommended by the University of Minnesota Extension Service and shall observe the plan in the operation of the feedlot. The plan must detail best management practices for the operation including:
1. Location to which manure generated by the feedlot will be applied;
 2. The maximum rate of application based upon current soil, crop and manure analyses which addresses content of and agronomic capacity to process nitrogen and phosphorus;
 3. The method of application; and
 4. Timing of application with consideration given for agronomic efficiency, soil and subsoil types, and uses of adjoining lands.

All manure management plans which anticipate manure application within a shoreland, residential or non-intensive agriculture zone shall contain a "good neighbor" component detailing the applicant's plan to minimize the emission of odors during the application and to minimize the impact of any odors emitted on other uses in those zones. The county may require that the plan be updated at the county's discretion, and may from time to time require nutrient testing at the applicant's expense in selected locations in order to determine whether manure is being applied in quantities exceeding agronomic rates. In the event that the practices recommended by the manure management plan conflict with the provisions of this ordinance governing soil nutrient application generally, the more restrictive practice shall control.

- N. **Notification Requirement:** A person who applies for a Conditional Use Permit to construct or expand a feedlot with a capacity of 500 animal units or more shall, not later than ten business days after the application is submitted, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot structure. The notice may be delivered by first class mail, in person or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot.

Notification under this subpart is satisfied if notice of the proposed feedlot has been given or is being given simultaneously in connection with an application for a feedlot permit pursuant to Minnesota Statutes Section 116.7 Subd. 7a.

- O. **Dead Animal Disposal Plan:** Each applicant for a Conditional Use Permit pursuant to this section must file a dead animal disposal plan along with the application. Each conditional use permit issued hereunder must address the issue of dead animal disposal either by reference to a plan or by specific condition. In the event of a loss of a large number of animals by reason of disease, fire, or other catastrophe, the county may enter the premises and dispose of the animals but only if it appears that the owner or operator has abandoned the facility, is making no effort to dispose of the animals, or is making an effort which, in the opinion of the Pope County Public Health Officer, is inadequate to mitigate the health risk posed by the dead animals. The county may seek to recover the cost of such disposal activities from the owner, operator or successor in interest in the real estate but only if alternative sources of payment have been exhausted.
- P. **Sand Plain Requirements:** Applicants for permits to be issued for projects to be located in a known sand plain may be required to furnish subsurface site information, to undertake subsurface site investigation or to compensate the county for having such an investigation to be completed prior to action on the permit. If warranted by the subsurface site investigation data, permits issued for such projects shall, and in other cases may also contain engineering requirements for manure storage facilities which exceed state standards or standards imposed in other parts of the county. If warranted by the subsurface site investigation data, the county also may, as an additional condition, require the feedlot owner or operator to construct and maintain, at the permittee's expense, ground water monitoring wells on the premises of the facility to determine the impact the feedlot is having on ground water. The monitoring wells are to be located and constructed under the direction of the County Engineer or other qualified individual or firm chosen by the Zoning Administrator. Sampling of the monitoring wells will be taken and analyzed by a registered firm qualified for such work and under the direction of the Zoning Administrator or his representative. A report of the laboratory findings shall be provided to the Zoning Administrator and the permittee. The fee for such sampling and analysis shall be paid by the permittee.
- Q. **Transporting Liquid Manure:** A person permitted under this section may not transport liquid manure through a municipality, residential district, or lakeshore shoreland district on a county, state, or municipal roadway unless the load is contained in a covered vehicle constructed and loaded so as to prevent leakage and minimize odor emissions. This restriction shall not apply to road crossing or to roads located within the shorelands of undeveloped natural environment lakes.

10.3.5 Planned Agricultural Development (PAD):

- A. **Types of PAD's Permissible:** Planned agricultural developments (PAD's) are allowed for new and expanded feedlots of a size or for a species not otherwise provided for in this ordinance. PAD's are available only in areas rezoned as a Special Agricultural District (SA).
- B. **Processing of PAD's:** Planned agricultural developments must be processed as a conditional use. Application and processing may proceed concurrently with a request to establish a Special Agricultural District however, approval of the PAD cannot occur until the environmental review process (EAW/EIS) is complete.
- C. **Application for a PAD:** The applicant for a PAD must submit the following documents prior to final action being taken on the application request:
1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems, and topographic contours at ten-foot intervals or less.
 2. If proposed by other than an individual or is to be operated by other than an individual, governance documents by which the county may ascertain the nature of the applicant and operating entity, the authority of persons to act on behalf of the entity(s) and degree of individual responsibility of owners.
 3. Deed restrictions, covenants, permanent easements, licenses, leases or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, construction and maintenance of manure storage facilities; and 2) demonstrate extended access to cropland sufficient to utilize all manure to be generated by the project without exceeding agronomic rates of nitrogen and phosphorus utilization.
 4. All information required of an applicant to operate a feedlot as a conditional use.
 5. In all cases involving a liquid manure containment system, a hydrogen sulfide emissions plan detailing management efforts and technologies to be employed in monitoring and limiting hydrogen sulfide emissions at the facility.
 6. A dust control plan detailing management efforts and technologies to be employed to minimize the quantity and impact of dust generated at the facility.
 7. Those additional documents as requested by the County that are necessary to explain how the PAD will be designed and will function.
- D. **Maintenance and Administration Requirements:**
1. Before final approval of a planned agricultural development, adequate provisions (planning and financial) must be developed for the following:
 - a. Monitoring, future maintenance and repair of any liquid storage area.
 - b. Response to threatened spills and spills.
 - c. Closure of the facility

2. Development, organization and functioning. Unless proposed and operated by an individual, or unless an equally effective alternative governance mechanism is established, all planned agricultural developments must use a Family Farm or Authorized Farm Cooperation partnership or limited liability partnership with the following features:
 - a. Ownership interest and voting authority must be specified.
 - b. Regular meetings are required.
 - c. Financial contributions must be adjustable to accommodate changing conditions; and
 - d. The organization must be responsible for insurance, taxes and maintenance of all property and facilities.
 - e. Information submitted regarding ownership interests shall be deemed and treated as private data kept on individuals within the meaning of the Minnesota Data Practices Act provided, however, that the Planning Commission or Board may inquire about the required information at a public hearing or County Board meeting at which the PAD is being processed.
- E. **Stormwater Management:** Stormwater management plans must be developed and the PAD must be designed, and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff in such a manner as to minimize contribution to manure storage areas and to divert animal confinement area runoff from both natural and artificial surface water drainage systems.

10.3.6 Non-Confinement Feeding Areas

(AS AMENDED 18 November 2008) (AS AMENDED 6 September 2022)

A. Purpose:

The purpose of regulating Non-confinement Feeding Areas (NFA) is to satisfy an owner/operator's production objectives while preserving public health and safety by limiting any potential environmental impacts.

B. Defined Land Use:

A NFA is a designated area of land or group of designated areas of land in which "supplemental" backgrounding of livestock takes place. This land use must be subordinate to an established primary use such as traditional crop agriculture or pasturing. Because this accessory land use typically takes place during the non-cropping season (from post-harvest to seeding) it is also known as "winter feeding". This practice involves the locating of livestock (typically stocker or cull cows) on harvested crop or forage land, for a limited period of time, with a growth ration provided in preparation for market.

1. A NFA must not be definable as:

- a. An "animal feedlot" per Minnesota Animal Feedlot Rules Chapter 7020: Ch 7020 Rules Subp. 3. *"Animal feedlot" means 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.***
- b. An Animal Feeding Operation (AFO) per United States Environmental Protection Agency: *animals have been, are, or will be stabled or confined **and** fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.*

C. Definitions

1. **Cow/calf pasture operation:** is a method of raising cattle in which a permanent herd of cows is kept by a farmer or rancher to produce calves for later sale. Cow/calf operations generally raise their stock primarily on pasture and other forms of roughage rather than grain feeds.
2. **Cull Cow:** are those cows that are no longer wanted for milk production or breeding due to poor performance or physical conditions.

3. **Pastures:** (see *MN Statute 116.06 Subd. 16a* or subsequent legislation) “Pastures” means areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing of livestock and where the concentration of animals allows a vegetative cover to be maintained during the growing season. Pastures also includes agricultural land that is used for growing crops during the growing season and is used for grazing of livestock on vegetation or crop residues during the winter. In either case, a cover of vegetation or crop residues is not required:
 - a. in the immediate vicinity of supplemental feeding or water devices;
 - b. in associated corrals and chutes where livestock are gathered for the purpose of sorting, veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices;
 - c. in associated livestock access lanes used to convey livestock to and from areas of the pasture; and
 - d. in sacrificial areas:
 - i. that are part of a larger pasture system;
 - ii. are used to temporarily accommodate livestock due to an extraordinary situation for as short a time period as possible not to exceed 90 days during the growing season;
 - iii. are used to protect pasture areas when adverse soil or weather conditions pose a risk of damaging the pastures; and
 - iv. on which the vegetation is naturally restored or replanted after the adverse soil or weather conditions are removed and the livestock are moved to other areas of the pasture.
4. **Stocker cow:** are those cows that are fed and maintained until they have reached a desirable weight to be sold for beef production.
5. **Storm water:** under *Minnesota Rules 7077.0105, subp. 41(b)* storm water means precipitation runoff, storm water runoff, snow melt off and any other surface runoff and drainage.

D. **Requirements:**

1. **Permitted by Right** provided Performance Standards in this section, specifically E.1 and E.2 are complied with:
 - a. NFAs used for cow/calf pasture operators; or
 - b. NFAs with a stocking density less than three hundred (300) head per NFA; or
 - c. NFAs with a stocking density of less than four (4) head per acre.
2. **Interim Use Permit Required:**
 - a. NFAs for cull/stocker cow operations with a stocking density of over four (4) head per acre; or
 - b. NFAs for cull/stocker cow operations exceeding three hundred (300) head per NFA.

E. Performance Standards:

1. **Zoning Districts:** NFAs are only permissible in the Agricultural zoning districts (Non-Intensive Agriculture (A-1) and Agriculture Protection (A-2)).
2. **Setback Requirements:**
 - a. NFAs must meet the following setbacks:
 - i. Public Water Basins or Wetlands (identified by shoreland designation) = 1000 feet
 - ii. Public Water Watercourses (identified by shoreland designation) = 500 feet
 - iii. Karst features, wetlands, intermittent streams, tile inlets and agricultural drainage ditches = 300 foot radius
 - iv. Private water well = 200 feet
 - v. Municipal well = 1000 feet
 - vi. Residential Dwellings = 600 feet (measured from a residential dwelling to the boundary of the NFA)
3. **Stocking Density:**
 - a. Stocking density will be considered based on the results of the 6-year Phosphorus Management calculation as detailed in section 5 below, to ensure phosphorus rates of all NFAs fall within the High Sensitivity screening tool in the Minnesota Rapid Phosphorus Index.
 - b. The County Feedlot Officer shall provide a density recommendation to the Director. This recommendation shall be based upon physical characteristics of the site and information contained in the MMP plan.
 - c. Only a low density (less than 2 cattle per acre) is allowed within any Wellhead Protection Area from any municipality.
 - d. NFA's in excess of two (2) head per acre are not allowed within ¼ mile of a municipal boundary, unless the municipality annually grants permission. Written permission from the municipality must be provided to the Land and Resource Management Department.
4. **Storm water Management**
 - a. Storm water runoff will be calculated and evaluated through the use of the Minnesota Feedlot Annualized Runoff Model (MinnFARM) as prepared by an appropriate professional for the following areas during winter use:
 - i. Holding areas;
 - ii. Travel lanes; and
 - iii. Stream crossings.
 - b. Storm water Best Management Practices (BMPs) will be employed for all areas utilized for NFAs to ensure storm water runoff is not discharged to Waters of the State, these BMPs may include but are not limited to:
 - i. Fencing;
 - ii. Permanent vegetative buffers;
 - iii. Berming; and/or
 - iv. Ridge till, etc.

5. Nutrient Management

- a. A manure management plan (MMP) for the NFAs must be completed by a professional Agronomist utilizing the MPCA's MMP spreadsheet or subsequent guidance documents.
- b. The following must also be prepared by a professional Agronomist and provided with the MMP:
 - i. Map of field locations & acreages;
 - ii. Stocking densities per field;
 - iii. Plan for ensuring no build-up of manure occurs;
 - iv. Manure sampling results; and
 - v. Soil sampling and reporting schedule to Land & Resource Management.
- c. The MMP must conform to MPCA standards.
- d. A six (6) year Soil Phosphorus Management calculation (following the MPCA Feedlot Inspection P Worksheet or subsequent guidance) must be completed and maintained on a yearly basis by a professional Agronomist, as sampling results are obtained and/or cropping rotations are altered. The results of these calculations must be reported to the Land & Resource Management department on an annual basis.
- e. The Pope County Geological Atlas and other guidance documents will be used as a general guide to decipher sensitivity to pollution of the buried aquifers and other related concerns. Sites that are located in areas deemed "High" and "Very High" for aquifer pollution must demonstrate environmental protection with a MMP.
- f. All provisions of the Pope County Land Use Controls Ordinance and all of MN Rules Chapter 7020 dealing with deposition of manure must be satisfied.

F. Compliance & Enforcement

1. Land & Resource Management staff will verify compliance with performance standards through the use of:
 - a. Site visits;
 - b. Collecting photographic evidence including through the use of Unmanned Aerial Vehicles (UAVs) (drones) and other technologies as available; and
 - c. Owner/operator testimony/reporting.
2. An owner/operator of the NFA shall be deemed to be in violation of this section if the application of manure produces:
 - a. Runoff that exceeds the water quality standards for the protection of the waters of the State of Minnesota, as defined in *Minnesota Rules Chapter 7050* or subsequent legislation; and/or
 - b. A verifiable presence of nutrients which exceeds the water quality standards for the protection of the waters of the State of Minnesota, as defined in *Minnesota Rules Chapter 7050* or subsequent legislation.

3. Failing to adhere to the performance standards listed in this section would be deemed an enforceable violation of this ordinance and will be enforceable under Pope County Land Use Controls Ordinance 11.8. Such enforceable violations would include:
 - a. If the owner/operator fails to secure a county issued permit for the nontraditional agricultural practice; and/or
 - b. If the owner/operator fails to notify Pope County Land & Resource Management staff in advance of stocking activities.

G. IUP Application Requirements:

The following requirements are for NFA Interim Use Permit applications:

1. NFA Operations Plan providing the following details:
 - a. Identification of herd, size of herd and date of arrival;
 - b. Steps involved in the processing and sorting of cattle upon arrival including length of time kept in holding area and dates of dispersal to NFAs;
 - c. Management/rotation plan of supplemental feeding locations and watering facilities within the NFAs;
 - d. Provide actual stocking density of each NFA and report to Land and Resource Management on a monthly basis throughout the NFA period; and
 - e. Indicate steps for sorting and loading out for market.
2. Must submit a storm water management plan per section 10.3.6.E.4.
3. Must submit a nutrient management plan per section 10.3.6.E.5.

10.4 CONSTRUCTION EROSION CONTROL STANDARD:

10.4.1 Goal:

A goal of the County Comprehensive Local Water Plan is to “reduce water erosion in the County”. The following objective in the plan is to “protect critical areas from water erosion”. The action statement to address the serious problem of water erosion and sedimentation along the banks of lakes and rivers is “adopt a construction site erosion control ordinance”.

10.4.2 Purpose:

The purpose of this section is to encourage property owners and contractors to recognize that control of soil erosion is of primary importance on any construction project and that placement/installation of erosion control measures takes priority over all other construction activity on the site/lot.

10.4.3 Applicability:

This section shall be effective within 500 ft. of the high water mark of any lake, river or stream beginning on January 1, 1996. Following one year of administration of this section by the County, the Board of Commissioners may, by resolution, adopt this section for all shorelands or portions thereof in which it is deemed necessary.

10.4.4 Requirements:

1. Any development activity within the regulated area on which zoning permits are necessary may be required by the Department to submit an Erosion Control Plan in any instance where more than 1500 square yards of soils are exposed by removal of vegetation.
2. The **Erosion Control Plan** shall include a map showing where exposed soils will occur, the mitigating erosion control activity proposed and a written statement indicating how the erosion control activity will take place.
3. The **Erosion Control Plan** shall include a date certain by which all exposed soils are protected by permanent vegetation or other cover.
4. The **Erosion Control Plan** shall have a goal of no erosion.
5. The zoning permit activity shall not be allowed until the **Erosion Control Plan** is deemed acceptable to the County Zoning Administrator.
6. To ensure that the construction site **Erosion Control Plan** activity is implemented, maintained and properly operated, a bond or cash deposit shall be posted with the permitting authority in an amount determined as follows:

\$1.00 per square yard of exposed soils beyond a 1500 square yard minimum plus \$500.00. If an approved Erosion Control Plan is not properly implemented, or maintained, the bond or cash deposit shall be forfeited to the County.
7. The bond or cash deposit shall be returned to the permittee when all exposed soils are fully stabilized according to acceptable practices.

10.5 COMMUNICATIONS TOWERS AND ANTENNAS

(AS AMENDED 7 July 2020)

10.5.1 Purpose:

The purpose of this section is to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community by facilitating the provision of wireless telecommunication services to the residents and business of Pope County, minimizing adverse visual effects of towers through careful design and siting standards, and maximizing the use of existing and approved towers to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

10.5.2 CUP Requirement:

It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect or replace any tower without first making application to the Pope County Zoning Administrator and securing a Conditional Use Permit therefor as hereinafter provided. Routine maintenance of towers and related structures shall not require the issuance of a Conditional Use Permit.

10.5.3 Co-Location Requirements:

A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can reasonably be documented by the applicant that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-half (1/2) mile search radius of the proposed tower due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent radio frequency engineer;
- B. 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 competent radio frequency engineer;
- C. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified engineer;
- D. In spite of best efforts, within 60 days, the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower; or
- E. Other reasons affecting technical performance, system coverage and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower.

10.5.4 Tower Design Requirements:

Proposed construction or modification of towers shall meet the following design requirements:

- A. Towers shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

- B. Commercial wireless telecommunication service towers shall be of a monopole design unless determined by the Zoning Administrator that an alternative design would be necessary to support future potential users.

10.5.5 Tower Setbacks:

Towers shall conform with each of the following minimum setback requirements:

- A. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the side or rear setback area, provided that the property line abuts another non-residentially zoned property.
- B. The tower shall not encroach upon any easements. The minimum distance to the nearest residential property shall be equal to the height of the tower. The minimum distance to the nearest residential structure shall be two times the height of the tower.
- C. The setback shall be measured between the base of the tower located nearest the property line and the actual property line. A lesser setback distance may be used if a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.
- D. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - 1. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - 2. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - 3. A tower's setback may be reduced or its location in relation to a public road varied, at the sole discretion of the County Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.

10.5.6 Tower Height:

No proposed tower may exceed 175 feet in height in all districts except within the Agricultural Protection (A-2) District.

10.5.7 Tower Lighting:

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower; or if required by the Zoning Administrator for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.

10.5.8 Signs and Advertising:

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

10.5.9 Accessory Utility Buildings:

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Accessory buildings shall not be more than 2,000 square feet in size.

10.5.10 Abandoned or Unused Towers or Portions of Towers:

All abandoned or unused towers and associated above-ground facilities shall be removed within 12 months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the county and the costs of removal assessed against the property.

10.5.11 Antennas Mounted on Roofs, Walls and Existing Towers:

The placement of wireless telecommunication antennas on roofs, walls and existing towers shall be approved by issuance of a construction activity permit based on administrative review.

10.5.12 Existing Light Poles:

The replacement of an existing light pole or lighting standard in order to accommodate the placement of an antenna thereupon shall be approved by issuance of a construction activity permit based upon administrative review.

10.5.13 Interference with Telecommunications:

No new or existing telecommunications service shall interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television and personal communications, in accordance with rules and regulations of the Federal Communications Commission.

10.5.14 Additional Submittal Requirements:

In addition to the information required elsewhere in this code, prior to the issuance of a land use permit, an applicant for tower antennas shall include the following supplemental information:

- A. A report from a qualified engineer that
 1. describes the tower and antenna height and design including a cross section and elevation;
 2. documents the approximate height above grade for potential mounting positions for co-located antennas and the approximate minimum separation distances between antennas; and
 3. describes the tower's capacity generally, including the number and type of antennas that it can accommodate.

- B. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.

10.5.15 Construction Requirements:

All antennas and towers erected, constructed or located within Pope County, and all wiring therefore, shall comply with the following requirements:

- A. All applicable provisions of this Code.
- B. Tower designs shall be certified by a qualified engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.
- C. No part of any antenna or tower nor any lines, cable, equipment, wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.
- D. Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

10.5.16 Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six feet in height.

10.5.17 Existing Antennas and Towers:

Antennas and towers in existence as of the effective date hereof that do not conform to or comply with this Section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this Section.
- B. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a construction activity permit therefor, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.

10.6 EXTERIOR STORAGE:**10.6.1 General requirements:**

All materials and equipment kept within a general development shoreland, recreational development shoreland or residential district shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction equipment and materials currently being used for construction on the premises for which a permit is currently valid, agricultural equipment if it is used or intended for use on the premises, off-street parking of vehicles that are in a normal working condition. Boats and travel trailers are permissible if stored in the rear yard not less than ten (10) feet distant from any property line. This paragraph shall be in effect for all lots smaller than five (5) acres in size.

10.6.2 Storage or Disposition of Abandoned or Junk Vehicles:

No person shall keep or store junk vehicles or abandoned vehicles on property situated within a general development shoreland, recreational development shoreland or residential district for a period or periods exceeding 30 days in the aggregate and no person having ownership or control over real estate situated within such districts suffer another person to store or keep junk vehicles or abandoned vehicles on such property for a period or periods exceeding 30 days in the aggregate. This section shall not preclude or limit indoor storage of vehicles which are being modified or have been modified for competitive use in stock car races regardless of condition or operability.

10.6.3 Storage or Disposition of Disabled Appliances and Other Materials:

No person shall keep or store or suffer another to keep or store lumber, disabled or inoperable machinery, disabled or inoperable recreational equipment including boats, bicycles, outboard motors, and trailers, used machine parts, salvage goods, disabled or inoperable household appliances on property situated within a general development shoreland, recreational development shoreland or residential district. This section shall not apply to lumber placed on premises for use in or as a product of an ongoing construction, remodeling or demolition project. This section shall also not apply to the storage or keeping of the above identified items as inventory for a wholesale or retail business or the keeping of replacement parts by an agricultural or construction business.

10.7 ESSENTIAL SERVICES:

10.7.1 The following uses, being essential for the operation of any zoning district, are exempt from all provisions of this ordinance and subject to the requirements of this section are permitted in any district: poles towers, telephone booths, wires, cables, conduits, vaults, pipelines, laterals or any other similar distribution and/or transmission equipment of a public utility.

10.7.2 Exceptions to the above statement are as follows:

A. Where the proposed essential service might significantly mar or alter the natural characteristics of an area or pose a threat to the public or the environment and upon recommendation of the Zoning Administrator or petition of concerned landowners to the County Board regarding such actions, a Conditional Use Permit may be required by the County Board.

- B. Where the proposed essential service is located in a Special Protection District, the provisions of such district shall prevail.

10.7.3 Except as otherwise provided herein, prior to construction or modifying facilities for essential services, the proponent shall observe the following procedure.

- A. The proponent shall file, with both the County Engineer and the Zoning Administrator on forms supplied by the county, an application for a permit to construct or modify essential services facilities, accompanied by maps indicating the locations, a alignment and type of service proposed.
- B. The application and accompanying data shall be reviewed by the County Engineer, and the County Engineer may issue the permit after determining that the application is complete and acceptable and that the project does not pose an apparent threat to public safety.
- C. The County Engineer shall require in conjunction of the permit that:
 1. The applicant submits as-built drawings of the essential service after construction.
 2. The applicant construct or modify the essential service to take into consideration contemplated widening, re-grading or relocation of a County highway or County State Aid highway.
 3. The applicant agrees to restore any County highway, County State Aid highway or other county property to pre-construction condition or to bear the cost of such restoration and to provide such financial assurances as the County Engineer may deem necessary and appropriate.
- D. County officials shall act upon information filings and essential services construction permit applications within thirty days of filing. An application is deemed acted upon if the application is approved, denied or referred to the County Board with a recommendation that the matter be processed as a Conditional Use. Failure to act within thirty days shall constitute approval.
- E. Both the County Engineer and the Zoning Administrator shall maintain all as-built drawings showing elevations of the essential service after construction.
- F. No filing shall be necessary for electric lines unless the voltage is in excess of 35KV. Emergency work otherwise requiring a permit or filing may be accomplished provided such filings are made as soon thereafter as possible.

10.8 GUEST COTTAGE & GUEST QUARTERS

(AS AMENDED 6 April 2021)

10.8.1 Guest Cottage

One guest cottage may be permitted on lots meeting or exceeding the duplex lot area and width dimensions according to this Ordinance, provided the following standards are met:

- A. The guest cottage shall meet all requirements, including impervious surface standards, setbacks, adequate septic system capacity or ability to connect to the city sewer system.
- B. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit.
- C. A guest cottage, including any attached covered structures, must not cover more than 700 square feet of land surface and must not exceed 15 feet in height. Basements are prohibited.
- D. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- E. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest cottage.

10.8.2 Guest Quarters

One guest quarter per lot shall be permitted provided the following standards are met:

- A. Guest quarters shall meet all requirements, including but not limited to adequate septic system capacity or ability to connect to the city sewer system.
- B. Guest quarters shall not exceed 700 square feet in size, regardless of the size of the accessory structure wherein they are located.
- C. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest quarters.

10.9 HOME OCCUPATIONS:

Home occupations are allowed provided that such occupations are carried on in the main building and provided further than not more than twenty-five (25) percent of the floor space of the dwelling is used for this purpose and that only articles made on the premises shall be sold on the premises, and that no articles for sale shall be displayed so as to be visible from the streets. Signs on the premises advertising such home occupation shall not exceed ten (10) square feet in area. Uses meeting descriptions stated above are exempted from Conditional Use Permit requirements.

10.10 IMPERVIOUS SURFACE:

In addition to the listed requirements, no lot shall be covered by more than twenty-five (25) per cent with impervious surface. The County may vary the lot size pursuant to DNR standards where the lot is served by a public sewer system. No part of any lot less than thirty (30) feet wide, or on which there is easement or right-of-way for public or private travel, shall be used in computing minimum lot area.

10.11 PERMANENT WATERCRAFT & DOCK STANDARDS:

(AS AMENDED 3 July 2007)

The Board of Commissioners of Pope County, aware of the State's concern for the welfare of Pope County shoreland and the users thereof and mindful of the rights and legitimate interests of all riparian owners and users of the shoreland, to keep waters open for general public use, to avoid pollution and uncontrolled excessive use of public waters for docks, boat mooring areas and other fixed or floating structures on the public waters advocate the following controls for the previously mentioned reasons.

10.11.1 General Provisions:

- A. The provisions of this ordinance shall not supersede any municipal ordinance, variance from any ordinance, permit or Minnesota Department of Natural Resources regulation:
- B. More restrictive in its provisions and applications as to the location, construction, installation and maintenance of docks, moorings and other structures:
- C. Allowing variances that are more restrictive than this ordinance:
- D. Establishing zoning provisions regulating land use adjacent to shoreland which are not in conflict with the ordinances of Pope County, generalized purpose of avoiding pollution and uncontrolled excessive use of the public waters.
- E. Nothing in this ordinance is intended to authorize the use, rent, sale, lease or conveyance of dock space on mooring facilities within public waters contrary to municipal zoning laws. Nothing in this ordinance is intended to confer upon any person for the benefit of any property any vested right to use of public waters in the manner permitted by the ordinance, but the use of public waters shall remain subject to such regulations as the County Board and other competent regulatory authorities shall deem necessary from time to time in the public interest.
- F. From and after the effective date of this ordinance, docks, mooring areas and other structures on public waters shall be in conformity with the provisions of this ordinance and any of the same which is not in conformity with the regulation herein shall be regarded as non-conforming.

10.11.2 No dock mooring or other structure nor the watercraft using the structure, shall be so located as to:

- A. obstruct navigable waters,
- B. obstruct reasonable use or access to any other dock, mooring or other structure authorized under this ordinance,
- C. present a potential safety hazard or,

- D. come within ten feet of any other structure. No dock, mooring area or other structure shall be located or designed so that it unreasonably or unnecessarily requires or tends to encourage using it to encroach any other authorized dock use area.

10.11.3 A dock, mooring or other structure is authorized dock use area if it complies with subdivision 10.11.2 of this section or if it is permitted by a variance granted by the Board of Adjustments. After public hearing, the Board, by resolution shall be authorized to define explicitly the extent of the Authorized Dock Use Area (ADUA), maximum dock length or side set in requirements. However, the maximum distance of intrusion into any public water for any ADUA shall not exceed 150 feet.

10.11.4 Number of Restricted Watercraft Allowed:

- A. Two (2) restricted watercraft may be kept within a dock area for most lots.
- B. Four (4) restricted watercraft may be kept within a dock use area provided all of the following conditions are met:
 - 1. Single family residential structure on the lot
 - 2. All restricted watercraft kept at a dock or mooring must be owned by and registered to persons who reside in the residential structure.
- C. Five (5) or more may be allowed provided there is 50' of shoreline at the lot for each restricted watercraft. A lot with 5 or more restricted watercraft must have a multiple dock license with the County.

10.11.5 Number of Unrestricted Watercraft Allowed:

Residents can have any number of unrestricted watercraft within the dock use area. Unrestricted watercraft are any boat or vessel for use on or stored on the public waters that are:

- A. 16 feet or less in length and unmotorized; or
- B. 16 feet or less in length and which uses a motor of 10 horsepower or less; or
- C. 20 feet or less in length and unmotorized and which is propelled solely by human power.

10.12 RENEWABLE ENERGY SYSTEMS

(AS AMENDED 7 July 2020)

10.12.1 Wind Energy Conversion Systems *(AS AMENDED 19 September 2006)* *(AS AMENDED 6 April 2010)*

The purpose of this ordinance is to set forth a process for permitting wind energy facilities with a rated capacity of less than 5,000 kilowatts (or five megawatts). MN Statutes 116C.697 pre-empts all local authority over permitting or regulating the construction or operation of wind power facilities of five megawatts (five million watts) of name plate generator capacity or greater. All definitions shall be recognized by the language referenced in MN Rules 4401 and MN Statutes 116C.697.

Wind Energy Conversion Systems (WECS) shall be divided into the following categories and shall meet the respective requirements:

- A. **Hobbyist.** This type of system is designed for a nameplate rating not to exceed 40 kilowatts. The system may be connected to the commercial electrical grid and electricity sold. Several small owned turbines joined together are or may be considered to be commercial application.
 1. Require a Conditional Use Permit including a site plan.
 2. Towers are free standing or guyed, and do not exceed 75 feet in height.
 3. Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).
 4. Applications for WECS that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
- B. **Residential Commercial.** These systems are designed not to exceed 500 kilowatts of electrical output. The system may be connected to the commercial electrical grid and electricity sold. Applications for this use also require notification to the Minnesota Department of Commerce.
 1. Require a Conditional Use Permit for towers not exceeding 170 feet in height including a site plan.
 2. Non-free standing, guyed or non-lattice towers shall not exceed 120 feet in height. Guyed lattice towers shall not exceed 170 feet in height.
 3. Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 4. Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).
 5. Power Purchase Agreement (PPA) or other acceptable contract for the use or sale of power with the respective electrical power company is required as a condition of the Conditional Use Permit before the turbine is operable.

- C. **Commercial.** These systems are designed exclusively to be connected to the commercial electrical grid and electricity sold with a nameplate rating exceeding 500 kilowatts. Applications for this use also require notification to the Minnesota Department of Commerce before any approval is granted.
1. Require a Conditional Use Permit.
 2. Towers shall not exceed 350 feet in height excluding the rotor blades.
 3. Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 4. Commercial systems shall conform to National Electrical Code (NEC).
 5. A Power Purchase Agreement (PPA) or other acceptable contract for use or sale of power with the respective electrical power company is required as a condition of the Conditional Use Permit before the turbine is operable.
- D. **Experimental.** These systems are designed and operated exclusively for research, testing, prototyping, education, demonstration, and development to supply electricity to loads isolated from the commercial grid.
1. Require a Land Use Permit for towers 170 feet or less in height including a site plan.
 2. Require a Conditional Use Permit for towers more than 170 feet in height including a site plan.
 3. Non-free standing, guyed non-lattice towers shall not exceed 120 feet in height.
 4. Guyed lattice towers shall not exceed 170 feet in height.
 5. Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 6. Commercial systems shall conform to National Electrical Code (NEC).

Additional Standards

In addition to the respective standards, all wind energy conversion systems shall comply with the following standards:

- A. **Districts and Setbacks:**
1. Except for the Hobbyist system or those with a nameplate rating that does not exceed 40 kilowatts, WECS's are allowed only in the Agricultural (A-1, A-2) and Commercial/Industrial (C/I) Districts. Shoreland, Residential and other districts are prohibited.
 2. WECSs with a nameplate rating that does not exceed 40 kilowatts can be located within the shoreland zone of Natural Environment lakes that have less than 500 surface acres contingent that there's no adverse impact upon state and federal easements or related policies.
 3. Except for the Hobbyist system, towers shall be located no closer than 750 feet from the nearest residence other than the applicant.

4. All towers shall be located no closer than five (5) rotor diameter (RD) from any other wind tower project.
 5. Towers shall be set back from all residential structures, property lines, public road and railroad right-of-ways an amount equal to the height of the tower plus 25 feet. Guy wires for towers shall be set back 25 feet from all property lines and public road rights-of-way. Notwithstanding the foregoing, the county may grant a conditional use permit for the construction of a residence or establishment of a WECS which does not meet these setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant's proposed use. The covenant must be in recordable form and binding on the grantor's heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.
- B. Towers shall be constructed of, and/or treated with corrosive resistant material.
 - C. WECS towers and electrical equipment shall be maintained and inspected according to manufacture's requirements by qualified personnel. Annual tower inspection reports shall be provided to the department.
 - D. WECS electrical and mechanical equipment that is connected to a commercial electrical grid shall be maintained and inspected according to manufacture's requirements by qualified personnel. Annual electrical equipment inspection reports shall be provided to the Pope County Land & Resource Management Department on forms provided and shall include total annual energy generated, total annual energy sold, average daily generation, and instantaneous maximum generation. A copy of these reports must be filed with the Minnesota Department of Commerce.
 - E. The use of any portion of a WECS tower for signs/placards other than warning, identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet or exceed 20 feet from ground. The manufacturer's or owner's name/logo printed on the nacelle is exempt from this standard.
 - F. The addition of any non-WECS's equipment to a WECS's tower is prohibited. Towers that do not exceed 75 feet in height are exempt from this requirement.
 - G. All towers must be painted a solid, natural tone color.
 - H. For lattice structures or towers with external ladder access or towers over 75 feet tall, a suitable protective anti-climbing solution must be approved by the Department.
 - I. The Permittee shall not operate a turbine so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the turbine and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.
 - J. Noise is regulated by the Minnesota Pollution Control Agency under Chapter 7030. Any WECS shall not exceed 50 dB(A), as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

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- K. Each WECS permit or conditional use permit may include a utility building for protection of associated equipment not to exceed 100 square feet.
 - L. All towers shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the Federal Aviation Administration. It may be appropriate to allow for some infrared lights or heat lamps to prevent icing of sensors.
 - M. All towers must have a decommissioning plan which shall include a description of:
 - 1. When and how a facility is to be decommissioned.
 - 2. Estimated cost of decommissioning.
 - 3. If the WECS isn't removed within 12 months after cessation of the operations at a site, Pope County may remove the tower and associated facilities and assess the costs of removal against the property.
 - N. The following provisions must be followed to ensure that facilities are properly decommissioned upon the end of the project life or facility abandonment. Towers that have not been used for a period of twelve months must be decommissioned unless awarded an extension by the Pope County Board of Commissioners and shall follow the following requirements:
 - 1. Remove all structures and debris to a depth of four (4) feet.
 - 2. Restoration of the soil.
 - 3. Restoration of vegetation (consistent and compatible with surrounding vegetation).

10.12.2 Solar Energy Systems (SES) (AS AMENDED 7 July 2020)**A. Purpose:**

This ordinance aims to promote the accommodation of distributed, on-site residential and non-residential solar energy systems (SES) and associated equipment, as well as provide adequate access to sunlight necessary for such systems. This ordinance does not address utility-scale SES.

This ordinance permits SES as either primary or accessory uses, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

Types of Solar Energy Systems (SES):

1. **Accessory (<250 kW):** Accessory to the primary use of the land, designed to supply energy for onsite residential use.
 - a. **Rooftop SES:**
 - i. These systems are allowed accessory uses in all districts in which buildings are permitted.
 - ii. No land use permit is required.
 - b. **Ground-mount SES:**
 - i. Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.
 - ii. Ground-mount systems require a land use permit and are subject to the standards for the district in which it is located, including setback, height, and impervious surface coverage limits.
 - iii. The collector surface of a ground-mount system is not considered impervious surface, but any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious surface.
2. **Solar Garden (250 kW – <10 MW):** Roof or ground-mount SES, may be either accessory or primary use.
 - a. Rooftop SES are permitted in all districts in which buildings are permitted. No land use permit is required.
 - b. Ground-mount Solar Gardens require a conditional use permit in all districts.
 - c. All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - d. Ground-mount Solar Gardens must comply with all required standards for structures in the district in which the system is located.

3. **Solar Farm (10 – <50 MW):** Roof or ground-mount SES, generally a primary use, designed for export to the wholesale market or connection to the electric transmission grid.
 - a. Rooftop SES are permitted in all districts in which buildings are permitted.
 - b. Ground-mount Solar Farms require a conditional use permit in all districts.
 - c. All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - d. Ground-mount Solar Farms must comply with all required standards for structures in the district in which the system is located.
4. **Utility (≥ 50 MW):** Large scale SES of equal to or greater than 50 MW, these systems are reviewed and permitted by the State.

B. Definitions:

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

1. **Accessory Use:** A use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.
2. **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word “Administrator” as it appears in section 10.12.2 of the Land Use Controls Ordinance means the Director of the Pope County Land & Resource Management department.
3. **Building-Integrated Solar Energy System:** An active SES that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems are contained within roofing materials, windows, skylights and awnings.
4. **Electricity Generation:** (aka production, output) The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
 - a. **Kilowatt-hour (kWh):** A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.
 - b. **Megawatt-hour (MWh):** A unit of energy equivalent to one Megawatt (1 MW) of power expended for 1 hour of time.
5. **Electrical Equipment:** Any device associated with a SES, such as an outdoor electrical unit/control box, that transfers the energy from the SES to the intended on-site structure.

6. **Mounting:** The manner in which a solar PV system is affixed to the roof or ground (i.e. roof mount, ground mount).
 - a. **Roof-Mount System (aka rooftop mounted, building mounted):** A SES consisting of solar panels installed directly on the roof of a home, commercial building, or an accessory structure, such as a garage, pergola, or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.
 - b. **Ground-Mount System:** A SES that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or agriculture structure. Ground-mount systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.
7. **Power:** The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
 - a. **Kilowatt:** (kW) Equal to 1000 Watts; a measure of the use of electrical power.
 - b. **Megawatt:** (MW) Equal to 1000 Kilowatts; a measure of the use of electrical power.
8. **Racking:** SES are attached securely and anchored to structural sections of the roof-mount or ground-mount systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.
9. **Solar Access:** the ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage or other impediment). Solar access is calculated using a sun path diagram.
10. **Solar Array:** Multiple solar panels combined together to create one system.
11. **Solar Collector:** A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
12. **Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
13. **Solar Energy System (SES):** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation.
14. **Solar Glare:** The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

15. **Substation:** Any electrical facility containing power conversion equipment designed for interconnection with power lines. Part of the electrical transmission system converting high voltage to low voltage or converting low voltage to high voltage for incorporation into the electrical power grid.
16. **Tilt:** The angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky. SES can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

C. **Performance Standards**

1. **Setbacks:**

- a. Accessory SES must meet minimum structure setbacks for the corresponding zoning district.
- b. Non-residential Accessory SES, Solar Gardens and Solar Farms must meet minimum structure setbacks for the corresponding zoning district and be located a minimum of two hundred (200) feet from a residential dwelling not located on the property. Setbacks shall be measured to the nearest solar array or other structure within the SES, excluding security fencing, screening or berm.
- c. Solar Gardens and Solar Farms must be setback from the centerline of public roadways in all zoning districts as per the following:
 - i. Five hundred (500) feet from the centerline of Arterial, Major Collector and Minor Collector roads; and
 - ii. Two hundred fifty (250) feet from the centerline of Local roads.

2. **Maximum Height:** ground-mount systems shall not exceed twenty-five (25) feet in height at maximum ground tilt. Roof-mount SES shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, SES other than building-integrated SES shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that SES shall not be required to be screened.

3. **Impervious Surface:** Includes any foundation, poles, compacted soil and other impervious components of the solar installation that rests on the ground. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.

4. **Vegetation:**

- a. All conditional use permit projects are required to meet the following vegetation standards.
- b. The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources, which includes but is not limited to:

- i. The DNR *Prairie Establishment & Maintenance Technical Guidance for Solar Projects*, BWSR *Sample Specifications for the Establishment of Native Vegetation as Part of Habitat Friendly Solar Projects*, and/or any successor guidance shall be utilized.
 - ii. BWSR *Solar Site Pollinator Habitat Assessment Form for Project Planning* must be completed and submitted, a minimum score of 70 must be attained to receive “Habitat Friendly Solar” status.
 - c. Beneficial habitat standards shall be maintained onsite for the duration of operations, until the site is decommissioned.
 - d. To ensure beneficial habitat standards are maintained the site shall be inspected by an independent, third-party professional each year until year 3, then on a triennial basis.
 - i. BWSR *Solar Site Pollinator Habitat Assessment Form for Established Plantings (after year 3)* shall be completed by an appropriately trained ecologist every 3 years to ensure maintenance of the beneficial habitat standards.
5. **Stormwater and Erosion Control:**
 - a. Systems shall be in compliance with Section 10.24 of the Pope County Land Use Controls Ordinance.
 - b. Best Management Practices shall be utilized for managing erosion control.
6. **Slope:** Structures may not be placed on slopes over 12%.
7. **Floodplain:** Structures may not be placed in the floodway. If the floodway is not shown on the official maps, an analysis is required to demonstrate the structures are outside the floodway.
8. **Signage:** The use of any portion of a SES for signs/placards other than warning identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet or exceed 20 feet from ground.
9. **Aviation:** Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration (FAA) may be necessary.
10. **Glare:**
 - a. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
 - b. All SES using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system, or other remedies that limit glare.

11. Other Standards and Codes:

- a. All power transmission lines from a ground-mount SES to any building or other structure shall be located underground.
- b. Systems shall be designed and operated in a manner that protects public safety.
- c. Systems shall be in compliance with any applicable local, state and federal regulatory standards, including, but not limited to, the State of Minnesota Uniform Building Code, as amended, and the Minnesota and National Electric Code, as amended.
- d. Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- e. The installation and ongoing maintenance of the SES shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), or other similar certifying organizations, and shall comply with all other applicable fire and life safety requirements.
- f. Upon completion of installation, all components of the SES shall be maintained in good working order in accordance with standards of the codes under which it was constructed. Failure of the property owner to maintain the SES in good working order is grounds for appropriate enforcement.

D. Application Requirements:

The following requirements are for SES conditional use permit applications.

1. A site plan of existing conditions drawn at an Engineer's scale showing the following:
 - a. Existing property lines and property lines extending three hundred (300) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any existing or abandoned wells, and sewage treatment systems.
 - d. Existing buildings and any impervious surface.
 - e. Topography at two (2) foot intervals and source of contour interval. A contour map of surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage; e.g. grassland, pasture, plowed field, wooded areas, etc.).
 - g. Waterways, watercourses, lakes, public water wetlands and delineated wetlands.
 - h. The one Hundred (100) - year flood elevation and Regulatory Flood Protection Elevation, if applicable.

- i. Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - j. The shoreland district boundary, if any portion of the project is located within a shoreland district.
 - k. In the shoreland district, the ordinary high water level and the highest known water level.
 - l. In the shoreland district, the toe and top of any bluffs within the project boundaries.
 - m. Surface water drainage patterns.
 - n. Mapped soils according to the USDA NRCS Web Soil Survey.
2. A site plan of proposed conditions drawn at an Engineer's scale showing the following:
 - a. Topography at two (2) foot intervals and source of contour interval.
 - b. Location and spacing of solar panels.
 - c. Location of access roads.
 - d. Planned location of underground electric lines connecting the SES to the building, substation or other electric load.
 - e. New electrical equipment other than at the existing building or substation that is the connection point for the SES.
 - f. Sketch elevation of the premises accurately depicting the proposed SES and its relationship to structures on adjacent lots (if any).
 3. To determine the existence of wetlands, a Level 2 wetland delineation is required. Other levels may be appropriate if approved by the Land & Resource Management staff.
 4. Verification, by the local Wetland Conservation Act Specialist, that the proposed project will not negatively impact or be located in an identified wetland.
 5. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
 6. Number of Solar Collectors to be installed.
 7. A description of the method of connecting the array to a building or substation.
 8. Ground-mount system applications shall identify existing vegetation on installation site (list type and percent of coverage; e.g. grassland, plowed field, wooded areas, etc.), and provide a maintenance plan for controlling vegetative growth onsite upon installation of the SES.
 9. **Stormwater Management:** A Preliminary Stormwater Pollution Prevention Plan (SWPPP) will be required, designed as per the Minnesota Stormwater Manual.

10. **Visual Impact Analysis:** An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts.
11. **Aviation Analysis:** If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.
12. **Decommissioning Plan & Escrow:**
 - a. Solar Garden and Solar Farm scale SES require a Decommissioning Plan in accordance with the following section 10.12.2.E.
 - b. The Pope County Board of Commissioners requires the owner and/or operator of the Solar Garden or Solar Farm scale SES to provide financial surety by posting a bond, letter of credit or the establishment of a cash escrow in an amount equal to the cost estimate provided in accordance with section 10.12.2.E.1., or \$100,000 per megawatt when no cost estimate is provided as per section 10.12.2.E.1., or as approved by the Pope County Board of Commissioners, to ensure that decommissioning shall be completed if the applicant or operator for any reason fails to meet the requirements of section 10.12.2.E.
 - c. Any financial surety arrangement shall be approved by the Pope County Attorney as to form and issuing bank (the issuing bank must be an FDIC insured bank and must be available in its entirety to fulfill the obligations of Developer under the Agreement. Any letter of credit to the County shall contain language requiring its automatic renewal prior to December 31 of each calendar year, unless cancellation of the letter of credit is specifically approved in writing by the Pope County Board of Commissioners.

E. Decommissioning:

A decommissioning plan shall be submitted with all applications for Solar Garden and Solar Farm scale SES.

1. Decommissioning plans shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon it becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The salvage or resale value of the infrastructure shall not be used in calculating any offset or credit against the estimate of the total cost to remove the infrastructure and reclaim the property to its original condition. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system.

2. Decommissioning of the system must occur within ninety (90) days of either of the following:
 - a. The end of the system's serviceable life; or
 - b. The system becomes a discontinued use.
3. A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Administrator outlining the steps and schedule for returning the system to service.
4. If a ground-mount SES is removed, any earth disturbance as a result of the removal of the ground-mount SES shall be graded and reseeded.
5. If a ground-mount SES has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Administrator, the SES shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Administrator. If the owner fails to remove or repair the defective or a abandoned SES, the Administrator may pursue legal action to have the system removed at the owner's expense.

F. Effective Date

This Amendment shall be in full force and effective after its passage and publication by law.

DULY ORDAINED AND ENACTED the 7th day of July, 2020, by the Board of County Commissioners of Pope County, in the State of Minnesota, in lawful session duly assembled.

Board of County Commissioners of Pope County

Gordon Wagner, Chair

ATTEST:

[Signature], County Coordinator



10.13 MANUFACTURED HOME PARKS:

Manufactured home parks shall meet the following criteria in addition to PUD standards herein:

- 10.13.1** That site plans shall be drawn to a scale of not less than one inch equals two-hundred feet.
- 10.13.2** Manufactured home parks shall be licensed by and in conformance with the standards prescribed by the Minnesota Department of Health; except where provisions of this ordinance is more restrictive, and then these provisions shall prevail.
- 10.13.3** Each manufactured home lot shall meet the water and road setback provisions as specified for structures in the specific district to be located.
- 10.13.4** Manufactured homes, including attachments, shall be at least ten (10) feet from the lot line on all sides.
- 10.13.5** Each manufactured home site, or lot shall be at least 5,000 square feet in area, shall have 50-foot minimum lot width and shall be staked on the property corners.
- 10.13.6** A centralized sewage treatment facility which meets the standards criteria, rules or regulations of the Minnesota Department of Health, the Minnesota Pollution Control Agency and of this ordinance shall be installed.
- 10.13.7** The location of the sewage treatment facility shall be consistent with the number of units served, soil types and topography. The facility shall be setback from the ordinary high water mark at a distance approved by the Board of Commissioners and in no case less than the sewage treatment system setback distances required elsewhere in this ordinance.
- 10.13.8** No individual on-site sewage treatment systems shall be used unless site or lot sizes meet the provisions of the district to be located. Adequate vegetative screening shall be provided around the perimeter of the park in the form of at least three (3) rows of trees, one row of which shall be an evergreen species, to be planted before the park is occupied.
- 10.13.9** A central management office shall be provided on the site which shall include enclosed tenant storage space equivalent to two hundred forty (240 - 5x8x6) cubic feet of individual storage space per manufactured home space.
- 10.13.10** Parking space shall be provided in the form of at least one on-site space per manufactured home, and other space for the visiting public shall be provided in a central parking lot.
- 10.13.11** Central garbage and trash disposal facilities shall be provided.
- 10.13.12** A central recreation area shall be required in the amount of at least 20,000 square feet of open space per each twenty (20) mobile home sites. Additional open space may also be required.
- 10.13.13** Adequate and safe access and egress shall be provided to major public roads.
- 10.13.14** One construction activity permit issued at the time of granting approval for the manufactured home park shall cover all future structures. The construction activity permit fee shall be based upon 1000 square feet of structure per lot.
- 10.13.15** An entry/porch addition or open deck addition is allowed for a maximum area of 200 sq.ft. each provided all setback provisions are met.

10.13.16 Upon approval of a manufactured home park, the permittee shall be required to stake the lot corners by registered survey.

10.14 MOTOR VEHICLE SALVAGE FACILITIES:

The purpose of this section is to provide for location and operation of Motor Vehicle Salvage Facilities in such a manner as to minimize conflict with adjacent land uses and to protect the health and safety of the citizens of Pope County from fire and/or contamination resulting from improper handling of petroleum and chemical products, waste tires, batteries, hazardous waste and other materials requiring special disposal methods which are associated with automobile salvage or recycling operations.

10.14.1 Requirements for all facilities

- A. **General Requirements:** It is unlawful for any Motor Vehicle Salvage Facility located in the unincorporated areas of Pope County to operate except in conformance with the following provisions:
1. All lead-acid batteries must be stored on a non-reactive, curbed and impermeable surface without a floor drain and protected from accumulations of precipitation and runoff water or stored within a covered, non-reactive, impermeable container.
 2. Ethylene glycol antifreeze shall be collected and recycled, or disposed of through Minnesota Pollution Control Agency approved methods. Ethylene glycol antifreeze shall not be discharged to land, water, septic system or public sewer system.
 3. Prior to vehicle dismantling, removal of the air conditioner system or the crushing of the vehicle hulk the refrigerant needs to be removed using a recovery and recycling system.
 4. Used oil, including engine oil, transmission fluid, hydraulic oil and similar petroleum products, shall be collected and recycled, reused or disposed of through Minnesota Pollution Control Agency approved methods.
 5. All Motor Vehicle Salvage Facilities shall have facilities to drain fluids on a curbed, impermeable surface. Spill control equipment and absorbent material must be immediately available to contain any spill. Where disassembly of any vehicle, or component thereof, is necessary at a location without an impermeable surface, all drain plugs, hose connections and orifices, which allow for the leaking of fluids, shall be tightly capped prior to component movement to a void spillage of residual fluids.
 6. Used oil filters shall either be recycled through a scrap metal processing facility or managed/disposed of under the Hazardous Waste Rules.
 7. Mercury switches shall be removed and recycled through an approved recycling facility.
 8. No more than 500 waste tires shall be stored at any Motor Vehicle Salvage Facility without a current permit from the Minnesota Pollution Control Agency. Tire piles shall be located 50 feet from any forested area or building and 100 feet from any flammable storage area. A posted fire lane at least 50 feet wide must be maintained from a public street to the tire piles at all times.

9. Flammable and hazardous materials shall be stored in covered and appropriately marked containers suitable for the contents in storage. Adequate aisle space shall be provided for access by emergency personnel and for spill containment and clean-up equipment.
 10. Spills of petroleum products or other hazardous material and waste shall be promptly contained, cleaned and disposed of in accordance with current Minnesota Pollution Control Agency guidelines.
 11. On-site disposal of any material is prohibited, except under proper license or permit.
- B. **Spill Reporting:** It is the duty of every Person to immediately notify the Minnesota Pollution Control Agency of any spill or discharge of a substance in accordance with Minnesota Statute, Section 115.061. In addition, any owner or operator of a Motor Vehicle Salvage Facility operating within the unincorporated areas of the county shall report to the Zoning Administrator, in writing, the time, date, location, cause and method of clean-up of any spill in excess of five gallons of a petroleum product and one gallon of any other hazardous material, which occurs on the premises of the Licensee, within 48 hours of the time of the occurrence of the spill.

10.14.2 New Motor Vehicle Salvage Facilities:

- A. **Intent:** The following standards apply to Conditional Use Permits issued allowing the operation of a Motor Vehicle Salvage Facility in Pope County. The County may also add additional conditions which the Planning Commission or Board considers necessary to protect the public health, safety and welfare.
- B. **Application Requirements:** Each application for a Conditional Use Permit authorizing operation of a Motor Vehicle Salvage Facility shall include the following information:
1. The name and address of the applicant;
 2. The address and legal description of the premises upon which the Motor Vehicle Salvage facility is to be operated;
 3. The name and address and consent of the owner of the premises;
 4. The zoning classification of the premises;
 5. The date of issuance and status of the Conditional Use Permit for the premises;
 6. A copy of the current Minnesota Pollution Control Agency issued Industrial Storm Water Permit and Pollution Prevention Plan for the site;
 7. A copy of the current owner or operator's Hazardous Waste Generator's License for the site, if applicable;
 8. A site management plan as herein defined; and
 9. A copy of any licenses from the Department of Public Safety for selling used parts or vehicles.

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- C. **Site Management Plan:** Each person holding a Conditional Use Permit authorizing the operation of Motor Vehicle Salvage Facility within the county shall maintain a current Site Management Plan on file with the Zoning Administrator. As a minimum the Site Management Plan shall include the following:
1. A site sketch showing the general location and dimensions of all fire lanes, buildings, storage areas of hazardous waste, explosive or flammable materials, waste tire storage areas, and site entrance and exit points.
 2. A fluid management plan describing "cradle to grave" processing of hazardous or flammable fluids, to include drainage, storage, disposal, and spill containment and clean-up procedures.
 3. A management plan for the storage, processing, and disposal of batteries, waste tires, and contaminated automobile parts and components.
 4. The location and depth of all wells located within 1,000 feet of the property lines of the Motor Vehicle Salvage Facility.
- D. **Monitoring Wells:** The County may, as an additional condition, require that any recipient of a Conditional Use Permit for operation of a Motor Vehicle Salvage Facility construct and maintain, at the permittee's expense, ground water monitoring wells on the premises of their Motor Vehicle Salvage Facility to determine the impact the facility is having on ground water. The monitoring wells are to be located and constructed under the direction of the County Engineer or other qualified individual or firm chosen by the Zoning Administrator. Sampling of the monitoring wells will be taken and analyzed by a registered firm qualified for such work, and under the direction of the Zoning Administrator or his representative. Where appropriate, soil sampling may be required in place of, or in addition to, ground water monitoring. A report of the laboratory findings shall be provided to the Zoning Administrator and the permittee. The fee for such sampling and analysis shall be paid by the permittee.
- E. **Three Year Review:** The County may limit the duration of any permit issued for the operation of a Motor Vehicle Salvage Facility. In any event, the permit shall be reviewed every three years, and additional conditions may be imposed as circumstances may warrant.

10.15 RECREATIONAL CAMPING VEHICLES (RVs)

(AS AMENDED 3 July 2007) (AS AMENDED 6 April 2010) (AS AMENDED 6 April 2021)

The purpose of this section is to provide standards for recreational camping vehicles (RV) utilized as temporary living quarters during recreational/vacation or other activities without the infringement upon and/or depreciation of neighborhood or adjacent properties.

- A. This section applies to the following types of RVs:
1. Travel Trailer – A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified “travel trailer” by the manufacturer of the trailer.
 2. Pick Up Campers – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation. Examples of these would include horse trailers with sleeping area or “goose neck” trailers.
 3. Motor Home – A portable, temporary structure to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 4. Camping Trailer – A folding structure mounted on wheels and designed for travel, recreation and vacation uses.
 5. Slide-In-Campers – A structure designed to be mounted into a pickup truck in the pickup box, either by bolting through the floor of the pickup box or firmly clamping to the side of the pickup box.
 6. Park Trailers – A structure not exceeding 8.5 feet in width but which is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width. Park trailers must be licensed for over the road.

B. General Provisions:

RVs may be allowed in any zoning district, subject to the following provisions:

1. One (1) RV per lot is permitted by right for intermittent recreational or guest use, provided the following criteria are met:
 - a. For periods no longer than ninety (90) consecutive days.
 - b. Minimum building setbacks are maintained as required by Ordinance for the applicable zoning district.
 - c. All wastewater must be disposed of at a dumping station or wastewater treatment facility and sanitation standards set forth in this Ordinance must be complied with.
 - d. The current year and class of vehicle license in accordance with State regulations shall be displayed and maintained.
 - e. All tires necessary for safe highway transport must remain mounted and inflated at all times.

2. A second RV per lot is permitted by right for seasonal intermittent recreational or guest use for periods no longer than fourteen (14) consecutive days, provided the following provisions are met:
 - a. All wastewater must be disposed of at a dumping station or wastewater treatment facility and sanitation standards set forth in this Ordinance must be complied with.
 - b. The current year and class of vehicle license in accordance with State regulations shall be displayed and maintained.
 - c. All tires necessary for safe highway transport must remain mounted and inflated at all times.
3. Any RV which is used as temporary living quarters for more than ninety (90) consecutive days or that does not conform to the duration limitation prescribed above shall require an **interim use permit**, be appropriately sited and adequately sewered in accordance with Section 10.20 of this Ordinance.
4. The parking of an uninhabited RV by the property owner for strictly storage purposes is allowed. However, it shall not be hooked up to sewer and water.
5. Any RVs parked on a parcel for seventy-two (72) hours or less shall be exempt from any of the provisions of Section 10.15, excepting the provision regarding wastewater disposal.
6. RV siting in excess of two (2) units, except as provided for in Section 10.15.B.5 above, shall require an interim or conditional use permit, be deemed a campground, and are subject to Section 10.19 of this Ordinance.

10.16 NON-CONFORMING AND SUBSTANDARD USES:

- 10.16.1** Any uses in existence prior to the date of enactment of this ordinance which do not conform to the use restrictions of the established zoning districts are nonconforming uses.
- 10.16.2** Any lawful use existing at the time of adoption or a amendment of this ordinance which would be considered as a non-conforming use or structure may be continued except that the expansion, alteration or enlargement of such use or structure may be restricted to prevent increasing the non-conformity.
- 10.16.3** If a non-conforming use ceases to be used for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning district wherein located.
- 10.16.4** Should a non-conforming structure or a structure with substandard setback be removed or destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed or relocated except in conformity with the provisions of this ordinance.
- 10.16.5** All sanitary facilities which are on-site shall have been installed pursuant to a County Sewage Permit and code in place at the time of construction. Any on-site sewage facility not installed or constructed in the above prescribed manner is not permitted.

10.17 PLANNED UNIT DEVELOPMENT (PUD):

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

10.17.2 Processing of PUD's: Planned unit developments must be processed as a conditional use.

A. Environmental Review—EAW/EIS

1. The County Board shall be the responsible governmental unit in determining the necessity for the preparation of Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) (*AS AMENDED 4 May 2005*).
2. The Department and a committee of the Planning Commission shall hold a pre-application meeting with applicants for PUD's to review project plans.

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

- A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plan must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two.
- B. A property owner's association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of this ordinance.
- C. Deed restrictions, covenants, permanent easements or other instruments that:
 1. properly address future vegetative and topographic alterations to ensure natural screening from adjacent properties, construction of additional buildings, beaching of watercraft and construction of commercial buildings in residential PUD's; and
 2. ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this ordinance.
- D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- E. Those additional documents as requested by the County that are necessary to explain how the PUD will be designed and will function.

10.17.4 Site “Suitable Area” Evaluation: Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions (feet)

◆ General development lakes-first tier	200
◆ General development lakes-second and additional tiers	267
◆ Recreational development lakes	267
◆ Natural environment lakes	400
◆ All river classes	300

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

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

10.17.6 Criteria for Evaluation

Before recommending the approval of the Preliminary Development Plan and Conditional Use Permit for a Planned Unit Development, the Planning Commission shall find that the following criteria are satisfied:

- A. The Planned Unit Development shall conform to the regulations of the land use district in which it is proposed to be located.
- B. The planned development or unit thereof is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit without dependence upon any subsequent unit.
- C. The planned development will not create an excessive burden on parks, schools, streets and other public facilities, agencies and utilities which serve or are proposed to serve the planned development. The planned development should also not have an adverse impact with lighting onto neighboring residences.
- D. The minimum area of land to be included in the Planned Unit Development shall be as designated in the land use district in which it is proposed to be located.
- E. All streets within the Planned Unit Development, whether public or private, shall be constructed to meet minimum specifications to township and/or county requirements.
- F. Impervious surface coverage for the entire lot must not exceed 25 percent per tier of the planned unit development.

10.17.7 Density Increase Multipliers:

Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards are met or exceeded and the design criteria are satisfied. The allowable density increases below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

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

Density evaluation tiers	Maximum density increase within each tier (percent)
First	0
Second	25
Third	25
Fourth	25
Fifth	25

10.17.8 Maintenance and Administration Requirements.

- A. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open space and for the continued existence and functioning of the development.
 - 1. During the development of the approved PUD, the Department may approve minor changes in the location, placement and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the Preliminary Development Plan was approved.
 - 2. Changes in uses, rearrangement of lots, blocks and building tracts, or any changes in the provision of common open space shall require re-submission and re-approval of the Preliminary Development Plan by the Planning Commission.
- 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 open space protections:
 - 1. commercial uses prohibited (for residential PUD’s);
 - 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 of watercraft prohibited.

- C. **Development organization and functioning.** Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owner's 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 pro rata 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; and
 4. the association must be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.
- D. **Open Space Requirements:** Planned unit developments must contain open space meeting all of the following criteria:
1. At least 50 percent of each tier, and the total project area must be preserved as open space.
 2. Dwelling units or sites, road right-of-way, or land covered by road surfaces, parking areas, or structures, are developed areas and shall 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, by guests staying in commercial dwelling units or sites, and by the general public.
 5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 6. Open space must not include commercial facilities or uses.
 7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, CDs, at least 50 percent of the shore impact zone must be preserved in its natural state.
 9. There shall be a minimum fifty foot open space buffer area between the development and adjacent properties in which vegetational screening may be required as deemed necessary by the County. The buffer area shall be considered open space.
 10. Minimum areas in the following table shall be used to calculate open space exclusion for both proposed and existing units.

Planned Unit Development

Resort Cabin 5,000 sq.ft.

Recreational Vehicle

Campsite Lot 3,000 sq.ft. -Indep.

Manufactured Home 2,000 sq.ft. –Dep.

Park Lot 5,000 sq.ft.

Internal Roads 20 ft. min. width

Accessory (utility structures, tennis courts, etc.) Area Covered

Parking One 8½’x20’ space per residential unit

Management Residence Same as minimum new lot requirement

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

1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant; and
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.

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

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

2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features and maximum height. Setbacks from the ordinary high water level must be increased in accordance with this ordinance for developments with density increases.
 3. Watercraft mooring areas and launching ramps, must be centralized and located in areas with shore recreation facilities, including but not limited to swimming areas, docks, and suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 4. Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 5. Accessory structures and facilities, including water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- G. **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 are met:
1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
 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 part of the conversion. These improvements must include, where applicable, the following: removal of extraneous buildings, docks or other facilities that no longer need to be located in shore or bluff impact zones; remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and 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.

4. Existing dwelling unit or dwelling site densities that exceed standards may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or other means.

10.17.9 Licensed Resorts

The following rules shall only be applied to licensed resorts as herein defined. They are intended to allow existing licensed resorts to maintain and/or expand their current business so long as they continue to operate as a licensed resort.

A. Replacement of Existing Structures

1. Existing structures may be replaced no closer to any setbacks than the existing structure without a variance as long as there is no increase in building footprint.
2. All existing structures on a licensed resort may be replaced without regards to available density as long as there is not increase in building footprint.
3. Tier calculations for purposes of identifying density on a licensed resort will be the same as for a residential PUD.

B. Density and Building Footprint Evaluation for licensed resorts

1. Suitable Area –The suitable area within each tier is calculated by excluding from the tier area all wetlands, bluffs, public road rights-of-way, easements, or land below the ordinary high water level of Public waters.
2. The procedures for determining the “base” density of a licensed resort PUD are as follows: The suitable area within each tier is multiplied by the resort density building footprint percentage in the chart below. For the purposes of this section, the building footprint shall include all buildings.

Licensed Resort Density Building Footprint Percentage

First tier on General Development Lakes,	Second and Additional tiers on General Development	First tier on Recreational Development Lakes Tributary river	Second and Additional tiers on Recreational Development Lakes	All tiers on Natural Environment Lakes
0.12	0.09	0.08	0.065	0.03

3. Allowable density 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.

- C. **Sewage Treatment Systems.** Prior to any permit being issued on a resort parcel for a new structure or an addition to a structure other than a deck, the ISTS serving that structure will either need a compliance inspection conducted by a Minnesota state registered inspector holding a Designer I or Inspector certification, or a current operating permit as described in the Pope County Individual Sewage Treatment Systems Ordinance.
- D. **Expansions to licensed resorts may be permitted provided that:**
1. There is allowable density as calculated in Section 10.17.9.
 2. Number of dwelling units added does not exceed six (6). Addition of more than six units shall require a conditional use permit.
 3. Resort cabins are a minimum of 600 square feet in size. Camping cabins are a minimum of 400 square feet in size.
 4. All other provisions of this ordinance are met.
- E. At least fifty (50) percent of the shore impact zone must be preserved in its natural state or restored according to a plan approved by the Department.

10.18 PUBLIC HEALTH NUISANCE --ACCUMULATION OF REFUSE:

- 10.18.1** The purpose of this section is to protect the public health by providing for the orderly and efficient elimination of threats to the general public and fire, rescue, medical and police personnel posed by excessive accumulation of refuse within a structure used to shelter human beings.
- 10.18.2** Accumulation of Mixed Municipal Waste. No person shall accumulate or permit another to accumulate refuse which would be deemed mixed municipal refuse under the Pope County Solid Waste Disposal Ordinance in a building used to shelter human beings in a quantity which would exceed the amount ordinarily generated by a household of a similar size within a period of six months.
- 10.18.3** Accumulation of non-putrescible materials. No person shall accumulate or permit another to accumulate non-putrescible refuse within a building used to shelter human beings in a quantity which would make fire and medical rescue operations unreasonably hazardous to medical, rescue, fire or police personnel.
- 10.18.4** Violation of either of the foregoing provisions shall be deemed a public health nuisance. If, in the opinion of the Pope County Director of Public Health, refuse has been accumulated in a building used to shelter human beings in a manner or quantity which violates the terms of this subpart, the Director may order the immediate abatement and clean up of the refuse. If the owners and/or occupants of the structure are unwilling or unable to comply with such order, the Director may have the refuse removed and have the cost of such removal assessed against the property.

10.19 RECREATIONAL CAMPING AREAS:

Campgrounds provided the following conditions are met herein:

- 10.19.1** Site plans for recreational camping areas shall be submitted drawn to a scale of not less than one inch equals two-hundred feet.
- 10.19.2** Recreational camping areas shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this ordinance are more restrictive and then those provisions shall prevail.
- 10.19.3** Each campsite lot shall meet water and road setback provisions as specified for structures of the district to be located.
- 10.19.4** Each camping site lot shall have at least 2,000 square feet in area for dependent campsites and shall have at least 3,000 square feet in area for independent campsites.
- 10.19.5** Campsites designed to provide water hook-up shall also provide hook-up to a centralized sewage treatment facility which meets the standards, criteria, rules or regulations of this ordinance.
- 10.19.6** A campground which allows camping units with self-contained sewage systems shall provide a dump station.
- 10.19.7** The location of the sewage facility shall be consistent with the number of units served, soil types and topography. The facility shall be set back from the ordinary high water mark at a distance approved by the Board of Commissioners, and in no case less than the distances required for sewage systems as stated elsewhere in this ordinance.
- 10.19.8** Individual on-site sewage treatment systems shall not be allowed for campsites.
- 10.19.9** Adequate vegetative screening for the camping area shall be maintained consistent with provisions of Section 4.6.2 of this ordinance. Vegetative screening similar to that required for manufactured home courts shall be required where feasible.
- 10.19.10** Open deck additions for camper units shall be permissible without a land use permit if deck structure does not exceed 200 square feet in area. Enclosed structure additions and/or accessory structures are not permitted on recreational vehicle sites.
- 10.19.11** Upon approval of a permit for campground, permittee shall be required to stake the lot corners by registered survey.

10.20 SANITATION STANDARDS (SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE): *(AS AMENDED 6 MAY 2014 & 20 MAY 2019)*

Minnesota Rules Chapter 7080 (Individual Sewage Septic Treatment System) or its most recent version, and the Pope County Sewage and Wastewater Treatment Ordinance as amended from time to time are hereby adopted by reference and made part of this ordinance as set forth herein, and all development proposed in any of the zoning use districts established by this ordinance shall comply with the sanitation standards therein contained.

SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE

SUBDIVISION 1. GENERAL PROVISIONS AND ADMINISTRATION.

- 1.10 PURPOSE.** The purpose of the Sewage and Wastewater Treatment Ordinance shall be to provide minimum standards for and regulation of subsurface sewage treatment systems (SSTS) and septage disposal 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, Chapters 115 and 145A and Minnesota Rules, Chapters 7080-7082 and as amended that may pertain to sewage and wastewater treatment.
- 1.20 OBJECTIVES.** The principal objectives of this ordinance shall include the following:
- 1.21 For the protection of Pope County's lakes, wetlands, rivers, streams, and supplies of groundwater essential to the promotion of public health, safety, and welfare; for the protection of the County's environment and its socioeconomic growth and development of the County in perpetuity.
 - 1.22 Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper SSTS construction, reconstruction, repair, and maintenance and proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.
 - 1.23 The provision of establishing minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
 - 1.24 The provision of establishing minimum standards for septage removal, transport, treatment, and disposal;
 - 1.25 The regulation of privy vaults and other non-water carried SSTS;
 - 1.26 The prevention and control of waterborne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, SSTS surveys, and complaint investigation, as well as through technical assistance and education.

- 1.30 AUTHORITY.** This ordinance is adopted pursuant to authority granted in Minnesota Statutes, Chapters 115, 145A, 375, 394, or successor statutes and Minnesota Rules, Chapters 7080, 7081, 7082, or successor rules.
- 1.40 SCOPE.** This ordinance shall regulate the siting, design, installation, alteration, operation, maintenance, monitoring, and management of all SSTS in Pope County, including but not necessarily limited to individual SSTS and cluster or community SSTS/Midsized Sewage Treatment Systems (MSTS), privy vaults, and other non-water carried SSTS, repair and/or replacement of failing SSTS, and septage disposal.
- 1.50 JURISDICTION.** The jurisdiction of this ordinance shall be within the legal boundaries of the County of Pope including incorporated and unincorporated areas. Except for parcels within incorporated areas or sanitary sewer districts that are served by municipal sewer or areas that administer an SSTS program by ordinance within their jurisdiction, which is at least as strict as this ordinance. Municipalities utilizing this ordinance shall be responsible for administration and enforcement. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this ordinance.
- 1.60 ADMINISTRATION BY STATE AGENCIES.**
- 1.61 Where 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, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required.
- 1.62 An SDS permit is required for any SSTS or group of SSTS that the MPCA commissioner determines has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management.
- 1.63 For dwellings including apartments, townhouses, resort units, rental cabins, and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System permit.
- 1.64 SSTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to, campgrounds, resorts, manufactured home parks, and eating and drinking establishments, shall conform to state and local requirements.
- 1.65 Any SSTS requiring approval by the State of Minnesota shall also comply with all local codes and other relevant aspects of the Pope County Land Use Controls Ordinance.
- 1.66 Plans and specifications must receive appropriate state and local approval before construction is initiated.

1.70 ADMINISTRATION BY POPE COUNTY. The Department shall regulate SSTS and septage disposal in Pope County pursuant to this ordinance. At appropriate times, the county shall review, revise, and update this ordinance as necessary. The county shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

1.71 The Department shall have the following duties and responsibilities:

- A To review all applications for SSTS.
- B To review all proposals for the land application of septage.
- C To issue all permits required by this ordinance.
- D To inspect work in progress and to perform the necessary tests to determine its conformance with this Ordinance.
- E To investigate complaints regarding SSTS and septage disposal.
- F To perform compliance inspections; or make a determination that compliance inspection should be performed by others.
- G To issue certificates of compliance or notices of noncompliance where appropriate.
- H To issue Cease and Desist and Notices of Violation, pursuant to this ordinance.
- I To take complaints to the County Attorney for violations of this ordinance.
- J To maintain proper records for SSTS and septage disposal including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts.
- K To submit annual reports to the MPCA to demonstrate enforcement of the local ordinance per Minnesota Rules, Chapters 7080-7082.

1.72 Neither the issuance of permits, certificates of compliance, or notices of noncompliance shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or noncompliance with the provisions of these standards and regulations.

1.73 Administrative procedures not specified herein shall follow Pope County Land Use Controls Ordinance.

1.80 TITLE. This section shall be known, cited, and referred to as the “Pope County Subsurface Sewage Treatment System Ordinance.” When referred to herein, it shall be known as “this ordinance.”

1.90 REPEAL. Pope County Ordinance No. 6 Sewage and Wastewater Treatment Ordinance (adopted December 1997) and Land Use Controls Ordinance Section 10.20 Sanitation Standards (adopted February 2000) is hereby repealed and replaced. Such repeal becomes effective upon a adoption of this ordinance.

SUBDIVISION 2. DEFINITIONS

For the purpose of this ordinance, certain terms and words are herein defined as follows; the word 'shall' and 'must' are mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular.

- (1) **As-built:** Drawings and documentation specifying the final in-place location, elevation, size, and type of all system components.
- (2) **Bedroom:** Bedroom means:
 - A. a room designed or used for sleeping; or
 - B. a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.
- (3) **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.
- (4) **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.
- (5) **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).
- (6) **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.
- (7) **Commercial Establishment:** A business with a private SSTS serving food, beverage, and lodging establishments that are required to obtain a license under Minnesota Statutes, Section 157.16, subdivision 1; or successor statutes, including manufactured home parks and recreational camping areas licensed according to Minnesota Statutes, Chapter 327; or successor statutes.
- (8) **Compliance Inspection:** An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.
- (9) **Department:** The Pope County Land & Resource Management Office.
- (10) **Design Flow:** The daily volume of wastewater for which an SSTS is designed to treat and discharge.
- (11) **Dwelling:** Any building or place used or intended to be used by human occupants as a single-family or multifamily 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.

- (12) **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.
- (13) **Failure to Protect Groundwater:** At a minimum, an SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, dry well, leaching pit, or other pit; an SSTS with less than the required vertical separation distance, described in Minnesota Rules, Chapter 7080.1500 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500.
- (14) **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.
- (15) **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.
- (16) **Imminent Threat to Public Health and Safety (ITPHS):** At a minimum, an 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.
- (17) **Incorporation:** The mixing of septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection, or other mechanical means.
- (18) **Land Spreading:** The placement of septage or human waste from septic or holding tanks on or into the soil surface.
- (19) **Land Use Permit Application:** The term includes, but is not limited to, applications for the following: construction permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department unless all fees are paid, preliminary reviews and approvals completed and submitted with associated supporting information and documents, and such other information as required by the Department.
- (20) **Limiting Layer:** Layer in the soil treatment system area as shown by redoximorphic features, altered structure, bedrock, or a geologic aquifer formation where treatment ceases.
- (21) **Management Plan:** A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations and potentially lower risk to human and environmental health, including a planned course of action in the event a system does not meet performance expectations.
- (22) **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.
- (23) **MPCA:** The Minnesota Pollution Control Agency.
- (24) **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.
- (25) **Municipality:** Any incorporated city or township within the boundaries of Pope County.
- (26) **Notice of Noncompliance:** A document written and signed by a qualified employee or licensee after a compliance inspection that gives notice that an individual sewage treatment system is not in compliance.

- (27) **Other Establishments:** Any public or private structure other than a dwelling or a portion of a dwelling used for any business purpose that generates sewage that discharge to an SSTS.
- (28) **Privy Vault:** An aboveground structure with an underground cavity meeting the requirements of Minnesota Rules, Chapter 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes; excluding water for flushing and gray water. A privy also means a non-dwelling structure containing a toilet waste treatment device.
- (29) **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 (p).
- (30) **Qualified Contract Inspector:** An inspector, licensed by the State of Minnesota to perform the duties related to onsite sewage treatment, who may be hired by the Department to conduct inspections and soil verification of any new or existing SSTS. A contract inspector shall not perform any SSTS design or installation work within Pope County while working for the County as a contract inspector.
- (31) **Qualified Employee:** An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.
- (32) **Soil Pit:** An excavation into the soil of sufficient depth to allow for assessment of variability in the soil physical properties. The pit should have at least one face that extends through the entire profile cross section, may range from three (3) to over seven (7) feet in depth, and is large enough for two people to examine the soil profile.
- (33) **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 Minnesota Rules, Chapter 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 of MPCA.
- (34) **Septage:** Solids and liquids removed from an SSTS, including 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.
- (35) **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.
- (36) **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.
- (37) **SSTS:** Subsurface sewage treatment system including an ISTS and MSTs as defined in Minnesota Rules, Chapter 7080.1100, subp. 82.
- (38) **SSTS Construction:** Any excavation or preparation of soil for the purpose of placing a sewage tank(s), soil dispersal system, and/or any related piping within or upon said excavation or soil preparation.
- (39) **Structure:** Anything constructed or erected, the use of which requires location on the ground.

- (40) Transfer of Property:** The act of a party by which the title of property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily, by or without judicial proceeding as a conveyance, sale, gift, or otherwise.
- (41) Type I System:** An SSTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with Minnesota Rules, Chapter 7080.2200 through 7080.2240.
- (42) Type II System:** An SSTS 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.
- (43) Type III System:** An SSTS system designed according to Minnesota Rules, Chapter 7080.2300.
- (44) Type IV System:** An SSTS designed according to Minnesota Rules, Chapter 7080.2350.
- (45) Type V System:** An SSTS, 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.
- (46) 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.
- (47) Winter Agreement:** A binding agreement between a grantor and grantee or the Department and an applicant when frozen conditions prevent a field evaluation, compliance inspection, or installation of a SSTS between the months of November and April.

SUBDIVISION 3. SSTS STANDARDS AND REQUIREMENTS

- 3.10 STANDARDS ADOPTED BY REFERENCE.** The County hereby adopts and incorporates by reference Minnesota Rules, Chapters 7080 - 7082 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute, Section 115.55.
- 3.20 PROHIBITIONS.**
- 3.21 Septic System Disclosure & Transfer Agreement** – The Pope County Septic System Disclosure & Transfer Agreement form must be completed and submitted to the Department for approval, prior to recording with the Pope County Recorder, of any sale or transfer of land. *(AS AMENDED 20 May 2019)*
- 3.22 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 complies with the provisions of the state rules/statutes and this Ordinance. All wastewater generated in the county must be treated in either a state agency permitted facility or via the standards outlines in this Ordinance for SSTS.
- 3.23 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.
- 3.24 Sewage Discharge to a Well or Boring** - It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Ordinance.
- 3.25 Discharge of Hazardous or Deleterious Materials** - It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or ground water quality.
- 3.26 Abandonment** - Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

3.30 MINIMUM SETBACK DISTANCES. The County adopts the following setback distances (in feet).

Feature	Sewage Tank	Soil Treatment or Absorption Area
Deep water supply wells (50 feet of continuous casing or encountering 10 feet of continuous impervious material)	50	50
Shallow water supply wells (Less than 50 feet of continuous casing)	50	100
Buried pipe distributing water under pressure	10	10
Buried water suction pipe	50	50
Occupied Building*	10	20
Property lines	10	10
State, County, and Township Road Rights-of-Way	10	10
The Ordinary High Water Level of the following types of water bodies:		
General Development Lakes	50	50
Recreational Development Lakes	75	75
Natural Environment Lakes	150	150
Rivers and Streams	100	100
Wetlands	50	50

*For structures other than buildings, these setbacks are allowed to be reduced if necessary due to site conditions (as determined by the Department), but in no case shall any part of a SSTS be located under or within the structure or other impermeable surface.

3.40 HOLDING TANKS. Holding tanks may be allowed for situations involving low water use, impacted soils, or other factors as deemed appropriate by the Department. Holding tanks are considered a secondary option. Certification is required by a licensed SSTS professional that holding tank(s) are the best option for a specific property. Person(s) applying for a permit must supply a pumping agreement or contract with a licensed maintainer.

3.50 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 an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

3.60 DISPUTE RESOLUTION. When a documented discrepancy arises on the depth of the periodically saturated soil or other technical issues, the procedure outlined in Minnesota Rules, Chapter 7082.0700 Subp. 5 shall be followed.

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- 3.70 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 United States Environmental Protection Agency and the MPCA. Further, owners are required to identify all Class V injection wells in property transfer disclosures. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited.
- 3.80 CLUSTER SSTS.** Clusters of SSTS may be allowed at the discretion of the Department and shall require a water meter, pumping event counter, or equivalent means to measure water use.
- 3.90 DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING.** Table IX entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions” and Table IXa entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests” from Minnesota Rules, Chapter 7080.2150, subp. 3(E) and herein adopted by reference shall both be used to size SSTS in filtration areas at the discretion of the licensed designer, except that the Department shall have the authority to require sizing under Table IXa when deemed necessary.

SUBDIVISION 4. PERMITTING

- 4.10 ACTIVITIES REQUIRING A CONSTRUCTION PERMIT.** A permit shall be obtained whenever any SSTS in Pope County is installed, replaced, altered, repaired, or extended. Installation, replacement, alteration, repair, or extension of a SSTS shall not begin without first making an application for a permit and obtaining said permit from the Department for each specific installation, replacement, alteration, repair, or extension pursuant to this ordinance. SSTS construction permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance.
- 4.20 ACTIVITIES NOT REQUIRING A CONSTRUCTION PERMIT.** A permit is not required for the repair or replacement of pumps, floats, or other electrical devices of the pump or baffles in a septic tank. A permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
- 4.30 LICENSING REQUIREMENTS FOR SITE EVALUATORS, DESIGNERS, INSTALLERS, AND MAINTAINERS.** No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS in Pope County without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency. Any party conducting compliance inspections or for other legal purposes shall be licensed by the Minnesota Pollution Control Agency.
- 4.40 PROPERTY OWNERS DOING OWN WORK.** Property owners are allowed to construct or repair SSTS on their own properties and are exempted from providing proof of State license. Exception to the above is that mounds, pressurized systems, Type III, Type IV, Type V, or MSTs cannot be constructed by anyone other than a licensed installer. A property owner shall have a design completed by a licensed Minnesota Pollution Control Agency designer or have a current designer license issued by the Minnesota Pollution Control Agency if they wish to perform the site evaluation or design their own SSTS.
- Property owners doing their own work must comply with all applicable provisions of this ordinance. The system must be inspected before being covered in accordance with SSTS inspection requirements of this ordinance.
- The permittee shall provide a signed agreement to the Department which indemnifies and holds the County harmless from all losses, damages, costs, and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provisions of this Ordinance.
- 4.50 PERMIT APPLICATION REQUIREMENTS.** SSTS Permit applications and designs shall be made using forms deemed acceptable by the Department signed by the applicant or applicants' agent and must include the following information and documentation:
- A Name, mailing address, and telephone number of the property owner;
 - B Property identification number, property address, and legal description of property location;
 - C Site evaluation report as described in Minnesota Rules, Chapter 7080.1730, or successor rules;

- D Design forms as described in Minnesota Rules, Chapter 7080.2430, or successor rules;
- E Management plan and operating permit as described in Minnesota Rules, Chapter 7082.0600, or successor rules;
- F Soil Observation Log Sheet;
- G If applicable, a copy of a recorded easement agreement allowing installation of a SSTS on property held in ownership separate than that of the systems owner.

4.60 APPLICATION REVIEW AND APPROVAL. For any property on which a SSTS construction permit is required, approval, and issuance of a valid SSTS construction permit must be obtained before a land use permit may be issued by the Department.

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall authorize construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The Department shall complete the review of the amended application within fifteen (15) working days of receipt of the amended application.

If the permit application is incomplete or does not meet the requirements of this Ordinance the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

If after consideration of the application for a permit, the Department finds that the work contemplated will not conform to or comply with the provisions of this ordinance, the Department shall deny the application for a permit. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

4.70 FEES. Fees for permits, operating permits, inspections, or other services rendered under this Ordinance shall be established by the Pope County Board of Commissioners.

4.80 POSTING OF PERMITS. The permit placard shall be prominently displayed at the site of construction. A copy of the permit shall be at the construction site.

SUBDIVISION 5. INSPECTIONS

5.20 GENERAL REQUIREMENTS.

- A 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. All inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- B Licensed SSTS inspectors shall not inspect their own work on new systems for compliance.
- C The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. "Property" does not include a residence or private building.
- D No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance.

5.30 NEW CONSTRUCTION OR REPLACEMENT.

- A Inspections must be performed on new SSTS installations or repair and replacement of SSTS to determine compliance with Minnesota Rules Chapters 7080 or 7081. The installation and construction of the SSTS shall be in accordance with the permit requirements and application design. If any SSTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department. Proposals to alter the permitted construction shall be reviewed and the proposed changes accepted by the Department prior to construction. 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 twenty-four (24) hours prior the installation inspection, excluding weekends and holidays.
- C If the SSTS owner or owner's agent provides proper notice and the department does not provide an inspection within two (2) hours 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 five (5) working days of the installation.
- D A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued by the Department within fifteen (15) days of inspection if the Department determines that the system was built in accordance with the applicable requirements as specified in the zoning ordinance and the SSTS 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 No SSTS shall be placed into operation until a valid Certificate of Compliance has been issued by the Department.

5.40 COMPLIANCE INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS.

Only a qualified employee or a authorized licensed inspector independent of the owner shall conduct an inspection when a compliance inspection is required for an existing SSTS. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the County within fifteen (15) days of the inspection.

5.41 MANDATORY COMPLIANCE INSPECTIONS OF EXISTING SYSTEMS.

- A No owner of a tract of land on which a dwelling is located, or a tract of land with a structure, which is required to have a subsurface sewage treatment system, is located, shall sell or transfer to another party said tract of land unless a compliance inspection has been completed. Results of the compliance inspection shall be provided to the seller, buyer, and the Department. Transfer or sale of properties, which have a valid Certificate of Compliance for newly constructed systems less than five (5) years old do not have to meet the requirements of this section unless the Department finds evidence of noncompliance.
- B A compliance inspection on an SSTS is required at any time the Department deems appropriate such as upon receiving a complaint or other information of system failure.
- C A compliance inspection on an SSTS is required when there is a proposed addition of a bedroom on the property, or when a conditional use permit or variance is applied for.
- D When frozen conditions prevent a field evaluation, compliance inspection, or installation of an SSTS a winter agreement may be executed between the months of November to April. A winter agreement may be made between a buyer and seller for property transfers or between the Department and an applicant for the request of an additional bedroom, conditional use permit, variance, or as part of a plan to address a Notice of Noncompliance.
- E. A Certificate of Compliance for existing SSTS compliance inspections, which shall be valid for three (3) years. *(AS AMENDED 20 May 2019)*
- F. Tanks must be pumped empty before a compliance inspection can be officially completed, to determine tank integrity, except for when the tank is known to be failing and will not pass inspection or when a tank integrity inspection report was previously completed within the past three years of the Compliance Inspection. *(AS AMENDED 20 May 2019)*

5.42 NONCOMPLIANT SEPTIC SYSTEMS.

- A The SSTS must be protective of public health and safety. A system that is not protective is considered an imminent threat to public health or safety (ITPHS). At a minimum, a system that is an imminent threat to public health or safety is a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains, or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a qualified employee or licensed inspection business. An SSTS that is determined to be 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 ten (10) months of the issuance date of a Notice of Noncompliance. The Department will give consideration to weather conditions as compliance dates are established.
- B The SSTS must be protective of groundwater. A system that is not protective is considered a system failing to protect groundwater. At a minimum, a system that is failing to protect groundwater is a system that is a seepage pit, cesspool, drywell, leaching pit, or other pit; a system with less than the required vertical separation distance; and a system not abandoned in accordance with Minnesota Rules, Chapter 7080.2500. A determination of the threat to groundwater quality for other conditions must be made by a qualified employee or licensed inspection business. An SSTS that is determined not to be protective of groundwater shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Ordinance within one (1) year of the issuance date of a Notice of Noncompliance. The Department will give consideration to weather conditions as compliance dates are established.
- C The owner(s) shall submit to the Department an acceptable replacement plan and apply for sewage permit within twenty (20) days after notification by the Department. The replacement plan shall identify the location and design of the SSTS and a schedule for its replacement. Failure to submit and execute an acceptable replacement plan is a violation of this ordinance.

- 5.50 EXISTING SSTS.** SSTS built before April 1, 1996 outside of areas designated as shoreland or wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two (2) feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

SSTS built after March 31, 1996 or SSTS located in shoreland or wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments as defined under Minnesota Rules, Chapter 7088.1100, subp. 84 shall have a three (3) foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a fifteen (15) percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer characteristics shall be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

SUBDIVISION 6. MANAGEMENT PLANS

- 6.10 SSTS REQUIRING MANAGEMENT PLANS.** The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the required performance. Management plans are required for all new or replacement SSTS. The plan is to be provided by a certified designer to the system owner when the SSTS has been designed and submitted to the Department for a SSTS Construction Permit. The management plan shall be submitted to the Department with the construction permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
- 6.20 REQUIRED CONTENTS OF MANAGEMENT PLAN.** Management plans shall include:
- A Operating requirements describing the tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
 - B Monitoring requirements;
 - C Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
 - D Statement that the owner is required to notify the Department when management plan requirements are not being met;
 - E Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence;
 - F Other requirements as determined by the Department.
- 6.30 MAINTENANCE.** SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three (3) years. Solids must be removed when their accumulation meet the limit described in Minnesota Rules, Chapter 7080.2450.

SUBDIVISION 7. OPERATING PERMITS

7.10 SSTS REQUIRING AN OPERATING PERMIT. An Operating Permit shall be required of all owners of new Type IV and Type V SSTS, MSTs, or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to these systems until the Department certifies that the SSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the system, and a valid Operating Permit has been issued to the owner. *(AS AMENDED 20 May 2019)*

7.20 PERMIT APPLICATION REQUIREMENTS.

A Application for an Operating Permit shall be made on a form provided by the Department and shall include the following information:

- 1 Property owner name, mailing address, and telephone number;
- 2 SSTS Construction Permit reference number and date of issue;
- 3 Final as-built drawing of the SSTS;
- 5 Payment of application fee.

B Owners of holding tanks shall provide to the Department a copy of a pumping agreement or contract with a licensed maintainer, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, Section 115.56, Subdivision 2, paragraph (b), clause (3).

7.30 DEPARTMENT RESPONSE. The department shall review the record drawings, operation and maintenance manual, management plan, maintenance service contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Department. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

7.40 TERMS AND CONDITIONS. The Operating Permit may not be transferred. The permit shall include the following system performance requirements.

- A System operating requirements;
- B Monitoring locations, procedures, and recording requirements;
- C Maintenance requirements and schedules;
- D Compliance limits and boundaries;
- E Reporting requirements;
- F Department notification requirements for non-compliant conditions;
- G Disclosure, location, and condition of acceptable soil treatment and dispersal system site;
- H Descriptions of acceptable and prohibited discharges.

7.50 PERMIT EXPIRATION AND RENEWAL.

A Operating Permits shall be valid for the specific term stated on the permit as determined by the Department;

- B An Operating Permit must be renewed prior to 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 ninety (90) calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Minnesota Rules, Chapter 7080.2500;
 - C The Department shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration of the permit. The owner must apply for renewal at least thirty (30) calendar days before the expiration date.
 - D Application for renewal shall be made on a form provided by the Department including:
 - 1 Applicant name, mailing address, and phone number;
 - 2 Reference number of previous owner's operating permit;
 - 3 Any and all outstanding compliance monitoring reports as required by the Operating Permit;
 - 4 Certified treatment system inspection signed by a certified designer, maintenance contractor, or operator at the discretion of the Department;
 - 5 Any revision made to the operation and maintenance manual;
 - 6 Payment of application fee as determined by the Department.
- 7.60 AMENDMENTS TO EXISTING PERMITS ALLOWED.** The Department may amend existing Operating Permits as deemed necessary for the protection of public health, safety, and welfare, or to reflect operational realities not evident at the time of permit issuance.
- 7.70 SUSPENSION OR REVOCATION.**
- A The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
 - B Notice of suspension or revocation and the reasons for the revocation shall be conveyed in writing to the owner.
 - C If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Minnesota Rules, Chapter 7080.2500.
 - D At the Department's discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.
- 7.80 COMPLIANCE MONITORING.**
- A Performance monitoring of an SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the Operating Permit in accordance with the monitoring frequency and parameters stipulated in the permit.
 - B A monitoring report shall be prepared and certified by a licensed inspection business or service provider. The report shall be submitted to the Department on or before the compliance reporting date stipulated in the Operating Permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:

- 1 Owner name and address;
- 2 Operating Permit number;
- 3 Average daily flow since last compliance monitoring report;
- 4 Description of maintenance and date performed;
- 5 Description of samples taken (if required), analytical laboratory used, and results of analyses;
- 6 Problems noted with the system and actions proposed to correct them;
- 7 Name, signature, and license number of the licensed professional who performed the work.

SUBDIVISION 8. LAND SPREADING OF SEPTAGE

8.10 SEPTAGE TREATMENT AND DISPOSAL. All septage disposal sites shall be approved by the Department prior to use. The applicant shall submit a map and legal description of the locations of all septage disposal areas or spreading areas in current use or intended for future use. A disposal area used one time within a one year period for disposal of septage generated on the same premises need not be included on this list.

8.20 SEPARATION REQUIREMENTS FOR LAND APPLICATION OF SEPTAGE. Domestic septage disposal and treatment standards shall comply with U.S. EPA rules as found in 40 CFR part 503 entitled “Standard for the Use or Disposal of Sewage Sludge,” *(AS AMENDED 20 May 2019)*

A **Land Spreading Location** - The land spreading site shall be located such that the following minimum separation distances are maintained.

Feature	Minimum Setback
Private Water Well	200 Feet
Municipal Well	1000 Feet
Occupied Residential Structure*	600 Feet
Residential Districts, Commercial Developments, Recreational Areas	600 Feet
Property lines	25 Feet
Public Road Right-of-Ways	50 Feet
Lakes	1000 Feet
Rivers Streams	500

*May be reduced to 200 feet with written approval from occupant.

The following separation distances from sinkholes, wetlands, intermittent streams, tile inlets, and agricultural drainage ditches must be observed.

% Slope	May to October		November to April
	<i>Injected/Incorporated</i>	<i>Surface Applied</i>	<i>Surface Applied</i>
0-2	150	300	600
2-6	300	600	Not Allowed
6-12	300	Not Allowed	Not Allowed

***Surface application of septage on frozen soils is prohibited unless slopes are 2% or less.**

- B Soil Suitability** - It is the responsibility of the licensed maintainer to determine if a site has soils suitable for land application of septage. Soils are considered suitable if the following conditions are met:

Characteristic	Minimum Requirement
Soil Texture	At the zone of septage application (surface horizon or injection depth) the soil texture must be one of the following: fine sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, sandy clay, silty clay loam, silty clay, or clay
Surface horizon permeability	If 0.2 inches/hour or less, this soil is suitable only for surface application with incorporation within 48 hours of injection
Depth to bedrock	3 feet
Depth to seasonally saturated soil	3 feet
Frequency of flooding	Must not be occasional or frequent

- C Pathogen Control and Vector Attraction Reduction** – One of the following options for vector attraction reduction must be met when septage is land applied:
- 1 Injection – Septage must be injected into the soil. No significant amount of septage can be present on the soil surface within one hour after injection has taken place.
 - 2 Immediate Incorporation - Septage must be incorporated by tillage within 6 hours after surface application.
 - 3 Lime Stabilization – The pH of the septage must be raised to 12.0 or higher by alkali addition and without the addition of more alkali must remain at 12.0 or higher for 30 minutes.
- D General Site Management** - The following general site management practices must be followed:
- 1 Application of septage is not allowed on areas of a site ponded with water or septage.
 - 2 Septage cannot be applied by spraying from public roads or across road right of ways without the approval of the local road authority. *(AS AMENDED 20 May 2019)*

- 3 The application area must be clearly identified with flags, stakes, or other easily seen markers at the time of application to identify the site boundaries, separation distances, and unsuitable application areas within the site. Where site boundaries can be identified by field roads, fences, or other natural markers etc., identification is not necessary.
- 4 All septage that is land applied must be uniformly distributed over the area of the site used during application.
- 5 A distribution device (splash plate or spreader) is required on the application vehicle so that even application of septage is possible and application rate limits can be met.
- 6 Measures must be taken to ensure that septage remains where it was applied and does not run off and concentrate in low areas of the field or run off the site.
- 7 The application vehicle must be moving at all times during application.
- 8 Winter applications cannot occur unless measures are taken that allow septage to be applied evenly over the application area. This generally means that fields must be plowed or cleared of snow in some way.

8.30 SEPTAGE STORAGE AT A CENTRALIZED LOCATION. Licensed maintenance businesses may store septage until weather and soil conditions are more favorable for the land application of septage, providing the following conditions are met:

- A Limit of 50,000 gallons of septage storage.
- B Storage is limited to the Non-Intensive Agriculture (A-1) and Agricultural Protection (A-2) Zones.
- C SSTS construction permit and operating permit are required.
- D Storage conducted by MPCA –licensed SSTS maintenance business.
- E Tanks and facility must meet requirements for holding tanks following MPCA requirements.
- F If a maintenance business seeks storage on more than one site, the MPCA permit threshold will be evaluated based on the provision of Minnesota Rules, Chapter 7081.0040, subp. 1(B).
- G Tanks must have a 100' setback to property lines.

SUBDIVISION 9. VARIANCES

- 9.10 Variance Request.** An affected property owner may request a variance from standards as specified in Minnesota Rules, Chapter 7081. Administrative procedures for processing variances shall be pursuant to Pope County Land Use Controls Ordinance. Variances to well and water supply lines require approval from the Minnesota Department of Health.
- 9.20 Administrative Action.** The Zoning Administrator or Authorized Representative may administratively adjust property line setbacks, building setbacks, and setbacks from the Ordinary High Water Level of public waters for any SSTS component as deemed necessary where it is determined that the adjustment will not harm the surface and groundwaters of the State, injure the public health, safety, and general welfare, or adversely impact the owners of adjacent property.

SUBDIVISION 10. VIOLATIONS AND ENFORCEMENT

- 10.10 Criminal Penalties.** Any person, firm, agent, corporation, or other entity who violates any of the provisions of this Ordinance or who fails, neglects, or refuses to comply with the provisions of this Ordinance including violations of conditions and safeguards, who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, or violates a cease and desist order, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law. Each day that a violation exists may constitute a separate offense.
- 10.20 Civil Judicial Enforcement Actions.** In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct, or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this ordinance.
- To enforce this Ordinance, the Department or its authorized agent may enter a building, property, or a place where there is reason to suspect that a system is failing to protect groundwater or an imminent threat to public health and safety.
- 10.30 State Notification of Violations.** Any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed person or any pumping and disposal of septage by a licensed maintainer or hauler done in violation of the provisions of this ordinance shall be cause for notification in the form of a license complaint to the Commissioner of the Minnesota Pollution Control Agency.

10.40 Cease and Desist Orders. Cease and Desist orders may be issued when the Department has probable cause to believe that a condition in violation of any provision of this ordinance exists or an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit or any provision of this ordinance. The cease and desist order may include, without limitation, an order to stop work. When a cease and desist order is issued such activity or work shall cease immediately and not resume until the reasons for the order have been satisfied, any condition which violates this ordinance has been corrected, any administrative fees paid, and the cease and desist order is vacated by order of the Department.

10.50 Notice of Violation. Unresolved and either separate, recurrent, or continuing violations of this ordinance by an applicant permittee, installer or other person, as determined by inspections, re-inspections, or investigations shall constitute nonconformance or noncompliance with this ordinance.

The Department shall serve, in person or by certified mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

- A A statement documenting the findings of fact determined through observations, inspections, or investigations;
- B A list of specific violation(s) of this Ordinance;
- C The specific requirements for correction or removal of the specified violation(s);
- D A mandatory time schedule for correction, removal, and compliance with this ordinance; and
- E Specific enforcement actions that will be taken if corrective action is not completed.

10.60 Property Owner Responsibility. All costs associated with the repair, replacement, or abandonment of a failing/noncompliant SSTS shall be the responsibility of the property owner or as otherwise provided for in a written, notarized agreement between two parties.

10.70 Abatement Costs and Reimbursements. If the County is required to remove or abate an imminent threat to public health or safety, the County may recover all costs incurred in removal or abatement, including legal fees. At the discretion of the County Board, the cost of an enforcement action under this ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

SUBDIVISION 11. VALIDITY

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

SUBDIVISION 12. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its date of adoption or a amendment by the Pope County Board of Commissioners and after publication according to law.

NOW THEREFORE, BE IT RESOLVED that a revision to the Pope County Land Use Controls Ordinance as amended is hereby adopted.

IT IS ORDERED, by the Board of County Commissioners that a full, true, and correct copy of this ordinance shall be certified to the County Auditor who shall forthwith file for record such certified copy in the office of the Recorder for Pope County, Minnesota. Such ordinance shall be a public record and available for inspection at reasonable times in the office of the Recorder.

POPE COUNTY BOARD OF COMMISSIONERS:

Cody Rogahn, Chair

[Signature]

[Signature]

[Signature]

[Signature]

ATTEST: [Signature], County Coordinator

CERTIFICATE OF COUNTY AUDITOR

The undersigned duly qualified and acting County Auditor of the County of Pope, Minnesota, does hereby certify that the attached resolution declaring the adoption of a Subsurface Sewage Treatment System Ordinance as amended for Pope County, Minnesota, as regularly adopted at a legally convened meeting of the County Board of Commissioners duly held on the 6th day of May, 2014, and further, that such resolution has been fully recorded in the minutes of the Commissioner's proceedings in my office.

In witness whereof, I have hereunto set my hand and official seal this 6th day of MAY, 2014.

SEAL [Signature], Pope County Auditor



10.21 SIGNIFICANT HISTORIC SITES:

No structure may be placed on a significant historic site in a manner that affects the values of the site unless a adequate information about the site has been removed and documented in a public repository.

10.22 SOIL NUTRIENT APPLICATION:

This section is to regulate the application of soil nutrients including, but not limited to commercial fertilizers and animal manure so as to minimize the impact of livestock production, crop production, grooming of lawns and other cultivation of plants for commercial and recreational purposes on the waters and other common resources of the county and to minimize conflict between these and other uses in the area where feedlots are located.

10.22.1 Manure Application

A. Unless otherwise restricted, the following general setbacks shall be observed in land application of manure: *(AS AMENDED 18 November 2008)*

Setback from the Following Physical Features/Structures	Spreading Without Incorporation		Injection or Incorporation Within 48 Hours	Irrigation
	Time of Year			
	Not Frozen	Frozen		
▪ Streams or Rivers	Section B below		50 feet	200 feet
▪ Lakes	Section B below		100 feet	300 feet
▪ Wetlands*	Section B below		50 feet	200 feet
▪ Public & private drainage ditches	100 feet	300 feet	25 feet	200 feet
▪ Surface tile inlets	100 feet	300 feet	25 feet	200 feet
▪ Water wells	200 feet	300 feet	200 feet	200 feet
▪ Sinkhole	100 feet	300 feet	50 feet	200 feet
▪ Residential dwellings	500 feet		300 feet	1000 feet
▪ Public roads (ROW line)	25 feet		10 feet	300 feet

*Non-exempted wetlands as defined in Minnesota Wetland Conservation Act of 1991.

B. **Setbacks for Spreading Manure Without Incorporation.** The following separation distances and prohibition, based upon percent of slope, soil texture as defined in the Pope County Soils Survey and time of year, apply to the land application of manure without immediate incorporation.

Slope	Soil Texture	Time of Year	Separation from Surface Waters
0 - 6%	Coarse	Not Frozen	100 feet
0 - 6%	Coarse	Frozen	200 feet
0 - 6%	Medium to fine	Not Frozen	200 feet
0 - 6%	Medium to fine	Frozen	300 feet
Over 6%	Coarse	Not Frozen	200 feet
Over 6%	Medium to fine	Not Frozen	300 feet
Over 6%	All soils	Frozen	Prohibited

- C. Application by irrigation and landspreading of liquid manure without incorporation are prohibited in shoreland areas. Application by irrigation is prohibited in non-intensive agriculture (A-1) zones. Application by irrigation is also prohibited within two miles of a municipality, general development lake or recreational development lake.
- D. It is a violation of this ordinance for any person to apply manure for hire unless licensed and trained in conformity with the laws of this state, or to knowingly apply or procure the application of manure by another in violation of the licensing and training requirements of the State of Minnesota.

10.22.2 Application of Commercial Fertilizers:

This section applies to all users of commercial fertilizers who apply soil nutrients of any nature to the lands of Pope County for the promotion of plant growth whether for agricultural, horticultural or silvicultural purposes including growing and manicuring lawns for residential, commercial and recreational uses.

- A. Unless otherwise restricted, the following general setbacks shall be observed in land application all of commercial fertilizers containing phosphorous:

Setback from the Following Physical Features/Structures	Granular Broadcast Without Incorporation	Anhydrous Ammonia or Granular Broadcast with Incorporation
▪ Rivers	Section B below	50 feet
▪ Lakes	Section B below	100 feet
▪ Wetlands*	Section B below	50 feet
▪ Public & private drainage ditches	100 feet	25 feet
▪ Water wells	200 feet	200 feet
▪ Sinkhole	100 feet	50 feet

- B. **Setbacks for Granular Broadcast of Fertilizer Without Incorporation.** The following separation distances and prohibition, based upon percent of slope, soil texture as defined in the Pope County Soils Survey and time of year, apply to the land application of commercial fertilizer containing phosphorous without immediate incorporation.

Slope	Soil Texture	Time of Year	Separation from Surface Waters
0 - 6%	Coarse	Not Frozen	100 feet
0 - 6%	Coarse	Frozen	200 feet
0 - 6%	Medium to fine	Not Frozen	200 feet
0 - 6%	Medium to fine	Frozen	300 feet
0 - 6%	Manicured Grass	Not Frozen	200 feet
0 - 6%	Manicured Grass	Frozen	300 feet
Over 6%	Coarse	Not Frozen	200 feet
Over 6%	Medium to fine	Not Frozen	300 feet
Over 6%	Manicured Grass	Not Frozen	Prohibited
Over 6%	Manicured Grass	Frozen	Prohibited
Over 6%	All soils	Frozen	Prohibited

The Zoning Administrator may authorize application of soil nutrients in a manner which violates the limitations set by this section if the nutrients are to be used to establish or enhance ground cover intended to retard erosion or to otherwise promote plant growth in furtherance of a soil and/or water conservation project recommended or approved by the Pope Soil and Water Conservation District or the United States Natural Resource Conservation Service

10.23 SOIL PESTICIDE APPLICATION:

- A. This section is to regulate the application of pesticides, other than organic pest control measures, so as to minimize the impact of crop production, grooming of lawns and other cultivation of plants for commercial and recreational purposes on the waters and other common resources of the county and to minimize conflict between these and adjacent uses, in all areas of the county.
- B. This section applies to all users of commercial pesticides who apply restricted chemical pesticides of any nature to the lands or waters of Pope County for the purpose of retarding or eliminating nuisance plant growth, fungus growth or insect infestation whether for agricultural, horticultural or silvicultural purposes including growing and manicuring lawns for residential, commercial and recreational uses.
- C. It is a violation of this ordinance to for a person to knowingly apply a restricted pesticide in a manner that is “off label” to the lands or waters of Pope County or to knowingly permit another to do so. For the purposes of this section, “off label” means:
 - 1. Using or applying the pesticide at a rate greater than the rate approved for application by any regulating agency or the rate established by the manufacturer, whichever is less; or
 - 2. Using or applying the pesticide to control a plant, fungus or insect for which the pesticide is not specifically intended or for any other purpose not authorized by the manufacturer and all regulating agencies.

- D. It is a violation of this ordinance for any new person to apply a pesticide for hire unless licensed and trained in conformity with the laws of this state, or to knowingly apply pesticides or procure the application of pesticides by another in violation of the licensing and training requirements of the State of Minnesota.

10.24 STORMWATER MANAGEMENT:

(AS AMENDED 1 June 2005) (AS AMENDED 6 April 2010)

10.24.1 The following general and specific shall apply:

A. General Standards.

1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey; store, filter, and retain storm water runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topography 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.
4. Landowners may only drain surface water upon neighboring land if they act in good faith and;
 - a. There is a reasonable necessity for the drainage;
 - b. Care is taken to avoid unnecessary injury to the neighboring land;
 - c. The utility or benefit accruing to the drained land outweighs the gravity of the harm resulting to the burdened land; and
 - d. The drainage is accomplished by reasonably improving and aiding the natural drainage system, or if, in the absence of a practical natural drain, a reasonable and feasible artificial drainage system is adopted.

B. Specific Standards.

1. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area or twenty (20) percent of the lot area in Natural Environment Shoreland Zoning. For the purposes of this section, twenty-five (25) percent of the total area covered by pervious paver systems designed to allow the infiltration of water between pavers may be considered pervious by conditional use permit provided that:
 - a. The pervious pavement system shall be designed and certified by a registered engineer or landscape architect and installed by someone qualified in the particular system used, or the installation shall be overseen by a product representative to ensure its proper long-term function;

professional.

- a) Permeable pavement systems may be considered as 100% pervious when submitted as part of a storm water management plan consistent with this section.

C. **Specific Requirements:** The applicant must provide the following evidence, in conjunction with meeting one of the two standards listed in (d)ii. a above:

1. A survey shall be submitted showing calculations of the exact dimensions of all existing impervious surfaces and of the lot before and after completion of the project. This survey must be submitted and approved by the Land & Resource Director before any work may begin on the project;
2. In replacing existing impervious surfaces with surfaces designed to be permeable or porous, the applicant must give priority to replacing those surfaces closest to the lake or those surfaces where the replacement is most likely to improve storm water management.
3. No pervious or porous pavement systems shall be allowed in a bluff impact zone or shore impact zone unless specifically approved otherwise by the Land & Resource Director when restoration to natural vegetation would not be practical or advised by a qualified engineer. These areas shall be maintained or restored to natural vegetative buffer whenever feasible;
4. A pervious pavement system shall be designed and certified by a registered engineer or landscape architect and installed by someone qualified in the particular system used, or the installation shall be overseen by a product representative to ensure that is proper long-term function;
5. A pervious pavement system shall be set back from structures having basements, septic system leach fields, steep slopes and wells at least 10 feet unless otherwise designed by a registered engineer so as to prevent impacting these features;
6. A pervious pavement designed shall include maintenance instructions to the property owner along with a maintenance schedule, with a copy to the Land & Resource Office to be filed along with the permit;
7. All best management practices must be compatible with local stormwater management plans and NPDES Phase II stormwater permits, where required.
8. If, in the removal of existing impervious surfaces, the total lot coverage falls below the maximum coverage allowed by this ordinance, the applicant must thereafter conform to the standards of this ordinance.

10.25 SUBDIVISION CONTROLS ORDINANCE*(AS AMENDED 6 April 2021)***10.25.1 General Provisions:****A. Title**

This ordinance from the date of its passage shall be entitled: SUBDIVISION CONTROLS ORDINANCE, POPE COUNTY, MINNESOTA.

B. Purpose

The purpose of the ordinance is to regulate the subdividing of land in Pope County lying outside the incorporated limits of any city so that new subdivisions will be integrated with the development objectives of Pope County and contribute to an attractive, stable and wholesome environment, adequate public services and an integrated and safe system of roads. In furtherance of these goals, Pope County elects to be governed by the provisions of Minnesota Statutes 272.162.

C. Legal Authority

This ordinance is enacted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 394, 505, 508 and 515B; or successor statutes.

In adopting this ordinance, Pope County also chooses to be governed by the provisions of Minnesota Statutes, Chapter 272.162, or successor statute, regarding the transfer of deeds or other instruments conveying parcel(s) of land.

D. Jurisdiction and Compliance

This Ordinance shall apply to all subdivisions of land, as defined in Section 10.25.2, located within the unincorporated areas of Pope County, Minnesota, except as otherwise provided by law.

1. Any land which is being subdivided or modified in its dimensions shall be reviewed by the Administrator for a determination that either the proposed subdivision or modification complies with this ordinance or is not subject to this ordinance. Where compliance with this Ordinance is required, no subdivision or modification of the dimensions of a parcel shall be recorded, sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:
 - a. The subdivider or their agent has submitted legal descriptions of all resulting parcels or lots and, where required by this ordinance, graphical depictions of the proposed subdivision to the Administrator;
 - b. The subdivider or their agent has received approval of the subdivision plan from the Administrator or has received approval of the Board of County Commissioners;
 - c. The subdivider or their agent files the approved subdivision plat (or survey document) at the Office of the County Recorder; and
 - d. The property taxes have been paid in full for the land to be subdivided.

2. Excepting in relation to any pre-existing development or occupancy of land, no permit for development shall be issued for, nor shall there be a right to occupy, any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with these regulations.

E. Exceptions

The requirements of this Subdivision Controls Ordinance shall not apply to the following subdivisions of land:

1. The subdivision of a lot where all resulting parcels can be described as a full Government Lot, a full Quarter section, a full Half section or a full Quarter-Quarter Section as described by the Public Land Survey System (PLSS).
2. A subdivision of a lot pursuant to court order.
3. Subdivisions creating or rearranging of lots within a cemetery or mausoleum in accordance with MN Statutes 306, 307 or other applicable state law (subdivisions of a parcel to create the external boundaries of a cemetery is not excepted).
4. Parcels of land created as a result of public acquisition by purchases of segments of land for widening or opening streets, roads or public transportation corridors.

F. Interpretation

In their interpretation and application, the provisions of this Ordinance, or successor ordinance, shall be held to be minimum requirements and shall be liberally construed in accord with the underlying policies of the County and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

G. Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of May 1, 2021. All applications for subdivision approval, including final plat, pending the effective date of these regulations shall be reviewed under these regulations.

H. Severability

If any section, subsection, sentence, clause or phrase of this ordinance, or successor ordinance, is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance, or successor ordinance, shall not be affected thereby.

I. Repeal

All ordinances and amendments thereof relating to the subdivision of land within Pope County which were adopted prior to these regulations by the County Board are hereby declared null and void.

J. Administration

1. **Adoption of Plat Manuals by Reference:** The Minnesota Society of Professional Surveyors (MSPS) and the Minnesota Association of County Surveyors (MACS) "Manual of Guidelines for Platting in Minnesota" and "Common Interest Community Plat Manual of Minimum Guidelines"; or successor manuals, are hereby adopted by reference as though a part of this Ordinance, or successor ordinance.
2. **Dedications**
 - a. The Board of County Commissioners may require that easements for drainage ways of widths sufficient to accommodate anticipated storm water runoff, or easements for public utilities be provided.
 - b. The Board of County Commissioners, or their designated representative, may require deed restrictions as may be necessary.
3. **Environmental Review Procedures**
 - a. **Purpose:** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
 - b. **When Required:** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the subdivision by the County.
 - c. **Costs Incurred:** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County Board may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County Board shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

4. Appeals

- a. **General:** An appeal from any order, requirement, decision, or determination of any administrative official charged with enforcing this ordinance may be made to the Board of Adjustment. An appeal must be filed within thirty (30) days after the time the administrative determination is made. The appeal stops all proceedings on the action appealed from unless the Board of Adjustment certifies that the stay would cause imminent threat to life and property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may direct the issuance of a permit.
- b. **Procedure:**
 - i. Appeals shall be filed with the Administrator who shall refer the appeal to the Board of Adjustment.
 - ii. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. Due notice of the hearing shall be given to the appellant, the officer from whom the appeal is taken, and the public.
 - iii. Within thirty (30) days after the hearing the Board of Adjustment shall make a decision on the appeal and notify the appellant. The reasons for the Board's decision shall be stated in writing. A certified copy of any order resulting from the Board's decision on an appeal shall be filed with the County Recorder along with a legal description of the property involved if applicable.
- c. **Final Appeal:** All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final except any aggrieved person(s) shall have the right to appeal within thirty (30) days, after receipt of notice of decision, to District Court.

5. Enforcement

- a. Any violation of the provisions of Pope County Subdivision Controls Ordinance shall be a misdemeanor.
- b. In the event of a violation or a threatened violation of this ordinance, the County Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
- c. Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by the ordinance.

6. 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 and as provided in Minnesota Statutes 394.

10.25.2 Definitions

- A. For the purpose of this ordinance the following terms shall have the meaning hereinafter indicated in this section unless specifically stated otherwise: The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally. Words used in the present tense shall include the future and words used in the singular number shall include the plural number.
1. **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word "Administrator" as it appears in this ordinance means the Director of the Pope County Land & Resource Management department.
 2. **Aliquot Subdivision or Aliquot Part:** A method of describing large parcels of lands as being entire sections, or regular fractions (e.g., half or quarter) of sections, using the U.S. Public Land Survey System (PLSS).
 3. **Alley:** A public way less than twenty-four feet in width used primarily as a service access to the rear or side of a property, which abuts a public road.
 4. **Applicant:** The owner of real estate proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner.
 5. **Block:** An area of land within a subdivision that is entirely bounded by roads, walkways, parks and outlots or by roads and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
 6. **Board or County Board:** The Pope County Board of Commissioners.
 7. **Buffer:** Any combination of mounds, fencing, landscaped plantings and similar measures intended to separate one land use or activity from another.
 8. **Buildable Area:** Refers to the total area of the lot available for development, not necessarily the total area of the property itself. It does not include designated right of ways, easements, setbacks, environmental performance standards, and other such impedances to structure location and density. Also see Section 10.25.4.H. of this Ordinance.
 9. **Certificate of Survey:** An official document prepared and signed by a professional land surveyor which depicts property dimensions and may include the location of improvements on the property and their distances to property lines, easements, rights-of-way, or other features on the property.
 10. **Contiguous:** Two or more lots or acreages of land which have one or more common boundary lines shared by such lots or acreages and which lots or acreages are owned by the same entity or individual in identical form of ownership. For purposes of this definition, parcels or acreages are contiguous notwithstanding the existence of public or private roads or easements (see noncontiguous parcels of land)
 11. **Common Interest Community (CIC):** A common interest community shall have the meaning given in Minnesota Statutes, chapter 515B; or successor statutes.

12. **Deed:** A written document for the transfer of land or other real property from one person to another. A quitclaim deed conveys only such rights as the grantor has. A warranty deed conveys specifically described rights which together comprise good title.
13. **Development Objectives:** Those goals determined from time to time in plan or policy form as part of the County's Comprehensive planning program which indicate how the County wishes to develop itself in line with orderly and logical direction.
14. **Easement:** A grant by an owner of land for the specific use of said land by the public, generally or to a person or persons.
15. **Enforcement Measures:** Enforcement measures may consist of, but are not limited to: fines, stop work orders, revocation of permits or approvals, forfeiture of funds or sureties, use of sureties, administrative order, plat recall, road vacation, liens on property or tax assessments, etc.
16. **Floodplain (100-year):** See "Special Flood Hazard Area (SFHA)".
17. **Frontage:** The side of a lot abutting on a road and ordinarily regarded as the front of the lot.
18. **Government Lot:** The fractional part of a section described in the Public Land Survey System protracted by office procedures from field notes and designated by boundary limits, area and number (not always) on the township plat. An example description would read "Government Lot 1, Section 2, Township 124, Range 33 of the 5th Principal Meridian".
19. **Improvements:** Any constructed or created alteration of the natural state of the land which increases its utility or value, including but not limited to: roads, storm water management features, individual wastewater treatment systems, and water wells.
20. **Legal Description:** Legally acceptable identification of Real Estate by one of the following: the government rectangular survey; metes and bounds or recorded Plat (lot and block number).
21. **Licensed Land Surveyor:** A land surveyor licensed in the State of Minnesota.
22. **Lot:** A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.
23. **Lot Line Adjustment:** Legal adjustment of an existing lot line without creating a new, buildable lot.
24. **Lot Split:** The division of an existing parcel into two or more separate lots.
25. **Metes and Bounds Subdivision:** A subdivision of land where the boundaries or limits of a tract of land are described by reference to lines and distances between points on the land, whether natural landmarks or by human-placed structures such as stakes, roads or other markers.

26. **Noncontiguous:** Parcels or acreages of land under one ownership that are physically separated from one another by land in an ownership other than deeded roads and highways, navigable rivers and streams, railroad lines, or federal or state land that is leased from the federal or state government by the taxpayer whose land is physically touching the federal or state land.
27. **Owner:** Any individual, firm, association, syndicated, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.
28. **Outlot:** A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the County and the developer; or for a public purpose. An outlot is not designated a part of a block and is afforded no development right.
29. **Planned 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 structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
 - a. **Commercial planned unit developments.** Developments 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.
 - b. **Residential planned unit development.** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.
30. **Plat (or Final Plat):** A delineation of one or more existing parcels of land drawn to scale showing all data as required by Minnesota Statutes, Chapter 505, or successor statutes, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways and any other information required by statute or Pope County Subdivision Controls Ordinance.
31. **Preliminary Plat:** The preliminary map, drawing or chart indicating the proposed layout of the subdivision and any other information as required by this ordinance.

32. **Preliminary Plan:** Drawings, plans and materials representing a proposed subdivision or other development in accordance with these Regulations; does not constitute a subdivision plat application (see Sketch plan).
33. **Public Land Survey System (PLSS):** The surveying method developed and used in the United States in the Land Ordinance of 1785 to plat, or divide, real property for sale and settling. Also known as the Rectangular Survey System.
34. **Registered Land Survey:** Registered Land Surveys are surveys performed for the identification of registered (Torrens) lands in accordance with the requirements of Minnesota Statutes, chapter 508; or successor statutes. Registered Land Surveys are not plats, are not signed by landowners and may not dedicate public rights.
35. **Regulations:** Subdivision Regulations for unincorporated areas of Pope County.
36. **Road, Arterial:** A road or highway of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.
37. **Road, Collector:** A road that serves as a traffic connection between multiple local roads and arterial highways or small communities and residential developments.
38. **Road, Cul de Sac:** A comparatively short road having one end open to traffic and the other being permanently terminated by a vehicular turnaround. A cul-de-sac may also be a temporary termination for a road which will ultimately extend beyond the instant subdivision.
39. **Road, Local:** A road that serves primarily as access to abutting properties and connects to another local, collector, or arterial road.
40. **Road, Marginal Access:** A road which is parallel and adjacent to an arterial road or collector road and provides access to abutting properties and protection from through traffic by limiting access to the arterial or collector road. Marginal Access Roads are commonly referred to as a frontage road.
41. **Road, Private or Ingress/Egress Easement Area, Private:** A road, way, or strip of land reserved for the use of a limited numbers or persons or purposes as distinguished from a public road. Private roads are by definition not maintained by a public road authority.
42. **Road, Public:** A way or thoroughfare for vehicular traffic having permanent location on the ground which provides ingress and egress to the public by dedication, easement, donation or law, whether or not owned or maintained by a public road authority.
43. **Road, Rural:** A road that includes ditches and is located in an area that is not presently, nor will it be in the foreseeable future, sufficiently developed to warrant use of an urban design.
44. **Road, Urban:** A road that includes curb and gutter and is or will be in the foreseeable future, located in an area that is sufficiently developed to warrant an urban design.

45. **Shoreland:** Land located within the following distances from public waters;
 - a. 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and
 - b. 500 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.
46. **Sketch Plan:** means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of the adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning (see “Preliminary Plan”).
47. **Special Flood Hazard Area (Also known as “Areas of Special Flood Hazard”):** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
48. **Subdivider:** Any person commencing proceedings under this ordinance to effect a subdivision of land hereunder for themselves or for another.
49. **Subdivision:** The division or redivision of a lot, tract, or parcel of land regardless of how it is to be used, into two or more lots, parcels or tracts either by plat, by aliquot description or by metes and bounds description for the purpose of offer, sale or lease; or the division or redivision of land involving dedication of a new park, playground, road or other public right-of-way or facility; or the vacation, realignment or any other changes in existing roads, alley, easements, recreation areas, water, or other public improvements or facilities.
50. **Variance:** A modification or relief 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 practical difficulties as defined or described in Minnesota Statutes Chapter 394.27, Subd. 7 (or successor statute).

10.25.3 Subdivision Application and Approval Process

A. General Provisions for Submittal of Applications

1. **Form of Application.** Applications required under these Subdivision Regulations must be submitted in a form and in such numbers as required by these Regulations and determined by the Administrator to be complete prior to commencement of review.
2. **Application Fees.** Applications must be accompanied by the fee amount that has been established by the Board of County Commissioners. Application fees are nonrefundable.

3. **Paper Copies.** For Standard subdivisions and final plats one paper copy at a minimum of 22 x 34 inch and one copy at a size of 11 x 17 inch. For Minor subdivisions, one paper copy of the preliminary plat, scaled site plan or Certificate of Survey (as appropriate to the required method of subdivision), in a size acceptable to the Administrator.
 4. **Electronic Copies.** One electronic copy of the proposed preliminary plat, sketch plan or Certificate of Survey (as appropriate to the required method of subdivision) and final plat in PDF format.
 5. **Spatial Data.** One electronic copy of the spatial data of the preliminary and final plat required to display the plat in the Pope County Geographic Information System (GIS). Specific format to be as determined by the County.
- B. Presentation Requirements (Preliminary Plat, Sketch Plan or Certificate of Survey)**

For review by the Administrator and/or Planning Commission, the following information shall be shown on the plat map, sketch plan or Certificate of Survey (as appropriate to the required form of application) or in a form otherwise approved by the Administrator. The Administrator may waive certain of these requirements for minor subdivision sketch plans or Certificates of Survey when such information is determined to be unnecessary.

1. **General Information**
 - a. The proposed name of the plat, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat already recorded in Pope County;
 - b. Location by section, township and range;
 - c. Names and addresses of the owners, developer and surveyor;
 - d. Graphic scale between one (1) inch = fifty (50) feet and one (1) inch = two hundred (200) feet depending on the size of the plat and the detail of the information to be shown, unless otherwise approved by the Administrator;
 - e. North point and vicinity map;
 - f. Total acreage of the land to be subdivided;
 - g. Boundary line survey and legal description. Identify any property within the subdivision that is registered (Torrens);
 - h. Proof of ownership;
 - i. Date of preparation;
 - j. Any additional information as may be requested by the Administrator.
2. **Existing Features** (including surrounding area within a distance of 300 feet)
 - a. Existing public and private roads, showing width of roads, and any associated easements;
 - b. Existing property lines;
 - c. Site improvements, and structures on the proposed parcel(s), and to a distance of ten (10) feet beyond the proposed property lines, and distances from structures to property lines;

- d. Delineated wetland boundaries for all wetlands located within the plat boundaries, except where approximate boundaries are deemed sufficient by the Administrator;
- e. In the shoreland district the toe and top of any bluffs present;
- f. In the shoreland district the ordinary high water level and highest known water level;
- g. Topographic contours with a maximum distance between contours of 2 feet, unless otherwise required or allowed by the Administrator;
- h. Any additional information as may be requested by the Administrator.

3. Proposed Features

- a. Proposed lot lines, dimensions, gross square footage or acreage of each lot;
- b. Proposed lot and block numbers;
- c. For Standard subdivisions, proposed layout and width of public roads and utility easements, showing proposed road names. The name of any road already used in the County shall not be used, unless the proposed road is an extension of an already named road, in which event the existing road name shall be used.
- d. The minimum setback requirements with resulting building envelope, including any required setbacks from waterbodies or wetlands;
- e. Proposed easements or right-of-way for utilities and drainage;
- f. Location of at least two suitable sites for a septic drainfield, from a licensed septic system designer;
- g. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning;
- h. Statement of source of proposed water supply;
- i. Statement of provisions for sewage disposal, drainage and flood control;
- j. Preliminary road grades and drainage plan;
- k. Proposed deed restrictions if there are any intended, shall be submitted with the preliminary plat;
- l. Such other information as may be requested by the Administrator.

C. Presentation Requirements (Final Plat).

- 1. All final plat applications shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall conform to all requirements of Minnesota State Statutes, Chapter 505 and 515 B, as may be amended.
- 2. The final plat application shall have incorporated all the conditions of the County Board (Standard Subdivision) or Administrator (Minor Subdivision) in the approval of the preliminary plat. In all other respects, the final plat shall conform to the approved preliminary plat.
- 3. Title Opinion by a practicing attorney at law based upon an examination of an abstract or the records of the County Recorder for the lands included within the plat showing the title to be in the ownership of the subdivider. The date of continuation of the abstract examined, or the date of the examination of the

records shall be within thirty (30) days prior to the date the final plat is filed with the County Recorder. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.

4. Certifications Required.

- a. Certification of the adoption of the plat notarized by the owner and by any mortgage holder of record of the adoption of the plat and the dedication of roads and other public areas. The mortgage holder of record may record a notarized document giving consent to plat with the final plat in lieu of the certification.
- b. Certification notarized by a licensed land surveyor to the effect that the plat represents a survey made by themselves and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- c. Certification by the County Recorder (per County Board Resolution No. 201311) showing that current and delinquent taxes and special assessments currently due on the property have been paid in full.
- d. Certification by the applicant's attorney that the proper evidence of title has been presented and that all parties with an interest in said property have been included in the execution of the final plat.
- e. Form for approval by the County Attorney: I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.
Attorney for Pope County _____
- f. Form for approval by the County Surveyor: I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Controls Ordinance of Pope County and Chapter 505; Minnesota Statutes.
Surveyor for Pope County _____
- g. Form for approval by the County Board, Standard Subdivision:
Approved by the Board of County Commissioners of Pope County,
Minnesota this ____ day of _____, 20____.
Chairman _____
County Auditor _____
- h. Form for approval by the Administrator, Minor Subdivision:
I hereby certify that this plat represents a division of property that is found to comply with the subdivision regulation for Pope County, Minnesota, and that it has been approved for recording in the Office of the Pope County Recorder.
Administrator, Director of Pope County Land & Resource
Management _____ Date _____
- i. Certification by the County Recorder indicating the filing date, folder number, and document number of the final plat.

D. Application Completeness, Accuracy and Sufficiency

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
2. The Administrator will make a determination of application completeness within 15 days.
3. If an application is determined to be incomplete, the Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected.
4. Incomplete/deficient applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within sixty (60) days, the application will be considered withdrawn.
5. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff as well as other review and decision-making bodies in accordance with applicable review and approval procedures of these Subdivision Regulations.
6. The application(s) or plan(s) may need to be revised before being placed on an agenda if the Administrator determines that:
 - a. The application or plan contains one (1) or more significant inaccuracies or omissions that hinders timely or competent evaluation of the application's/plan's compliance with subdivision regulation standards; or
 - b. The application contains multiple minor inaccuracies or omissions that hinders timely or competent evaluation of the application's/plan's compliance with subdivision regulations standards.
7. **Classification of Subdivision:** Prior to the subdivision of land the owner of such property, or their authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in this Ordinance. All proposed subdivisions of land which are not specifically exempted from the requirements of this Ordinance shall be processed and reviewed as either a Minor Subdivision or Standard Subdivision.
8. **Platting Requirement:** All parcels of land created as a result of the subdivision of land shall be platted in accordance with MN Statutes 505 or 515B, except where otherwise allowed as a Registered Land Survey or one of the Minor Subdivision options as defined in Section 10.25.3.D.5 of this Ordinance.

All subdivisions of land located in shoreland and residential zoning districts, unless exempted by Section 10.25.1 E, shall be processed as a plat if such subdivision results in either:

 - a. One or more lots less than five (5) acres in size; or
 - b. One or more lots with a buildable area, as defined in Section 10.25.2.8, that is less than the minimum lot size specified for the relevant zoning district.

The following tables depict the process for subdivision application and approval:

Figure 1: Minor Subdivision Flowchart

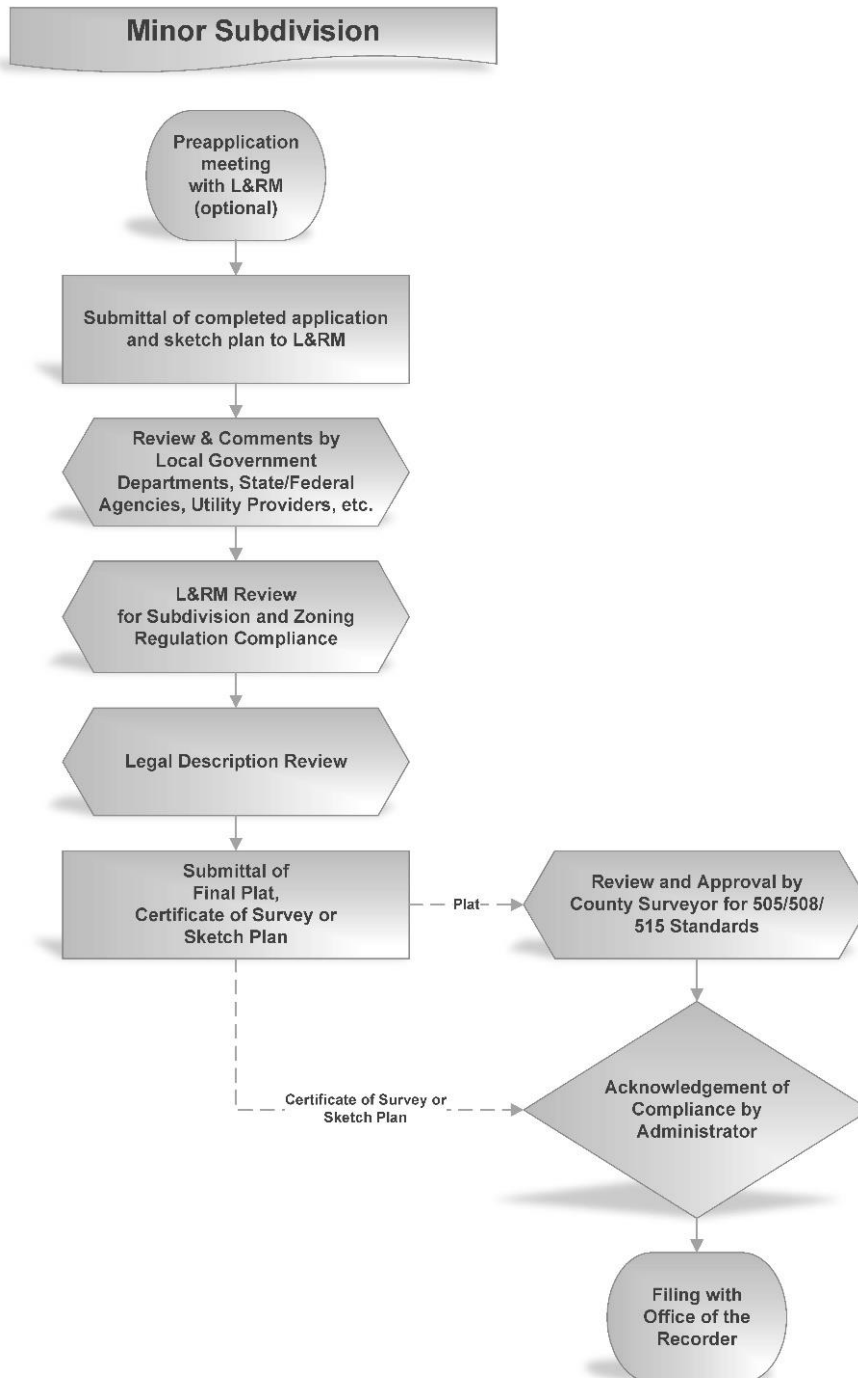
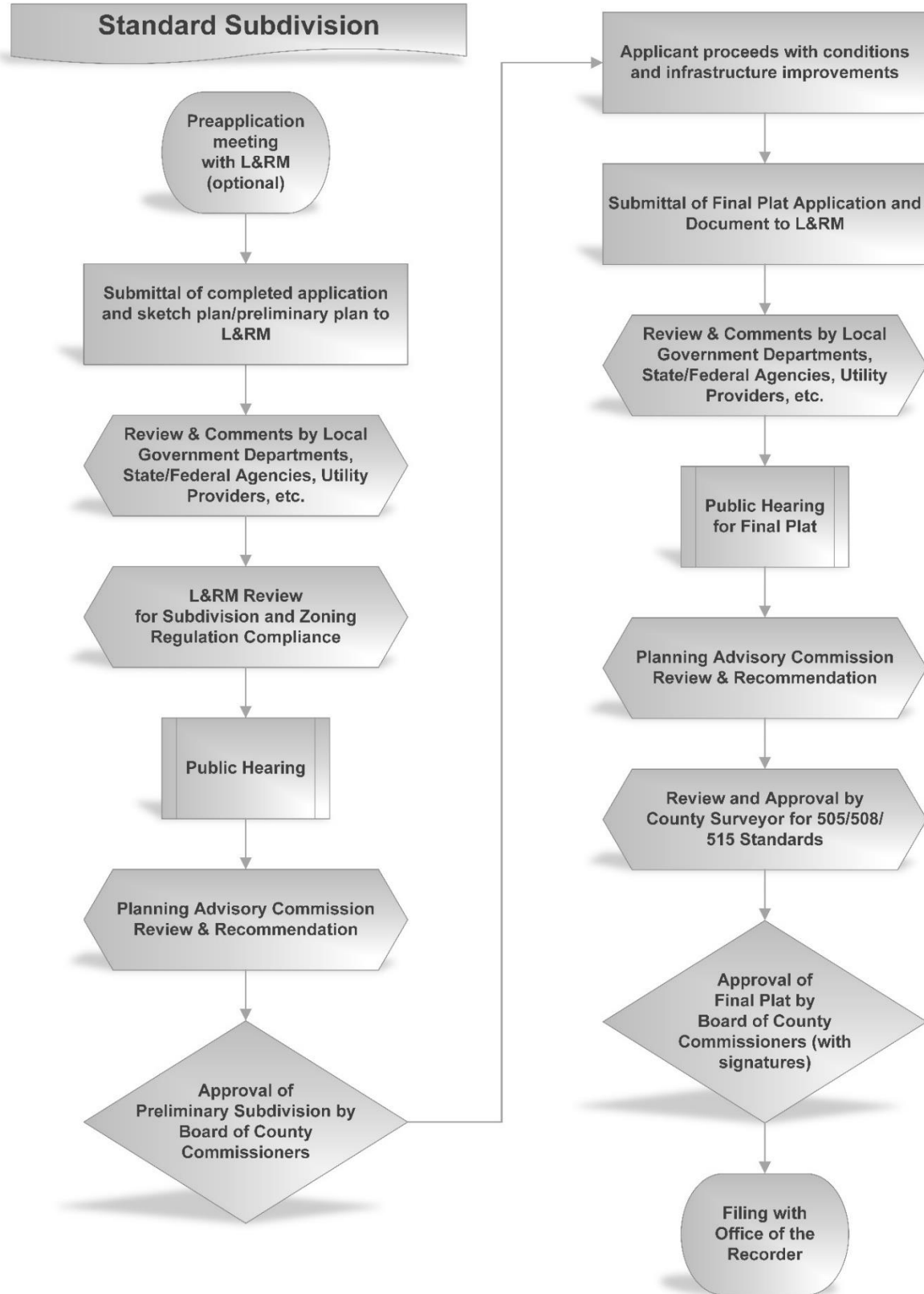


Figure 2: Standard Subdivision Flowchart



E. Minor Subdivision Option

The purpose of a Minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Pope County Land & Resource Management Director is authorized to approve all Minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements.

A Minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The subdivider must provide a sufficient legal description for all resulting parcels involved in the division(s), including any remainder parcels;
2. The division(s) must meet all applicable requirements of the Pope County Land Use Controls Ordinance, including minimum lot dimensions, requirement for minimum buildable area, and must be suitable for its intended use;
3. The division(s) must not involve or require the dedication of any interests to the public such as for newly created easements or roads, except where specifically exempted under this Ordinance;
4. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that:
 - a. No net increase in the number of parcels or lots is achieved,
 - b. Any residual tract must not become nonconforming, or increase an existing nonconformity, relating to applicable requirements of the Pope County Land Use Controls Ordinance.
5. The Minor Subdivision, if approved, shall be documented via plat as required by Section 10.25.3 C. 8. except that the Administrator may allow for the following alternative means of description subject to the standards listed:
 - a. PLSS Description: A PLSS description (with a sketch plan if required by the Administrator) may be allowed for any division which:
 - i. Can be described in halves or quarters of a section, down to a quarter quarter section (approximately 10 acres).
 - b. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be required for divisions where the Administrator has determined that the property is of a size or shape such that physical demarcation of the boundaries is necessary. In these cases, monuments shall be placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator.
 - c. Metes and Bounds Description: A metes and bounds description (with a sketch plan if required by the Administrator) may be allowed for any division which describes remnant parcels of a subdivision which are significantly larger than the minimum lot dimensions required in the Pope County Land Use Controls Ordinance.

6. The subdivider may, at any point, opt out of the Minor subdivision process and apply instead for a Standard subdivision under the terms and procedures of this ordinance.

F. Procedure for Minor Subdivisions

1. An application shall be considered to be officially filed when the Administrator has received and examined the application and has determined that the application is complete;
2. Pursuant to Minnesota Statute, Chapter 505.03 subdivision 1; or successor statute, a public hearing pursuant to Minnesota Statute, Chapter 394 or successor statutes will not be required for a minor subdivision;
3. The Administrator shall review the subdivision proposal for compliance with this subdivision ordinance, as well as compliance with other sections of the Land Use Controls Ordinance (i.e., zoning, floodplain, stormwater, etc.);
4. Upon receipt of the complete subdivision application, the Administrator may forward a copy of same to one or more of the following parties as deemed appropriate: County Engineer, Surveyor, Auditor, Assessor, Recorder, and the Soil and Water Conservation District (SWCD); also, to the Clerk of the Township wherein the proposed plat is located, the Clerk of any municipality within two (2) miles of the proposed subdivision and to the Commissioner of the MNDNR. This notice shall be sent at least 30 days prior to the Administrator taking final action on the minor subdivision application. Comments or reaction of these same individuals or their Boards shall be considered by the Administrator in the review of the proposal;
5. The Administrator shall forward one copy of the preliminary subdivision proposal to the state Commissioner of Transportation when the property to be subdivided abuts upon state rail bank property or upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder. This notice shall be sent at least 30 days prior to the Administrator taking final action on the minor subdivision application;
6. The Administrator shall, taking into consideration comments received, review the subdivision for compliance with this ordinance and shall notify the applicant whether the proposed subdivision is preliminarily approved or denied within twenty (20) days of the application being determined to be complete. If denied, the Administrator shall provide written reasons for the decision;
7. Preliminary approval of a subdivision proposal by the Administrator is an acceptance of the general layout, as submitted, and indicates to the developer that he may proceed toward final plat/Certificate of Survey approval in accordance with the Administrator's approval of the subdivision proposal, including any conditions imposed by the Administrator.

G. Final Approval Procedure and Recording

1. The applicant shall file a final subdivision application to the Administrator within twelve (12) months of the date the preliminary subdivision was approved.
2. If the Final Plat, Certificate of Survey or other document as appropriate is approved by the Administrator, the final document shall be filed with the County Recorder by the owner or subdivider within ninety (90) days of the approval. Any approval of the final subdivision by the Administrator may be null and void if the appropriate document (Plat, Certificate of Survey, etc..) has not been recorded with the County Recorder of the County within ninety (90) days after the date of approval unless application for an extension of time is made, in writing, during said ninety (90) day period, to the Administrator and for good cause granted by the Administrator.

H. Standard Subdivision

The purpose of a Standard subdivision is to allow for subdivisions of land that are not eligible for processing as a Minor subdivision or which may be eligible but for which the Administrator determines that the additional review and public hearing that occurs with a Standard subdivision is advised or necessary due to unique or special circumstances.

1. Preliminary Plat; Approval Procedures

- a. The preliminary plat application shall be considered to be officially filed when the Administrator has received and examined the application and has determined that the application is complete.
- b. The Administrator shall review the preliminary plat for compliance with this ordinance.
- c. At the time of filing the preliminary plat, the owner or owners of the land covered by such plat shall submit to the Administrator a petition for rezoning to the precise proposed future use of said land if the land is not already so zoned.
- d. Upon receipt of the preliminary plat, the Administrator shall forward one copy of same to the following individuals: County Engineer, Surveyor, Auditor, Assessor, Recorder, and the Soil and Water Conservation District (SWCD); also, to the Clerk of the Township wherein the proposed plat is located, and to the Clerk of any municipality within two (2) miles of the proposed subdivision. Comments or reaction of these same individuals or their Boards are to be presented at the hearing before the Planning Advisory Commission.
- e. The Administrator shall forward one copy of the preliminary plat to the state Commissioner of Transportation when the property to be subdivided abuts upon state rail bank property or upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the County Recorder. This notice shall be sent at least 30 days prior to the County Board taking final action on the preliminary plat application.

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- f. The Planning Advisory Commission shall hold a public hearing on the preliminary plat. The Administrator shall prepare the hearing notice indicating the date, time and location of the public hearing. Copies of the hearing notice shall be sent to the Commissioner of Natural Resources when the proposed plat is located within Shoreland, to property owners of record within one-half (1/2) mile of the affected property and to other agencies as required by law. Failure of any property owner to receive such notification shall not invalidate the proceedings. The subdivider shall also be given written notice of the hearing and shall be present, or be adequately represented, in order to explain the proposal and answer questions relating thereto. Notice of the time, place and purpose of the public hearing shall be given in the official newspaper of the County, at least ten days before the hearing.
 - g. The Planning Advisory Commission shall review the preliminary plat considering the requirements of this ordinance, input and comments gained from the above agencies, individuals, boards and the public at the hearing.
 - h. The Planning Advisory Commission shall make a recommendation of approval or denial of the preliminary plat to the County Board of Commissioners. Any recommended conditions of approval or recommendation of denial shall be in writing in the minutes of such Commission. If the Planning Commission feels that approval or denial cannot be made at this time, and that further investigation is necessary to determine compliance with these subdivision regulations, as pertaining to engineering proposals, water supply, sewage disposal, storm drainage, utility services, roads, or other pertinent items, the Planning Advisory Commission may table the request to a future meeting date.
 - i. Upon receiving the recommendations of the Planning Advisory Commission at the next regularly scheduled meeting, the County Board may give the subdivider their approval or denial of the proposed plat with conditions or changes to be made as necessary. The County Board may also refer the application back to the Planning Advisory Commission for further study if this is deemed necessary.
 - j. Approval of the preliminary plat shall mean the acceptance of the design as a basis for preparation of the final plat and its submittal to the County Board for approval. Violation of any condition of approval as stated in writing on the instrument under which these proceedings are recorded shall be considered a violation of this ordinance as if the conditions were fully a part thereof.

2. Final Plat; Approval Procedures

- a. The final plat application shall be considered to be officially filed when the Administrator has received and examined the application and has determined that the application is complete.
- b. The Administrator shall review the final plat for compliance with this ordinance.
- c. Before submittal of the final plat to the County Board, and before recordable copies are created, the Administrator shall review the submitted final plat for conformity with the approved preliminary plat and other applicable requirements. Additionally, the final plat will be distributed to the County Surveyor or other licensed land surveyor to be checked for conformance to Minnesota Statutes Chapter 505 and/or other applicable statute requirements, and to all other signatories of the final plat for review of applicable requirements and regulations.
- d. The proposed final plat shall be presented for review within 12 months of preliminary plat approval, unless a request for extension has been submitted by the subdivider and approved by the County Board for good cause. Upon satisfactory review and approval of the proposed final plat by the Administrator, County Engineer (if appropriate), County Surveyor and other signatories, it shall be presented to the County Board for final approval by the County.
- e. The subdivider may file a final plat limited to such portion of the preliminary plat which they propose to record and develop at the present time, provided that such portion must conform to all requirements of this ordinance. As future phases of the preliminary plat are anticipated for development, the subdivider shall file a separate final plat application for each phase.
- f. If there are required improvements, including but not limited to utilities, drainage, and roads, they shall be satisfactorily installed or completed as per the requirements of Section 10.25.6 of this ordinance. The County Engineer (if improvement involves or impacts a designated county road or highway), or other applicable road authority, shall inspect for the satisfactory completion of the above.
- g. Following final plat approval or disapproval by the County Board, the Administrator shall notify the owner or subdivider of the Board's action and within ninety (90) days thereafter the final plat, if approved, shall be filed with the County Recorder. Any approval of the final plat by the Board shall be null and void if the plat is not recorded with the County Recorder of the County within ninety (90) days after the date of approval unless application for an extension of time is made, in writing, during said ninety (90) day period, to the County Board and for good cause granted by the Board.

10.25.4 Minor and Standard Subdivision Review Criteria/Required Improvements

The Administrator (Minor Subdivisions) and the Planning Advisory Commission (Standard Subdivisions) shall consider, but not be limited to, the following criteria when considering approval of a minor or standard subdivision application:

A. Compliance with Official Map, Official Controls and Comprehensive Plan

No subdivision of land shall conflict with applicable state and federal laws, any official map of Pope County, or any provisions of the Pope County Land Use Controls Ordinance or other applicable official controls; or successor ordinances, or with the goals and policies of the Pope County Comprehensive Plan.

B. Minimum Lot Size

The minimum lot size for proposed lots, parcels or tracts to be created shall be as required by the Pope County Land Use Controls Ordinance for the applicable zoning district(s). No part of any lot less than thirty (30) feet wide, or which is below the ordinary high water level of a public water body, or on which there is easement or right-of-way for public or private travel, or which is set aside by easement or otherwise for a permanent stormwater control improvement or facility, or which the Administrator otherwise determines does not meet the intent of the minimum lot area requirement shall be used in computing minimum lot area.

C. Floodplain

No subdivision proposal shall be approved which does not conform to the Pope County Flood Plain Ordinance (Ordinance #5 or successor ordinance) or any applicable floodplain overlay district standards contained in the Pope County Land Use Controls Ordinance; or successor ordinances.

D. Land Suitability

No land shall be subdivided which is held unsuitable for the proposed use by the County Board of Commissioners for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

E. Sewage Treatment/Water Supply

In the areas where there is an existing public water supply or sanitary sewer collection system on or near the proposed subdivision, the Board of Commissioners may require the subdivider to join such system, in such a manner as prescribed by the County and/or other local bodies of jurisdiction.

1. In areas that are not to be served by public sewer systems, on site sewage treatment systems will be permitted only where soil borings and percolation tests indicate the systems will function adequately and can meet the requirements of state and local law, including the requirements of Minnesota Rules 7082.0100, Subp. 3.F (as amended) for a minimum of two soil treatment and dispersal areas that support the required types of sewage treatment systems. It shall be the duty of the subdivider to provide verification of soil characteristics and ground water levels as may be required by the Administrator.
2. In areas that are not to be served by public water supply, private wells shall be provided. It shall be the duty of the subdivider to provide verification of safe and adequate water supply as may be required by the Administrator.

F. Adequate Access to Public Road

All lots created by subdivision shall provide adequate access to a public road or right-of-way. Adequate access shall mean a minimum 33-foot-wide permanent ingress/egress easement if the lot it provides access to can be legally subdivided into no more than two buildable parcels. Where a proposed lot could be legally subdivided into three or more buildable parcels, adequate access shall mean the proposed lot has at least 66-feet of public road frontage leading to the lot's buildable area. No more than three buildable parcels may be allowed to be accessed via an easement; when four or more buildable parcels are created all lots shall be served by a dedicated public right-of-way meeting the requirements of this ordinance.

G. Stormwater Runoff

No subdivision proposal shall be approved that does not contain adequate provisions for storm water runoff, including permanent maintenance of any constructed storm water ponds or other stormwater-related improvements. If required, no plat shall be approved without a storm water management plan reviewed and approved by the Administrator. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters.

H. Buildable Area

Each lot shall have sufficient buildable lot area which, for the purposes of this Ordinance or successor ordinance, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, right-of-ways, bluffs or which have soils that are unsuitable for individual sewage treatment systems or which are set aside for storm water control improvements or facilities cannot be included in calculating the buildable area of a lot.

I. Vegetative Wetland Buffer

When deemed appropriate, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.

J. Adequate Services

The Administrator (Minor Subdivision) and Planning Advisory Commission (Standard Subdivision) shall consider whether the subdivision as proposed adequately protects the health, safety and welfare of the residents of the County by providing for a healthy and adequate drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.

K. Monuments

Iron monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. All U.S., State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

L. Variances

A subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.

10.25.5 Design Standards

The following design standards are intended to ensure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and that it be in conformity with the development objectives of the County:

A. General Road Provisions

1. All newly constructed roads that serve more than three (3) buildable lots shall be dedicated public roads and shall meet the minimum road standards of this section.
2. The Board of Adjustment may grant exceptions to the road standards provided they take into consideration the recommendations from appropriate professional staff before granting the exception as well as approval by the road authority who may be charged with jurisdiction or maintenance of said road.
3. Public Roads need not be maintained by or under the jurisdiction of a public road authority. For all public roads not accepted by a public road authority, the developer must submit a plan outlining the ownership and maintenance responsibility of the road(s) and this plan must be recorded against the parcel for which the road(s) lie as well as any adjoining parcels which utilize said road(s) as the primary access to those parcels.
4. Any and all required road signage and markings shall be the responsibility of the subdivider in compliance with the Minnesota Manual or Uniform Traffic Control Devices (MMUTCD) at the directive of the Road Authority and/or the County Engineer.

B. Rights-of-Way

1. All public roads within a subdivision shall have a minimum of a sixty-six (66) foot right-of-way. The finished turn around radius of a cul-de-sac shall not be less than forty (40) feet. The right-of-way boundary of a cul-de-sac shall have a minimum radius of fifty (50) feet. The County Board, after consultation with the County Engineer, may require greater dimensions when necessitated by topographic or other condition and needs.
2. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it such as at corners for safe sight distances, for excessive cuts or fills in areas to meet established design standards, or to accommodate environmental protection features, such as sediment basins.
3. When a subdivision adjoins an arterial road, it shall provide for a minimum right-of-way of 100 feet on each side of the existing road centerline.
4. When a subdivision adjoins a collector road, it shall provide for a minimum right-of-way of 60 feet on each side of the existing road centerline.
5. Private roads serving less than three (3) lots and alleys shall have a minimum right-of-way width of 33 feet.

C. Road Layout Requirements

1. Roads shall be laid out such that access is provided to all lots and portions of the tract in the subdivision and to adjacent unsubdivided land unless the topography clearly indicated that such connection is not feasible. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, roads giving such access shall be improved to the limits of the subdivision. As an alternative, roads providing access only to adjacent unsubdivided land may be terminated with a cul-de-sac as long as the projection of the road is dedicated for future extension and improvement to the limits of the subdivision, when required by the County.
2. Road Intersections shall be as nearly at right angles as is possible. In no case, should an intersection be at less than 75 degrees.
3. Marginal Access Roads shall be used when the subdivision adjoins and is accessing arterial and collector roads in order to limit accesses onto arterial and collector roads and to discourage use of roads within the subdivision by through traffic.
4. Half Roads or Partial Roads shall be prohibited, except where essential to reasonable subdivisions of a tract in conformance with other requirements and standards and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured or wherever a tract to be subdivided borders an existing half or partial road.
5. Dead end roads shall be prohibited, except when designed as a cul-de-sac road or to permit future road extension into adjoining tracts.

6. Cul-de-sac roads may be no longer than 500 feet measured from the intersection of the origin to the end of the right-of-way, unless the County Board approves a longer distance due to topographic or other concerns.
7. Alleys shall be provided to the rear or side of all lots to be used for commercial or industrial use when required necessary or beneficial by the County Board. When provided, alleys shall be open at both ends.
8. Road jogs with centerline offsets of less than 150 feet shall not be allowed.
9. All roads proposed in subdivisions within shoreland zones shall be laid out such that centerlines are no closer than 200 feet from the ordinary high water level of any DNR-protected stream or lake. Stream crossings shall be made at right angles to drainage ways unless proved impractical.
10. Roads shall not be laid out as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

D. Road Design Standards

1. All public roads shall be designed by and constructed under the direction and oversight of a licensed professional engineer. A complete set of construction plans and specifications shall be provided to the County Engineer and Township Board for review and approval prior to commencing construction on any public road proposed to be accepted by the County or Township.
2. The design of all roads shall be considered in their relation to existing and planned roads, to reasonable circulation of traffic, to topographical conditions, to runoff of storm waters, and to proposed uses of the areas to be served.
3. Where new roads extend existing, adjoining roads; their projections shall be at the same or greater width, but in no case less than the minimum standards.
4. The minimum design standards for all new public roads and bridges shall be defined by the current version of Minnesota Rule 8820, specifically 8820.9920 for rural roads and 8820.9936 for urban roads unless otherwise dictated by the subdivision ordinance.
5. The minimum design speed shall be 30 mph. The maximum road grade shall be 8%, except under special circumstances where natural topography and road construction impacts warrant, a maximum grade of 10% may be allowed.
6. All roads proposed to be constructed with an aggregate driving surface shall be so constructed as to allow for the addition of a paved driving surface no less than three (3) inches in depth in the future in order to achieve a designed structural strength no less than 9-ton axle strength while maintaining minimum lane and shoulder widths as well as minimum in-slopes. All roads proposed to be constructed with a paved driving surface shall be constructed to a 9-ton axle design strength, except all roads anticipated to serve commercial or industrial use or serve more than 25 lots shall be designed to achieve a 10-ton axle strength.

7. All drainage structures, storm sewer systems, and ditches shall be designed for a minimum 50-year flood frequency, unless otherwise approved or required by the County Board after consultation with the County Engineer. All culverts shall have a minimum diameter of 15 inches.
8. The minimum ditch grade shall be 0.2% and the minimum paved gutter grade shall be 0.5%.

E. Road Construction Standards

1. For all public roads to be accepted by the Township or County, the Developer/Contractor shall furnish the County Engineer and Township Board with a proposed construction schedule, list of subcontractors, material suppliers at least 48 hours prior to beginning construction and subsequent phases of construction.
2. As appropriate and applicable, the construction of all public roads shall be performed under the current version of the Minnesota Department of Transportation's Standard Specification for Construction. These specifications may be modified, as appropriate, by special provision under direction of a licensed professional engineer charged with supervision of the road construction project.
3. As applicable, the construction of all roads shall follow the requirements of the National Pollution Discharge Elimination System (NPDES) Permit as regulated by the Minnesota Pollution Control Agency (MPCA). This includes adherence to any required Storm Water Pollution Prevention Plan (SWPPP) as part of the development or road construction.
4. No proposed roads shall be constructed until approval of the preliminary plat.

F. Easements

1. Utility Easements

- a. Utility easements shall be addressed on an individual basis through consultation with the affected utility; however, unless otherwise provided, easements of at least fifteen (15) feet in total width shall be provided between all back to back lots. In the case of lakeshore lots, the utilities easement will be considered to be included in the road right-of-way. If necessary, for the connection of utilities to adjoining properties, and as part of the overall distribution plan, easements of greater width may be required along lot lines or across lots. In all cases, an easement of no less than fifteen (15) feet in width shall be provided around the terrestrial perimeter of all subdivisions.
- b. The use of below ground utilities distribution is encouraged, and may be required by the County Board when deemed necessary. Power lines in excess of 34.5 KVA may be constructed above ground in special corridors.

2. Drainage Easements:

- a. Where a subdivision is traversed by a drainage way, watercourse, channel or stream, an easement adequate to protect the feature and provide structural separation shall be shown on the final subdivision plat.

- b. Drainage easements shall be of sufficient width to provide for: adequate storm water run-off, the area subject to flooding in heavy run-off events, and any future maintenance or construction of said drainage way.
- c. Where determined to be in public interest, the County may require that drainage ways be dedicated to the public.

G. Blocks

1. **Arrangement:** A block shall be so designed as to provide two tiers of lots of appropriate depth unless it adjoins a railroad or limited access highway, and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots.

H. Lots

1. **Layout:** Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall have access to a public street or highway. Lots with frontage on two (2) parallel streets shall be permitted only under unusual circumstances.
2. **Lot Size:** Minimum lot sizes within the County shall in all cases conform to zoning regulations in force.
3. **Lots Along Thoroughfares:** There shall be no direct vehicular access from residential lots to an arterial street unless otherwise approved by the County Board, and residential lots shall be separated from major arterial streets and railroad rights-of-way by a twenty five (25) foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the street or railroad right-of-way.
4. **Lot Remnants:** Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans acceptable to the County Board for the future use of such remnants.

I. Natural Features

In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development.

J. Planned Unit Developments

Preliminary plans for subdivisions designed as a planned unit development must meet the requirements of the Pope County Land Use Controls Ordinance and Minnesota Rules 6120, or successor rule, if any part of the development is within shoreland.

K. Water Access

Unless adequate public access is available, shoreland subdivisions may be required to provide a controlled access lot consistent with the requirements of Minnesota Rules 6120 and available to all non-riparian property owners within the subdivision.

10.25.6 Assurance for Completion and Maintenance of Improvements

The following design standards are intended to ensure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and that it be in conformity with the development objectives of the County:

A. Improvements and Developer's Agreement:

1. **Completion of Improvements Prior to Final Plat Approval:** Except as provided in Section 10.25.6 A.2., before the final plat is signed by the County Board Chair, all applicants shall be required to complete at their expense, without reimbursement by the County or any improvement district, all public improvements as required in these regulations, specified in the final plat and as approved by the County Board, and to dedicate those public improvements to the County or other appropriate governmental entity, free and clear of all liens, mortgages and encumbrances on the dedicated property and public improvements.
2. **Completion of Improvements After Final Plat Approval:**
 - a. **Developer's Agreement:** The County Board in its sole discretion may waive the requirement that the applicant complete all public improvements prior to approval of the final plat and, as an alternative, the County may permit the applicant to enter into a Developer's Agreement by which the subdivider agrees to complete all required public improvements no later than two (2) years following the date of approval of the final plat. The Developer's Agreement shall contain the terms and conditions agreed to by the applicant and the County Board in approving the standard subdivision, including all applicable provisions for maintenance, warranties, construction or placement of structures or other improvements, and other terms and conditions of subdivision approval. The Developer's Agreement shall also include any self-imposed restrictions proposed by the developer, such as the locations of any structures, if agreed to by the County Board.
 - b. **Financial Security.** Whenever the County Board permits an applicant to enter into a Developer's Agreement, it shall require the applicant to provide a financial security for the promises contained in the Developer's Agreement. The security shall be in an amount equal to one hundred twenty five percent (125%) of the estimated cost of completion of the required public improvements, including lot improvements. Whenever it is deemed necessary by the County to defer the construction of any improvement required under these regulations **beyond 2 years**, the subdivider shall either pay its share of the costs of the future improvements to the County prior to signing of the final subdivision plat by the Chair of the County Board or the subdivider may guarantee completion of the deferred improvements in the Developer's Agreement upon demand of the County and secured by financial security. The following methods of financial security may be used:

- i. **Letter of Credit.** If the applicant posts a letter of credit as security for its promises contained in the Developer's agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in this Section; and (3) require only that the County present the issuing bank with a sight draft and an affidavit signed by the County Attorney attesting to the County's right to draw funds under the credit.
 - ii. **Cash Escrow.** If the applicant posts a cash escrow as security for its promises contained in the Developer's agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided in this Section; and (2) that the escrow agent shall have a legal duty to deliver the funds to the County after following the procedure set forth in Section 10.25.6 A 2 c. If and when the County accepts the offer of dedication for the last completed required public improvement, the County shall execute a waiver of its right to receive all but twenty-five percent (25%) of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the Developer's agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.
 - iii. **Performance Bond.** A performance bond may be provided as a financial security in a form as approved by the County Board.
- c. **Failure to Complete Improvements.** In those cases where a Developer's Agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the County may then:
- i. Provide thirty (30) calendar days' notice for the developer to meet with the County Board to review the status of the improvements and resolve the problems;
 - ii. Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;
 - iii. Obtain funds under the security and complete improvements itself or through a third party;
 - iv. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; or
 - v. Exercise any other rights available under the law.

- d. **Maintenance.** The developer shall agree to maintain the required public improvements for a period of one (1) year following the acceptance of the completed public improvements. The developer may organize a homeowner's association and assign responsibility to maintain public improvements to the homeowner's association but the ultimate responsibility rests with the developer.
 - e. **Warranty.** The developer shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the County of the last completed public improvement.
 - f. **Snow Removal and Emergency Repairs.** The developer shall be required, in accordance with any applicable County ordinances or regulations, to provide snow removal on all streets, and pedestrian facilities if applicable, in the subdivision until all of the streets and pedestrian facilities in the subdivision are accepted by the road authority. The developer may organize a homeowner's association and assign responsibility to maintain public improvements to the homeowner's association but the ultimate responsibility rests with the developer. The developer shall be responsible to make emergency repairs until the improvements are accepted. The road authority, after twenty-four (24) hours' notice with no action by the developer, may plow the streets or make emergency repairs and charge those costs to the developer.
 - g. **Adequate Access.** The County Engineer shall determine the extent of street improvements necessary for a adequate vehicular access by the prospective occupant(s) and by police and fire equipment prior to the construction or placement of structures or other improvements.
- B. Inspection of Improvements.**
- 1. **General Procedure and Fees.**
 - a. **Procedure.** All required improvements to be installed under the provisions of this ordinance may be subject to approval by and subject to the inspection of the County Engineer or other person assigned by the County Board. Such inspections may take place at any or all points of the construction process. If the County finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the required construction standards and specifications, the applicant shall be responsible for properly completing the improvements.
 - b. **Fees.** The applicant shall pay to the County an inspection fee based on the estimated cost of inspection, when required by the County. The subdivision plat shall not be signed by County officials unless the applicable inspection fee has been paid. These fees shall be due and payable upon demand of the County. No construction or placement of structures or other improvements may occur until all fees are paid unless financial security is provided to the County pursuant to this Section.

C. Release or Reduction of Security.

1. **Satisfactory Completion.** The County will not release nor reduce the amount of any security posted by the subdivider until the required improvements have been satisfactorily completed and until:
 - a. The developer's engineer has certified that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision; and
 - b. That monuments are currently in place on the ground as shown on the final plat; and
 - c. Documentation has been furnished to and approved by the County Land & Resource Management Director indicating that the improvements have been completed. Upon such approval and recommendation by the County Land & Resource Management Director, the County Board shall accept the improvements following the established procedure.
2. **Reduction of Financial Security.**
 - a. If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon inspection and approval of the public improvements and then only to the ratio that the cost of the public improvement for which approval was given bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principal amount until the maintenance and warranty periods have expired. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the Land & Resource Management Director. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider.
 - b. If the security provided by the subdivider was a letter of credit, the County Attorney shall execute waivers of the County's right to draw funds under the credit upon inspection and acceptance of the public improvements and then only to the ratio that the cost of the public improvement for which approval was given bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

10.25.7 Effective Date

This Amendment shall be in full force and effective after its passage and publication by law.

DULY ORDAINED AND ENACTED the 6th day of April, 2021, by the Board of County Commissioners of Pope County, in the State of Minnesota, in lawful session duly assembled.

Board of County Commissioners of Pope County

Paul B. [Signature], Chair

ATTEST:

[Signature], County Administrator



10.26 WASTE DISPOSAL:

1. No rubbish or trash of any sort shall be thrown or discarded in any manner into any public water or into any watercourse leading to a public water. Disposal of rubbish or trash within the unincorporated areas of Pope County shall be in a manner acceptable and in compliance with Minnesota Pollution Control Agency Solid Waste Regulations, and Pope County Solid Waste Disposal Ordinance.
2. The disposal of solid waste, which is defined as cited in M.S. 116 Subdivision 10, by open burning shall be prohibited within shoreland areas.

10.27 WELLHEAD PROTECTION:

The owner, proprietor, or operator of any well which is the subject of wellhead protection area delineated and established pursuant to Minnesota Rules parts 4720.5100 through 4720.5590 affecting lands situated in Pope County shall, upon establishment or amendment, prepare and file an original certificate with the Department which identifies by standard legal description the area within the drinking water supply management area for a wellhead protection area. Said filing shall include a copy of wellhead protection management strategies identifying any restrictions on the use of land within the area established for wellhead protection. Upon filing, the Department shall cause the same to be recorded in the Office of the Pope County Recorder. All land use restrictions set forth in the certificate are hereby adopted by reference and a violation of such restrictions shall be deemed a violation of this ordinance.

10.28 LOT DIVISION AND SIZE:

1. No lot shall be divided in any fashion (except as stated above) so that any of the divisions is of less area or width than prescribed for the zoning district in which it is located unless the divisions are to be attached to other lots to make them more in compliance with or larger than the minimum lot width and area requirements.
2. For uses that require a Conditional Use Permit, the County may require a larger lot size if it is deemed appropriate and necessary for the particular use

10.29 LARGE GATHERINGS*(AS AMENDED 1 June 2005)***10.29.1 Purpose:**

The purpose of this ordinance is to protect the health, safety and welfare of all persons in Pope County, residents and visitors alike, who will partake in or be affected by such assemblage.

10.29.2 Provision of State Law Adopted:

Pursuant to the authority vested in it by Minn.Stat. § 375.40, the Pope County Board of Commissioners desires to license and regulate the assemblage of large numbers of people at shows or exhibitions of any nature not held within the incorporated limits of a city within Pope County.

10.29.3 License Requirement:

- A. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or anticipated assembly of 600 or more persons for an exhibition or show of any nature, whether on public or private property, unless a license to hold such assembly has first been secured in accordance with the provisions of this ordinance. Any assembly of 300-599 persons must provide written notice to Pope County defining the Responsible Party for the Event, What is the Event, and When and Where the Event will be held at least sixty (60) days before the Event is scheduled to occur.
- B. A license to hold an assembly issued under the provisions of this ordinance shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- C. A separate license shall be required for each assembly for each purpose and specified timeframe at which 600 or more persons assemble or are anticipated to assemble.
- D. A license shall permit the assembly of only the maximum number of persons stated in the license. The County Board may impose restrictions on the maximum number of persons which will be assembled if such restrictions are deemed necessary to protect the health, safety and welfare of those persons who will be in attendance, the residents of the community in which the assembly will be held, and other residents of Pope County. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of persons stated in the license.
- E. This ordinance does not apply to:
 - 1. Any regular established, permanent structure for worship, or any stadium, arena, auditorium, or coliseum, or other similar permanently constructed facility for assembly.
 - 2. Any shows or exhibitions held within the incorporated limits of a city.
 - 3. The Pope County Fair and any show or exhibition with attendance less than 500 people held on the Pope County Fairgrounds.
 - 4. Any family celebratory gathering taking place entirely upon the premises of a family member.
 - 5. Events held in County and City Parks.
 - 6. Public Auctions.

10.29.4 License Application:

- A. The application for license must be submitted to the County Auditor-Treasurer on a form provided by the Auditor-Treasurer at least sixty (60) days before the event is scheduled to occur.
- B. The application for license shall be accompanied by a nonrefundable fee in an amount set in the Public Services and Revenue Fee Schedule, unless said applicant is duly organized as a nonprofit organization pursuant to Minn. Stat. Ch. 317 or as a religious organization pursuant to Minn. Stat. Ch. 315 in which case the fee is waived.
- C. Upon receipt of an application for license, the County Auditor-Treasurer shall forward a copy to the Clerk of the Town Board of the township in which the assembly is scheduled to occur.
- D. **The application for license shall contain the following:**

The address and legal description of all property upon which the assembly is to be held, together with the name, residence, and mailing address of all record owners of such property. A notarized signature by the sponsor of the event or, if it be a corporation or association, by an individual authorized to act on its behalf. In the event the Assembly is to occur on property belonging to other than the Applicant, the application shall be signed by the Applicant, as well as include a notarized signature of the landlord. Alternatively, the Applicant may produce a written lease, whose term encompasses the date(s) of the Assembly, signed by the landlord granting the applicant use of the Licensed Premises and which does not covenant against the use of the Licensed Premises for an Assembly. In the case of an unincorporated association, society, or group, the application shall be signed by all officers, or, if there are no officers, by all members.

- 1. The nature or purpose of the assembly.
- 2. The total number of days, the exact dates and hours during which the assembly is to be held.
- 3. The maximum number of tickets to be sold, per day, if any.
- 4. A written plan for conducting the proposed assembly, which shall include, at a minimum, the following elements at the discretion of the County Board upon consultation with the affected County departments.
 - a. A fence or barrier completely enclosing the proposed location of sufficient height and strength to prevent people gaining access to the assembly grounds, and having sufficient entrances and exits to allow easy movement into and out of the assembly grounds.
 - b. Sanitary potable water sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least 1 gallon per person per day.
 - c. Separate enclosed toilets and hand washing stations, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, as recommended by the Pope County Public Health Department.

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- d. Special event food and beverage stands operated in compliance with the Minnesota Food Code, as evidenced by a current license issued by the Minnesota Department of Health.
 - e. A sanitary method of disposing of solid waste in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for collecting and holding all such waste at least once each day of the assembly's continuance, and sufficient trash containers and personnel to perform such tasks.
 - f. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles at ground level, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
 - g. Security and traffic controls which will meet the requirements of local authorities and the Minnesota Department of Public Safety. Such controls shall include, but not limited to, regularly employed off-duty Minnesota law enforcement officers having jurisdiction in Pope County and any additional security officers sufficient to provide adequate security for the maximum number of people assembled as recommended by the Pope County Sheriff. If security is provided by the Pope County Sheriff's Office, cost of Security will be billed by the Sheriff's Office at a set off-duty rate.
 - h. Fire protection sufficient to meet all applicable state and local laws and regulations which shall include, but not be limited to, extinguishing devices, fire lanes and escapes, and sufficient emergency personnel to efficiently operate the required equipment.
 - i. Telephones connected to outside lines for public use, at the rate of at least one separate line and receiver for each 5,000 people to be assembled, and at least one telephone connected to a separate outside line which shall be available for emergency use at all times. This requirement can also be satisfied by having an equivalent number of cellular phones be made available for public use.
 - j. The applicant shall ensure the availability of at least (Remove) one two state-certified Emergency Medical Technicians in an enclosed, appropriately heated or air-conditioned facility on the Licensed Premises wherein medical treatment may be rendered, containing one Automatic External Defibrillator and at least two beds for the first 1,000 persons or an incremental portion thereof. Events with less than 3,000 people shall have an emergency ambulance on the site of the Assembly staffed by at least two state-certified Emergency Medical Technicians. Events with 3,000 people or greater shall have an emergency ambulance on the site of the Assembly staffed by at least two state-licensed certified Emergency Medical Technicians attendants. For assemblies in excess of 3,000 persons, the necessity of additional medical facilities and personnel shall be recommended by the Pope County Public Health Department.

- k. A parking area inside the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled, at the rate of at least one parking space for every four persons per day. Adequate handicapped designated parking spaces shall be provided in accordance with applicable Minnesota Rules governing the provision of such.
 - l. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonable beyond the enclosed boundaries of the location of the assembly. The Pope County Sheriff has the authority to order a reduction in sound levels, if necessary, based on complaints.
5. A statement that the information and statements are true and correct according to the best information available to the applicant.

10.29.5 Issuance of License:

- A. Within sixty days of the submission of the application for license, the Board shall grant or deny the assembly license. The decision to grant or deny the license shall be based upon the application for license and any attachments, oral testimony or other written documentation, if any, presented to the Board by the applicant or other interested persons. Once granted such license is not transferable.
- B. The Board may consider requests for variances from any of the requirements of this ordinance when an applicant can show that strict compliance with this ordinance would cause exceptional and undue hardship by reason of the special nature of the proposed assembly or by reason of the fact that the circumstances make the requirements of this ordinance unnecessary; provided that such variance may be granted without detriment to the public health, safety, or welfare and without impairing the intent and purpose of these regulations.
- C. During the course of the show or exhibition the holder of the license granted herein shall comply with the written plan submitted pursuant to Section 5 (E) as modified by the Board.

10.29.6 Additional Conditions of License:

- A. All license holders shall obtain a \$10,000 bond payable to Pope County either in cash or underwritten by a performance surety company licensed to do business in Minnesota assuring that there will be no damage to any County highway, street or other public property arising out of or as a result of the licensed assembly and that the licensee will promptly and fully repay or repair any damages so done, and that all provisions of this ordinance and conditions imposed by the County Board in the issuance of such license are fully complied with by the licensee. Bonds must be provided to the County Treasurer-Auditor to obtain the license.
- B. All license holders shall obtain commercial general liability insurance covering all injuries or damage caused by or as a result of the conduct of the assembly in the sum of \$1,000,000 per occurrence for bodily injury or death or property damage naming Pope County as an additional insured. Proof of such coverage must be submitted to the County Treasurer-Auditor to obtain the license.

- C. The licensee agrees to allow representatives of the Pope County Sheriff's Office and/or any other County officials access to the property at which the licensed assembly will occur to determine if the provisions of this ordinance and/or the license conditions are or will be properly complied with. This right of access shall begin with the submission of the application and continue for 24 hours following the end of the licensed activity.
- D. Upon issuance of the license, the County may impose any additional conditions of the license necessary to protect the health, safety and welfare of those persons who will be in attendance or the residents of the community in which the assembly will be held, or other residents of Pope County.
- E. The licensee and his/her agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times.
- F. No animals or household pets, not directly involved in the show or exhibition or the policing thereof, shall be permitted on any of the grounds or facilities, and no animals or pets shall be permitted to run loose.
- G. No fire of any kind shall be permitted on the premises or facilities, except in grills or at locations designated for that purpose.
- H. No person shall engage in any conduct which violates a federal, state, county, or local law, ordinance or regulation.
- I. The license shall be posted at all times in a conspicuous place in the area licensed for the assemblage.

10.29.7 Revocation:

- A. Any license granted under this ordinance may be revoked by the County Board at any time prior to the assembly for which a license has been granted, if:
 - 1. Any of the conditions necessary for the issuing of or contained in the license are not complied with; or
 - 2. Any condition previously met ceases to be complied with; or
 - 3. Any other provision of this ordinance is violated; or
 - 4. Any of the information supplied in the application for license or accompanying documentation is false or misleading.
- B. If during the course of the show or exhibition for which a license has been granted hereunder it appears in the judgment of the Pope County Sheriff that there exists an imminent danger of the outbreak of violence, riot or other calamity, or if there are threats of acts of terrorism, threatening the physical health or safety of those in attendance at the assembly, or residents of the community in which the assembly is held, the Sheriff shall be empowered to take whatever action he/she deems appropriate to protect said persons, including temporarily suspending the license granted if he/she deems such action necessary. Any such suspension by the Sheriff shall be effective immediately and a hearing thereon shall be held before the County Board at the earliest opportunity. In the event the County Board deems such suspension improper, the license shall be reinstated or the license application fee refunded, whichever action the licensee requests.

10.29.8 Enforcement and Violations:

- A. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.
- B. The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.
- C. Any person, corporation, partnership, or unincorporated association, society or group which violates any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and no/100 Dollars (\$1,000) or by imprisonment for not more than ninety (90) days, or both. In the event a violation of this ordinance occurs by action of a corporation, a partnership, or an unincorporated association, society or group, the respective officers, partners or members of said corporation, partnership, a association, society or group shall be subject to prosecution.
- D. Any person who violates any provision of this ordinance or any condition upon which he/she is granted a license shall be personally responsible for damages to public or private property arising out of or in connection with said violation and shall be subject to any civil relief that may be reasonable and proper. In the event a corporation, a partnership, or an unincorporated association, society or group violates any provision of this ordinance or any condition upon which a license is granted, the officers, partners or members of said corporation, partnership, association, society or group shall be subject to the penalties set forth in this section.

10.29.9 Severability:

The provision of this ordinance shall be severable and should any Court of competent jurisdiction adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

10.29.10 Applicability of Other Laws, Ordinances and Regulations:

- A. The provisions of this ordinance are cumulative to all other laws, ordinances and regulations heretofore passed or which may be passed hereafter by the State of Minnesota and the County of Pope.
- B. Nothing contained in this ordinance shall be construed to waive or otherwise satisfy the obligations or restrictions imposed by State statute or County ordinance or regulation concerning the sale of non-intoxicating malt liquor or intoxicating liquor.

10.30 VACATION HOME RENTAL (VHR)

(AS AMENDED 7 July 2020)

10.30.1 Purpose

The purpose of this section is to establish performance standards and licensing requirements for vacation home rentals (VHR's) in allowed zoning districts, to protect the safety and welfare of adjacent and surrounding land uses. These performance standards do not address resorts as defined in section 10.30.2.

Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

10.30.2 Definitions:

The following terms and phrases, when used in this Article and Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

1. **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word "Administrator" as it appears in section 10.30 of the Land Use Controls Ordinance means the Director of the Pope County Land & Resource Management department.
2. **Resort:** any buildings, structures, or enclosures kept, used maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day to one week or longer, and having for rent three or more resort cabins, rooms, or enclosures.
3. **Vacation Home Rentals (VHR's):** A single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days.

10.30.3 Performance Standards

1. All VHR's shall be licensed by Horizon Public Health and shall meet the requirements of the Pope County Land Use Controls Ordinance.
2. **Permit Requirements:**
 - a. **Administratively Issued Land Use Permit Required:**
 - i. Limited to one (1) vacation rental unit per parcel.
 - ii. Maximum overnight guest occupancy shall not exceed the lesser of the following limits:
 - a) For properties with subsurface sewage treatment systems, the maximum number of overnight guests shall not exceed the total treatment capacity of the system in gallons per day divided by 45 gallons per overnight guest (i.e. 450 gal per day / 45 gallons = 10 overnight guests); or
 - b) Not more than 12 overnight guests.

12. The rental owner, operator, or manager shall provide the name and phone number of a local contact at the time of licensing to the County, Horizon Public Health, local Police Department and display a placard on the residential structure with local contact information. Any change of contact or contact information shall be noticed to the above parties within 10 days of the change. The local contact must:
 - a. Be available 24 hours per day, seven days per week.
 - b. Be able to respond by phone within 60 minutes and in-person within 120 minutes of notification.
 - c. Have administrative authority over the property and guests.
 - d. Have knowledge of the VHR, the property, rental and County rules, standards, and procedures.
13. The following shall be posted within the rental unit in a prominent location to be readily available to guests:
 - a. License issued by Horizon Public Health.
 - b. Full name and phone number of owner or operator.
 - c. Full name and phone number of local contact or local management agent.
 - d. Local emergency contact information (police, fire, ambulance, septic maintainer).
 - e. Emergency evacuation plan.
 - f. Aerial image of the property clearly showing property boundaries, parking areas, shore recreational facilities, garbage receptacles, septic treatment system (if private system).
 - g. The maximum number of overnight guests and the total guest capacity of the property.
 - h. The maximum number of parking spaces.
 - i. Any applicable County or Township ordinances governing noise, parking, pets, or lakes (AIS laws, water surface zoning, etc.).
14. The licensee shall keep a report (which shall be provided to the Administrator upon request), detailing use of the home by recording, at a minimum:
 - a. The full name, address, phone number and vehicle license plate number of all guests using the property.
 - b. The number of guests.
 - c. Dates of rental.
15. The owners of VHR's shall, at a minimum, comply with Minnesota Statutes, chapter 504B; or successor statute and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in Minnesota Statutes, section 504B.275; or successor statute.

10.30.4 Effective Date

This Amendment shall be in full force and effective after its passage and publication by law.

DULY ORDAINED AND ENACTED the 7th day of July, 2020, by the Board of County Commissioners of Pope County, in the State of Minnesota, in lawful session duly assembled.

Board of County Commissioners of Pope County

Gordon Wagner, Chair

ATTEST:

[Signature], County Coordinator



SECTION 11. ADMINISTRATION

11.1 LAND USE PERMITS: *(AS AMENDED 1 March 2022)*

A Land Use Permit shall be obtained prior to erecting or installing a new structure or altering any structure or part thereof if the outside dimensions are changed or the use thereof is converted to another use. A Land Use Permit shall also be obtained prior to the moving of a structure. It shall be the duty of the contractor to inspect the Land Use Permit application as approved and to perform the construction in compliance with the permit and this ordinance. It shall also be the duty of contractor to make certain that the permit is secured before the construction begins. Contractors performing construction activities without the benefit of an issued permit shall be subject to monetary penalty as specified in the fee schedule resolution of the County Board of Commissioners.

11.1.1 Permits:

An application for Land Use Permit shall be made on forms supplied by the County. Each application shall include a sketch plan drawn to scale showing the exact size and location of the buildings and accessory buildings to be erected, and the size and location of any existing buildings, wells or sewers located on the lot. An application is deemed complete when all required fees, plans and data are submitted. Fees for Land Use Permit shall be according to the fee schedule resolution of the County Board of Commissioners.

- A. Before a permit can be issued for any building, the requirements of Section 10.20 pertaining to sanitary facilities shall be met.
- B. Before any permit is issued under this section, the construction erosion standards found in Section 10.4 shall be met.

11.1.2 Construction period:

A Land Use Permit is valid for a period of one year. If construction is not completed at one year, a one-year permit extension may be granted by the Administrator upon full payment of a fee equivalent to the original permit fee. If construction is not completed upon permit expiration after the first extension, future permit extensions may be granted for a one-year period upon full payment of a fee equivalent to two times the original permit fee.

- A. Construction is considered completed when the exterior of the structure is fully completed to the extent that there appears to be no additional construction necessary.
- B. All yard landscape work shall be fully completed during the first one-year permit period.

11.2 ZONING ADMINISTRATOR:

The Board of County Commissioners hereby delegates to the Zoning Administrator the duties of administering and enforcing the Minnesota Pollution Control Agency's feedlot permitting program within Pope County to the extent authorized pursuant to Minnesota Statutes Section 116.07, and all rules promulgated thereunder, and administering and enforcing the requirements of this ordinance. Application for all permits required by this ordinance shall be made to the Zoning Administrator and he shall issue such permits subject to the provisions stated within this ordinance. The Zoning Administrator shall keep the necessary records pertaining to this ordinance. The Zoning Administrator, subject to County Board approval, shall have the authority to revoke any permit issued under this ordinance whereupon it is found that the holder of the permit has violated any of the terms of this ordinance or any stated conditions of the permit. The Zoning Administrator and/or his duly appointed representative, shall have the authority to enter, at reasonable times, upon the premises of property located in any of the zoning districts described herein to determine compliance with this ordinance. The Zoning Administrator shall have authority to issue administrative orders directing owners and users of land to discontinue uses or activities which violate the provisions of this ordinance. The Pope County Director of Public Health shall have independent authority under this ordinance to issue administrative orders directing owners and users of land to discontinue and to abate uses, activities or conditions which are deemed by the Pope County Director of Public Health to constitute a public health nuisance.

11.3 FEES:**11.3.1 Description:**

- A. All fees collected as required by this ordinance shall be credited to the County General Revenue Fund.
- B. All fees collected pursuant to this ordinance shall be according to a fee schedule resolution of the County Board of Commissioners.
- C. Prior to adoption of the fee schedule resolution, the County Board shall hold a public hearing thereon.
- D. In any event that an applicant for Conditional Use, Variance or Preliminary Plat requests a special meeting of Planning Commission or Board of Adjustments for the purpose of expedient action on said permit, said applicant shall pay the full cost of the special meeting.

11.4 PLANNING COMMISSION/BOARD OF ADJUSTMENT:

A combined Planning Commission and Board of Adjustments is hereby established. Membership shall consist of seven persons, six of whom are voting members when meeting as Board of Adjustments, and all seven of whom are voting members when meeting as Planning Commission. The seventh member shall be a County Commissioner who will serve as a non-voting ex-officio member when meeting as Board of Adjustment.

1. **Qualifications of membership.** One shall be appointed from each of the five County Commission Districts, the sixth shall be appointed at large from the County, and the seventh shall be a County Commissioner. At least two members shall be residents of a non-incorporated area of the County of Pope. No voting members shall have received any substantial portion of income as a land developer during the two years immediately preceding appointment or during the member's term of office. County Board shall make all appointments to Planning Commission/Board of Adjustments.
2. **Removal from Office.** Removal from office shall be by majority vote of the County Board. Cause for removal may be for non-performance of duty or misconduct in office. Absence from three consecutive regular meetings or from four or more meetings in one year shall be deemed non-performance of duty, unless valid excuse is presented and deemed acceptable by the Board.
3. **Term of Office, Vacancies.** The County Board shall approve appointments for each three-year term. A member shall serve consecutively for no longer than three full terms. Appointments shall be staggered to preserve continuity. Vacancies shall be filled by the County Board for the remainder of the term of vacating member.
4. **Ex-Officio Members.** The following local officials shall be deemed non-voting ex-officio members and will be placed upon mailing list for notices, minutes and other pertinent correspondence: County Planning and Zoning Administrator, County Engineer, County Attorney, S.C.S. District Conservationist, DNR Hydrologist, County Commissioners.
5. **Compensation.** Mileage and per diem shall be paid to voting members for all regular and special meetings and scheduled site inspections. The rate for mileage and per diem shall be as set by the County Board.
6. **Officers.** There shall be elected from the membership a Chair, Vice-Chair and Secretary for each the Board of Adjustments and Planning Commission. The Planning & Zoning Administrator and/or staff shall act as recording secretary for preparation of agenda, notices, minutes and other official business. Minutes and notices shall be under separate heading as determined by whether the business is a duty of either Planning Commission or Board of Adjustment. The officers shall serve for one year or until a successor is elected.
7. **Rules/By-Laws.** A common set of rules and by-laws may be adopted by Planning Commission/Board of Adjustment.

The Chair shall preside at all meetings and hearings and shall have the duties normally conferred parliamentary usage on such officers. The Vice-Chair shall act for the Chair in his/her absence. Special meetings may be called by the

Chair.

A quorum shall consist of four members. The number of votes necessary to transact business shall be four.

A public record shall be kept of transactions, findings and determinations. All meetings shall be open to the public. Unless otherwise specified in by-laws, “Roberts Rules of Order” will govern procedure.

8. Duties When Acting as Planning Commission:

- a. Makes recommendation to the County Board for adoption of comprehensive plan, and execution of said plan in the form of official controls.
- b. Reviews Conditional Use Permits and subdivision proposals and makes recommendations thereupon.
- c. Conducts public hearings on all permit review and plan review on which recommendation is submitted to County Board.
- d. As delegated by resolution, the County Board may determine the Planning Commission to be final issuing authority on some or all categories of Conditional Use Permits, land subdivisions, or planned unit developments.
- e. As delegated by resolution, the County Board may require Planning Commission review of Plans or official controls of other units of government; or plans for public land acquisition or development by other units of government.
- f. May develop and recommend for adoption official maps and amendments thereto.
- g. May request applicants for Conditional Use Permits to demonstrate the effect of a proposal upon the environment.
- h. May initiate an amendment to official’s controls.
- i. Shall review any amendment initiated by other than Planning Commission and make recommendation to County Board.

9. Duties When Acting as Board of Adjustment:

- a. Has final authority to order the issuance of variances.
- b. Has final authority to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official acting pursuant to official controls.
- c. Has final authority to order issuance of permits in an area where such permit may be prohibited by the official map.
- d. Shall hold a public hearing on all variances and appeals upon which action is taken. Reasons for Board of Adjustment decisions shall be stated in writing.
- e. May request that applications for variance demonstrate the effect of the proposal upon the environment.
- f. Appeals to Board of Adjustment decisions shall be in District Court.

10. Any appeal from any order, requirements, decision or determination of any administrative official shall be filed within thirty (30) calendar days (legal holidays excepted) after the date of the decision that affects the aggrieved person specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same not later than thirty (30) days from the date of the hearing. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing. The appeal shall be filed with the Zoning Administrator. Any communications purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is made upon the form prescribed, including required date.
11. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.
12. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.
13. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.

11.5 CONDITIONAL & INTERIM USE PERMIT:

(AS AMENDED 20 May 2019) (AS AMENDED 6 April 2021)

11.5.1 Description:

Within the unincorporated areas of the County a Conditional Use Permit (CUP) or Interim Use Permit (IUP) shall be required for the establishment of each use permitted by ordinance as a CUP or IUP. An IUP may be granted in lieu of a CUP to regulate land use activities that the Board of County Commissioners, at its sole discretion, determines should be permitted for a limited duration.

Expansion of a permitted CUP/IUP shall require an amendment to the CUP/IUP, except that minor development activities determined by the Administrator to not increase the scale or intensity of the CUP/IUP may be allowed with the issuance of a Land Use Permit.

An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.

Structures and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the Interim Use Permit expire.

11.5.2 Procedure:**A. Application Requirements:**

The following requirements are for Conditional or Interim Use Permit applications where applicable:

1. The applicant for a Conditional or Interim Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.
2. Written description of the proposed activities, including:
 - a. Type of business or activity (including scope of operations);
 - b. Proposed number of employees;
 - c. Days and hours of operation;
 - d. Equipment and vehicles to be used for the activity;
 - e. Proposed floor plan of any structure or use indicated;
 - f. Sanitary sewer and water plan with estimated use per day;
 - g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and
 - h. Proposed exterior lighting, signage and storage.
3. Site plan (completed by a licensed land surveyor if applicable) including, but not limited to:
 - a. Property lines;
 - b. Existing topography;
 - c. Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.);

- d. Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.;
 - e. Finished grading and drainage plan;
 - f. Existing and proposed screening; and
 - g. Other requirements as deemed appropriate by the Administrator.
4. Any additional information required by the Administrator.
- B. The Administrator shall refer the application to the Planning Commission for a public hearing. Property owners of record within 1320 ft. of the affected property or the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners; and the Commissioner of Natural Resources shall be given ten (10) days notice of the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city or village if the incorporated limits of same lie within two (2) miles of the proposed Conditional or Interim Use. Notice shall also be given the Town Board of the Township wherein the Conditional or Interim Use is proposed. Notice of the time, place and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.
 - C. The Planning Commission shall consider the application at its next regularly scheduled meeting after compliance with the provisions of notice above specified.
 - D. The applicant or applicant representative shall appear before the Planning Commission and answer any questions concerning the proposed conditional or interim use.
 - E. The Planning Commission shall consider possible adverse effects of the proposed conditional or interim use and what additional requirements may be necessary to prevent such adverse effects.
 - F. 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.
 - G. The County Board shall take action on the application within forty-five (45) days after receiving the report of the Planning Commission.
 - H. In considering a Conditional or Interim Use Permit, the County Board shall consider the effect of the proposed use upon health, safety and general welfare of the occupants of surrounding lands, the effect of the proposed use on the environment, the effect of the use on existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on property values and scenic views in the surrounding area. It shall make at least the following findings, and others where applicable:
 1. The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted.
 2. The use is not in conflict with the County Comprehensive Land Use Plan.

3. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair neighboring property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole.
 4. The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area.
 5. The structure and site shall have an appearance that will not have an adverse effect on adjacent properties.
 6. That the road on which the project is proposed is adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion.
 7. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor or general unsightliness.
 8. That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area.
 9. That adequate utilities, drainage, and other necessary facilities have been or are being provided.
 10. That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- I. A certified copy of any Conditional or Interim Use Permit shall be filed with the County Recorder for record. The Conditional or Interim Use Permit shall include the legal description of the property involved.
 - J. Any conditional or interim use shall comply with all reasonable conditions deemed necessary to protect the public health safety, and general welfare. In connection with ordering the issuance of a conditional or interim use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. Interim use permits will be limited to a specific timeframe or event, may be terminated by a change in zoning regulations and may require an annual inspection fee if deemed necessary by the Board.

- K. Should there be any cause for revocation of a Conditional or Interim Use Permit, as in the case of violation of a conditional requirement, the Administrator shall require a hearing on revocation of said Conditional or Interim Use Permit. The hearing shall be conducted under the same procedures specified above. If the matters of concern are not resolved at the hearing or subsequent thereto, a Conditional or Interim Use Permit may be revoked and the use for which the permit was originally issued shall cease. Each Order of the Board which revokes a Conditional or Interim Use Permit shall be effective upon adoption or such other date as the Board may specify and shall be promptly recorded in the office of the Pope County Recorder upon it taking effect.
- L. A Conditional or Interim Use Permit shall take effect upon recording and shall be in effect perpetually or for a shorter period as fixed by the Board unless revoked by the Order of the Board for failure to observe conditions or other violations of law provided that nothing in this section shall prevent the Board from enacting or amending official controls to change the status of conditional or interim uses.
- M. In the event that there is a need to renew a Conditional or Interim Use Permit, the Planning Commission shall review the request for renewal under old business and may decide to: either renew or extend the validity of said permit, or schedule a public hearing on the question of whether the permit shall be renewed.
- N. All decisions made by the County Board in processing a Conditional or Interim Use Permit shall be final except that any aggrieved person shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Pope County District Court.
- O. No application for a Conditional or Interim Use Permit shall be resubmitted for a period of 1 year from the date of said order of denial.
- P. An Interim Use Permit shall terminate on the happening of any of the following events, whichever comes first:
1. The date or event stated in the permit.
 2. Upon violation of conditions under which the permit was issued.
 3. Upon change in the County's zoning regulations where the use is no longer permitted.
 4. The Interim Use Permit shall expire if the approved use is inactive for one year or longer as determined by the Administrator and/or tax records indicating the use was inactive.
 5. Granted Interim Use Permits shall become void if the applicant does not proceed substantially on the work within one year of the date the permit is granted. To proceed substantially means to make visible improvement to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Advisory Commission may at their discretion grant an extension of not more than one year in order to establish the use.

11.6 VARIANCE FROM STANDARDS:

11.6.1 Description:

In the case of the applicant's request for deviation from standards, a variance may be requested on items of height, bulk, density and yard requirements. The filing fee for variance appeals shall be according to the fee schedule resolution of County Board of Commissioners.

11.6.2 Requirements:

(AS AMENDED 1 March 2022)

In any case where, upon application of any responsible parties it appears, that by reason of exceptional circumstances, the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Board of Adjustments may permit a variance therefrom upon such conditions as it may prescribe consistent with the general purposes of this ordinance and the intent of this and all other applicable State and local regulations and laws provided that:

- A. The condition causing the hardship is unique to that property.
- B. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by the other owners in the same area or district.
- C. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to the property values in the neighborhood.
- D. The granting of the variance will not be contrary to management policies of the area or district.
- E. No variance shall be granted simply because there are no objections or because those who do not object out-number those who do; nor for any other reason than a proved hardship.
- F. A copy of all variances granted within a shoreland district shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.
- G. A hearing for variance shall be conducted in similar manner as required for Conditional & Interim Use Permits as stated in Section 11.5 of this ordinance.
- H. Applicants for Conditional & Interim Use Permits and Variance shall be required to submit a land surveyor's plot plan showing exact lot boundary and location of existing and proposed development as a part of application. Surveyor stakes shall be in place for site inspection of lot boundary and proposed development. Above policy shall be applicable for development on all lots of one acre or smaller. *(ADOPTED 4 September 1985)*
- I. No application for a Variance shall be resubmitted for a period of one (1) year from the date of said order of denial.

11.7 PETITION FOR REZONING AND AMENDMENT:**11.7.1 Procedure:**

The procedure for changing zoning district boundaries or a amendment to this ordinance shall be as follows:

- A. The Planning Commission, County Board or property owners may initiate a rezoning application. Property owners wishing to initiate a rezoning of their property shall make an application to the Zoning Administrator. The fee for rezoning/amendment shall be pursuant to the fee schedule resolution of the County Board.
- B. Hearing shall be before the Planning Commission in similar manner as required for Conditional Use Permit except that notice shall be sent to property owners within ½ mile or to the nearest ten property owners, whichever involves more landowners, in the case of a rezoning. Notice of such hearing shall also be published.
- C. Planning Commission recommendation shall be placed on the agenda of the County Board within a reasonable time after the initial date of hearing. The County Board shall take action on the application within sixty (60) days following receipt of Planning Commission recommendations. If approved, said action taken by the County Board shall be by three-fifths (3/5) of its members, provided, however, that a specific zoning district provided for in Section 9 may be created or eliminated by a affirmative vote of three fifths of its members. In any instance in which the County Board reverses the Planning Commission action, such reversal shall only occur following a public hearing as prescribed above.
- D. If a petition for rezoning is denied, further application for rezoning on that particular property may not take place for a period of one year.
- E. This ordinance may be amended in whole or in part by the Board of County Commissioners after proper public hearing conducted by the Planning Commission and as provided in Minnesota Statutes 394.26.
- F. Amendments to this ordinance creating, modifying or eliminating specific overlay districts established pursuant to the provision of Section 9 shall identify lands to be affected with a specific legal description, must be of a form consistent with uniform conveyancing documents or otherwise be suitable for recording as a real estate record and shall be filed with the Pope County Recorder upon adoption. Specific overlay districts identified of record in this manner may but need not be identified on the official zoning map.

11.8 ENFORCEMENT AND PENALTIES:

(AS AMENDED 3 July 2007)

11.8.1 The Pope County Board of Commissioners and the Land & Resource Management Department are responsible for the administration of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements by a landowner or their agent, including violations of or failure to comply with conditions and safeguards established in connection with the granting of a land use permit, or contained within variances or conditional uses shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance. Each day of a violation of this ordinance or each day that a failure to comply with any requirements of this ordinance continues shall constitute a separate offense. The Pope County Land & Resource Management Department, the Pope County Sheriff, Minnesota DNR, shall have the power to enforce this ordinance by issuing citations for criminal violations of this ordinance upon the owner of a property and/or their agent. Pope County may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.

Any violation of the provisions of this Ordinance shall be a misdemeanor. Failure to show compliance will be just cause to consider each day a violation continues as a separate offense. All fines and violations shall be credited to the County General Revenue Fund. In the case in which an after-the-fact permit application is filed, the county shall charge a surcharge which reflects additional costs to the County. The surcharge shall be according to the fee schedule resolution of the County Board of Commissioners.

11.8.2 Violations of special conditions imposed pursuant to Conditional Use Permit, Planned Unit Development, Planned Agricultural Development or other order authorizing an otherwise non-permitted use and may warrant revocation, prosecution or injunction may, at the discretion of the Zoning Administrator, be resolved without resort to those remedies upon cessation of the violation, provision of assurances of future compliance deemed adequate by the Zoning Administrator, and payment of a civil fine in an amount adequate to compensate the county for expenses reasonably incurred in enforcing the special condition, but not to exceed \$1,000 per day of non-compliance.

In the event of a violation or a threatened violation of this ordinance, the Zoning Administrator, in addition to other remedies, may initiate civil or criminal actions or proceedings to prevent, restrain, correct or abate such violations or threatened violation, and it shall be the duty of the County Attorney to institute such action.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

11.8.3 Prosecution

The Department may enforce the provisions of the ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

11.8.4 Duty to Enforce

It shall be the duty of the Department, the County Attorney, and the County Sheriff to perform such duties as may be necessary to enforce the provisions of this ordinance.

11.8.5 Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

11.8.6 Administrative Fees and Restoration

Any application for a permit that is made after the work has commenced and which requires a permit or is done in violation of a permit may be charged an additional administrative fee. In addition, the Planning Commission, Board of Adjustment, or the Department may require correction and/or restoration of the property to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit.

11.9 VALIDITY/SEVERABILITY:

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

11.10 EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its date of adoption or a amendment by the Pope County Board of County Commissioners.

11.11 NOW THEREFORE, BE IT RESOLVED

that a Pope County Land Use Controls Ordinance as amended is hereby adopted.

11.12 IT IS ORDERED,

by the Board of County Commissioners that a full, true and correct copy of this ordinance shall be certified to by that County Auditor who shall forthwith file for record such certified copy in the office of the Recorder for Pope County, Minnesota. Such ordinance shall be a public record and available for inspection at reasonable times in the office of the recorder.

POPE COUNTY BOARD OF COMMISSIONERS:

Robert E. McCoy, Chairman

James B. Olson

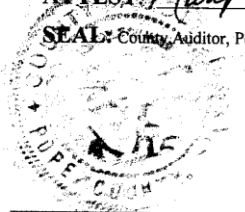
Dwight

Arne Stoen

Bruce M. Thorsman

ATTEST Mary Pischke, County Auditor

SEAL: County Auditor, Pope County, Minnesota

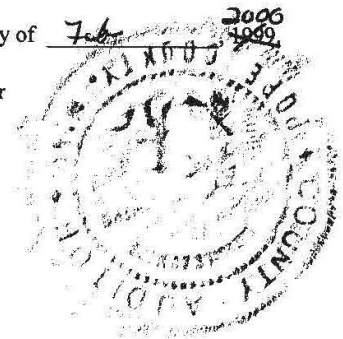


CERTIFICATE OF COUNTY AUDITOR

The undersigned duly qualified and acting County Auditor of the County of Pope, Minnesota, does hereby certify that the attached resolution declaring the adoption of a Shoreland Management Ordinance as amended for Pope County, Minnesota, as regularly adopted at a legally convened meeting of the County Board of Commissioners duly held on the 6 day of October, 1999, and further, that such resolution has been fully recorded in the minutes of the Commissioner's proceedings in my office.

In witness whereof, I have hereunto set my hand and official seal this 2 day of Feb ²⁰⁰⁰ ~~1999~~

SEAL Mary Pischke, Pope County Auditor



LEGISLATIVE HISTORY:

Original Date of Adoption	April 5, 1972
Adoption as Amended	April 3, 1974
Adoption as Amended	March 6, 1980
Adoption as Amended	May 5, 1983
Adoption as Amended	June 5, 1985
Adoption as Amended	July 6, 1986
Adoption as Amended	December 8, 1994
Adoption as Amended	October 6, 1999
Adoption as Amended	February 2, 2000

This recondition reflects all amendments made through and including the amendments of February 2, 2000.

CURRENT LEGISLATIVE HISTORY:

Original Date of Adoption	April 5, 1972
Adoption as Amended	April 3, 1974
Adoption as Amended	March 6, 1980
Adoption as Amended	April 6, 1980
Adoption as Amended	May 5, 1983
Adoption as Amended	June 5, 1985
Adoption as Amended	September 4, 1985
Adoption as Amended	July 6, 1986
Adoption as Amended	December 8, 1994
Adoption as Amended	October 6, 1999
Adoption as Amended	February 2, 2000
Adoption as Amended	May 4, 2005
Adoption as Amended	June 1, 2005
Adoption as Amended	September 19, 2006
Adoption as Amended	April 17, 2007
Adoption as Amended	July 3, 2007
Adoption as Amended	November 18, 2008
Adoption as Amended	April 6, 2010
Adoption as Amended	May 6, 2014
Adoption as Amended	January 3, 2017
Adoption as Amended	July 18, 2017
Adoption as Amended	June 19, 2018
Adoption as Amended	July 17, 2018
Adoption as Amended	May 20, 2019
Adoption as Amended	July 7, 2020
Adoption as Amended	April 6, 2021
Adoption as Amended	June 1, 2021
Adoption as Amended	March 1, 2022
Adoption as Amended	April 19, 2022
Adoption as Amended	September 6, 2022

This recondition reflects all amendments made through and including the amendments of September 6, 2022. Dates will need to be changed.

APPENDIX

SECTION A GOALS AND POLICIES

1. Comprehensive Plan Policy (1972)
2. Comprehensive Land Use Plan (1998)
3. Comprehensive Land Use Plan (2018)

SECTION B AMENDMENTS, INTERIM ORDINANCES, ORDERS & RESOLUTIONS**A. Shoreland Management Ordinance** (Ordinance No. 1)

1. Doc 137004, Shoreland Management Ordinance, Adoption, April 5, 1972
2. Doc 140969, Amendment to Shoreland Management Ordinance, April 3, 1974
3. Doc 154906, Amendment, March 1980
4. Doc 155059, Amendment, April 1980
5. Doc 161828, Amendment, May 1983
6. Doc 166909, Amendment, June 1985
7. Official Proceedings, Pope County Board of Commissioners, September 4, 1985, Special Use Permit and Variance submission requirements
8. Doc 169332, Amendment, July 1986
9. Doc 192005, Comprehensive Plan Policy, December 1994

B. Subdivision Controls Ordinance (Ordinance No. 2)

1. Official Proceedings, Pope County Board of Commissioners, November 2, 1977, Subdivision Controls Ordinance, Adoption, November 2, 1977
2. Doc 154907, Amendment, March 1980
3. Doc 169333, Amendment, July 1986
4. Doc 230863, Interim Ordinance, February 2005 (EXPIRED)
5. Doc 232747, Amendment, May 2005

C. Subsurface Sewage Treatment System Ordinance

1. Doc 161011, Ordinance No. 3, Adoption, December 1982 (REPEALED December 1997)
2. Doc 201580, Ordinance No. 6, Adoption, December 1997 (REPEALED May 2014)
3. Doc 262511, Ordinance No. 2014-02, Resolution No. 201413, May 2014 (INCLUDED IN LAND USE CONTROLS ORDINANCE)
4. Doc 276807, Amendment, Section 3.21, 5.41, 7.10, 8.20, May 2019

D. Land Use Controls Ordinance (now includes Shoreland, Subdivision and Subsurface Sewage Treatment System Ordinances)

1. Doc 201444, Ordinance No. (Interim) An Ordinance Adopting Interim Land Use Controls Pursuant to Minnesota Statutes Section 394.34, October 1997
2. Resolution to Extend Interim Ordinance – Lake Linka, April 1999
3. Doc 209354, Resolution and Order for Accelerated Review and Inspection of Feedlots, November 1999
4. Doc 208905, Pope County Ordinance, December 1999
5. Doc 209282, Land Use Controls Ordinance, February 2000

6. Doc 209282, Appendix, Amendments to the Pope County Land Use Controls Ordinance – Official Copy, February 2000
7. Doc 230862, Interim Ordinance, Section 10.17, February 2005 (EXPIRED)
8. Official Proceedings, Pope County Board of Commissioners, May 4, 2005, 10.17, 10.17.2.A., 10.25.1.F
9. Official Proceedings, Pope County Board of Commissioners, June 1, 2005, 6.3.Q., 7.3.O., 10.24, 10.29.3
10. Doc 232952, Amendment, Section 6.3.Q and 7.3.O, June 2005
11. Doc 232953, Amendment, Section 10.24, June 2005
12. Doc 237400, Amendment, Section 10.5.18, September 2006
13. Doc 239806, Resolution No. 200709, Findings of Fact and Resolution, Renaming Public Water No.61-114 “Fosse Lake”, April 2007
14. Official Proceedings, Pope County Board of Commissioners, July 3, 2007, 4.5.3, 4.6.2, 4.6.14, 10.11, 11.8
15. Resolution No. 200715, Amendment to the Pope County Land Use Controls Ordinance with the Villard Area Lakes Sanitary District (VALSD) for Sanitary Improvements, July 2007
16. Doc 261040, Amendment, Non-Confinement Feeding Areas, Adopted November 2008 (Recorded November 2013)
17. Official Proceedings, Pope County Board of Commissioners, April 6, 2010, Section 4.6.14, 10.24, 10.5.18
18. Resolution No. 201640, Adoption of Buffer Initiative, October 2016
19. Resolution No. 201701, Approving an Amendment to the Pope County Land Use Ordinance Section 10.3.2.J., January 2017
20. Resolution No. 201720, Resolution to Upgrade the Pope County Land Use Ordinance to Mirror State Classification for Public Waters Designation in Shoreland Zones, May 2017
21. Doc 271985, Amendment, Section 4.4.2., Resolution No.201728, July 2017
22. Doc 274225, Amendment, Section 4.4.2., June 2018
23. Doc 274226, Amendment, Section 2, 4.2.1., 4.3.1., 4.4.1., 4.5., 4.6.17., June 2018
24. Doc 274227, Amendment, Section 2, 4.2.2., 4.3.2., 4.4.2., 4.5., June 2018
25. Doc 274377, Amendment, Section 7.2.C., July 2018
26. Doc 276808, Amendment, Section 11.5, May 2019
27. Resolution No. 201920, Enacting a Moratorium on the Permitting Requirements for Existing Gravel Mining Operations, May 2019
28. Resolution No. 201947, Enacting a Moratorium on the Conditional Use Permit Requirement for Shoreland Alterations beyond the Shore and Bluff Impact Zones, October 2019

29. Doc 280311, Resolution No. 202019, Approving an Amendment to the Pope County Land Use Ordinance, Section 10.2 and Section 10.15, July 2020
30. Doc 280312, Resolution No. 202020, Approving an Amendment to the Pope County Land Use Ordinance, Section 10.5 and Section 10.12, July 2020
31. Doc 280313, Resolution No. 202021, Approving an Amendment to the Pope County Land Use Ordinance, Section 10.30 Vacation Home Rental, July 2020
32. Doc 280309, Resolution No. 202022, Approving an Amendment to the Pope County Land Use Ordinance, Section 2.2, July 2020
33. Doc 280310, Resolution No. 202023, Approving an Amendment to the Pope County Land Use Ordinance, Sections 4 Through 8, July 2020
34. Doc 282951, Resolution No. 202114, Acknowledging the Governing Provisions of Minnesota Statute Chapter 272.162 and Amending the Pope County Land Use Controls Ordinance, Section 10.25 (Subdivision Controls Ordinance), April 2021
35. Doc 282950, Resolution No. 202116, Approving Amendments to the Pope County Land Use Ordinance, Sections 2.2, 4.6, 5.6, 10.8, 10.15, 11.5, April 2021
36. Doc 283598, Resolution No. 202122, Approving Amendments to the Pope County Land Use Ordinance, Sections 4.6.5, 4.6.6, 4.6.8, 4.6.9 and 4.6.10, June 2021
37. Doc 286165, Resolution No. 202210, Approving Amendments to the Pope County Land Use Controls Ordinance, Sections 11.1 and 11.6, March 2022
38. Doc 286555, Resolution No. 202216, Approving Amendments to the Pope County Land Use Controls Ordinance, Section 2.2 Definitions, April 2022
39. Doc 286556, Resolution No. 202217, Approving Amendments to the Pope County Land Use Controls Ordinance, Sections 6 Non-Intensive Agriculture (A-1) & 7 Agriculture Protection (A-2), April 2022
40. Doc 286557, Resolution No. 202218, Approving Amendments to the Pope County Land Use Controls Ordinance, Section 8 Commercial (C) & Industrial (I), April 2022
41. Doc 287900, Resolution No. 202239, Approving Amendments to the Pope County Land Use Controls Ordinance, Section 10.3.6 Non-Confinement Feeding Areas, September 2022

E. Rezoning

1. Doc 154906, Shoreland Management Ordinance (Ordinance No. 1), Section III.C.3.i.1., adopted March 6, 1980
2. Doc 154906, Shoreland Management Ordinance (Ordinance No. 1), Section III.C.3.i.2., adopted March 6, 1980
3. Doc 154906, Shoreland Management Ordinance (Ordinance No. 1), Section III.C.4.a., adopted March 6, 1980
4. Doc 155059, Shoreland Management Ordinance (Ordinance No. 1), Section III.C.4.b., adopted April 6, 1980
5. Doc 165434, Order Granting Rezoning, October 1984, Rezoning No. 84-1
6. Doc 176870, Order Granting Rezoning, July 1989, Rezoning No. 89-1
7. Doc 179074, Order Granting Rezoning, February 1990, Rezoning No. 89-2
8. Doc 180222, Order Granting Rezoning, December 1990, Rezoning No. 90-2
9. Doc 192752, Order Granting Rezoning, April 1995, Rezoning No. 95-1
10. Doc 196061, Order Granting Rezoning, May 1996, Rezoning No. 96-1
11. Doc 278767, Official Proceedings, Pope County Board of Commissioners, October 6, 1999, Adoption of Land Use Map as amended
12. Official Proceedings, Pope County Board of Commissioners, May 3, 2000, Petition for Rezoning Application No. 2000-1
13. Official Proceedings, Pope County Board of Commissioners, July 5, 2000, Petition for Rezoning Application No. 2000-3
14. Doc 211174, Findings and Order Establishing Special Protection District – Lake Linka, September 2000
15. Official Proceedings, Pope County Board of Commissioners, May 2, 2001, Rezoning request No. 10001
16. Official Proceedings, Pope County Board of Commissioners, October 3, 2001, Rezoning request No. 10002
17. Official Proceedings, Pope County Board of Commissioners, March 6, 2002, Petition for Rezoning Application No. 20001
18. Official Proceedings, Pope County Board of Commissioners, August 7, 2002, Petition for Rezoning Application No. 20002
19. Official Proceedings, Pope County Board of Commissioners, September 4, 2002, Petition for Rezoning, Application No. 20003
20. Official Proceedings, Pope County Board of Commissioners, June 4, 2003, Petition for Rezoning Application No. 30002
21. Official Proceedings, Pope County Board of Commissioners, October 1, 2003, Application to rescind Application No. 20002 rezoning

22. Doc 230305, Findings and Order Establishing Special Commercial District, December 2004
23. Official Proceedings, Pope County Board of Commissioners, February 2, 2005, Petition for Rezoning, Permit No. REZ-05-000
24. Official Proceedings, Pope County Board of Commissioners, September 7, 2005, Petition for Rezoning, Permit No. REZ-05-004
25. Official Proceedings, Pope County Board of Commissioners, September 21, 2005, Petition for Rezoning, Permit No. REZ-05-005
26. Official Proceedings, Pope County Board of Commissioners, July 1, 2008, Petition for Rezoning, Permit No. REZ-08-000
27. Official Proceedings, Pope County Board of Commissioners, April 21, 2009, Land & Resource Management Special Request
28. Official Proceedings, Pope County Board of Commissioners, June 1, 2010, Petition for Rezoning, Permit No. REZ-10-001
29. Official Proceedings, Pope County Board of Commissioners, July 6, 2010, Petition for Rezoning, Permit No. REZ-10-002
30. Township Rezoning, June 18, 2014
31. Official Proceedings, Pope County Board of Commissioners, July 1, 2014, Petition for Rezoning, Permit No. REZ-14-001
32. Doc 265605, Order Granting Rezoning, July 2015
33. Doc 278768, Official Proceedings, Pope County Board of Commissioners, January 7, 2020, Official Zoning Map, Adopted with Revisions
34. Doc 282949, Resolution No. 202115, Amending the Official Zoning Map of Pope County, April 2021
35. Doc 286164, Resolution No. 202209, Amending the Official Zoning Map of Pope County, March 2022
36. Doc 286788, Resolution No. 202224, Amending the Official Zoning Map of Pope County, May 2022

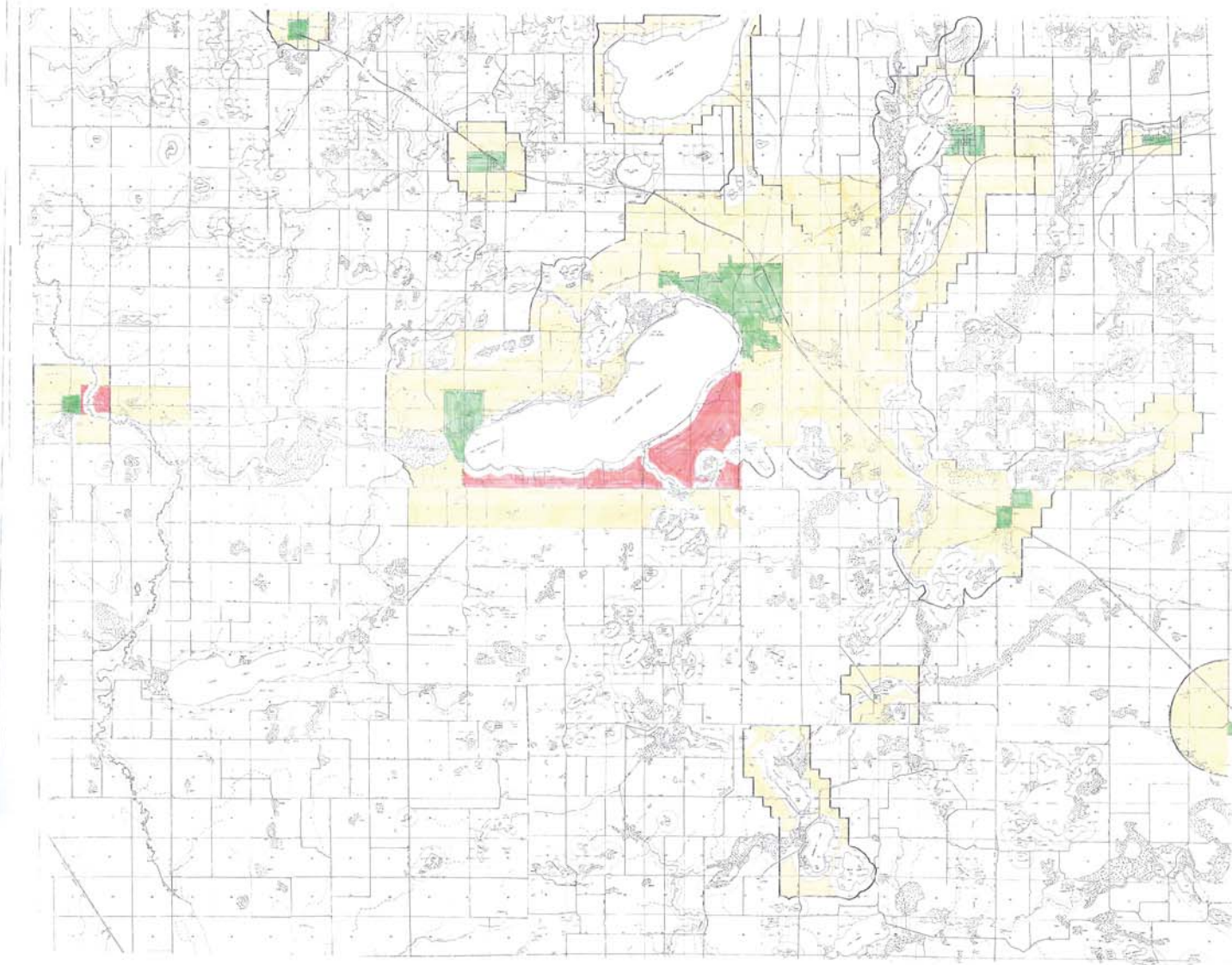
SECTION C POPE COUNTY LAND USE MAP

1. Pope County Zoning Districts, 6 October 1999
2. Pope County Official Zoning Map, 7 January 2020
3. Pope County, Adopted Rezoning Hoff Township, 6 April 2021
4. Pope County, Adopted Rezoning South of Starbuck, 6 April 2021
5. Pope County, Adopted Rezoning North of Starbuck, 6 April 2021
6. Pope County, Adopted Rezoning East of Starbuck, 6 April 2021
7. Pope County, Adopted Rezoning Case #2021-05 Glenwood Township #1, 1 March 2022
8. Pope County, Adopted Rezoning Case #2021-06 Glenwood Township #2, 1 March 2022
9. Pope County, Adopted Rezoning Case #2022-01 Glenwood Township, 17 May 2022

POPE COUNTY

Comprehensive Land Use Plan

1998



LEGEND

- Non-intensive Agriculture (A-1) District
- Agriculture Protection (A-2) District (white area)
- Residential District
- Shoreland District
- Municipal District

Zoning Districts

This is to certify that this is the official zoning map of Pope County, Minnesota.

Don Adel 10-6-99
Chairman, Pop. Ad. Pope County Board of Commissioners

Mary Puckler
Mary Puckler, Pope County Auditor-Treasurer



OFFICIAL ZONING MAP*

*This map is for general reference purposes only and should not be relied on for final determination of zoning district boundaries. It includes rezoning revisions as approved by the Pope County Board of Commissioners.

Legend Pope County Zoning Districts

- General Zones**
- Residential (R)
 - Non-Intensive Agriculture (A-1)
 - Agriculture Protection (A-2)
 - Industrial (I)
 - Commercial (C)
- Specific & Shoreland Zones**
- Special Protection (SP)
 - Special Residential (SR)
 - Special Commercial (SC)
 - Shoreland-General Development (S-GD)
 - Shoreland-Recreational Development (S-RD)
 - Shoreland-Natural Environment (S-NE)
 - Shoreland-Rivers and Streams (S-RS)
- Pre-1999 Rezoning**
- Residential Overlay
 - Commercial Overlay
 - General Use Overlay
- Not Subject to County Zoning**
- Municipalities
- Public Water Inventory (PWI)**
- Public Water Watercourse
 - Public Ditch/Altered Natural Watercourse
 - Public Water Basin
 - Public Water Wetland



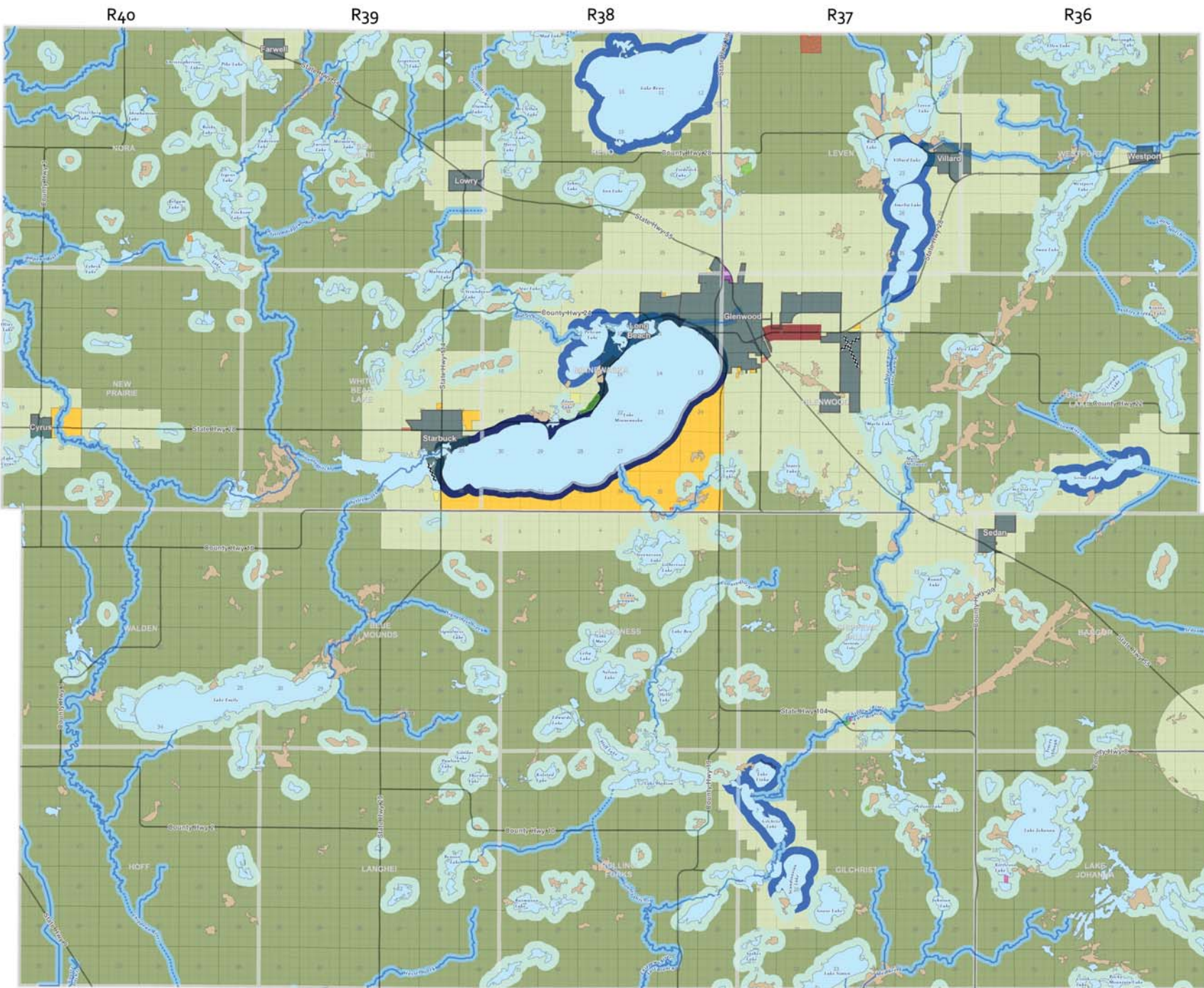
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Scale 1:49,751



Publish Date: 1/7/2020

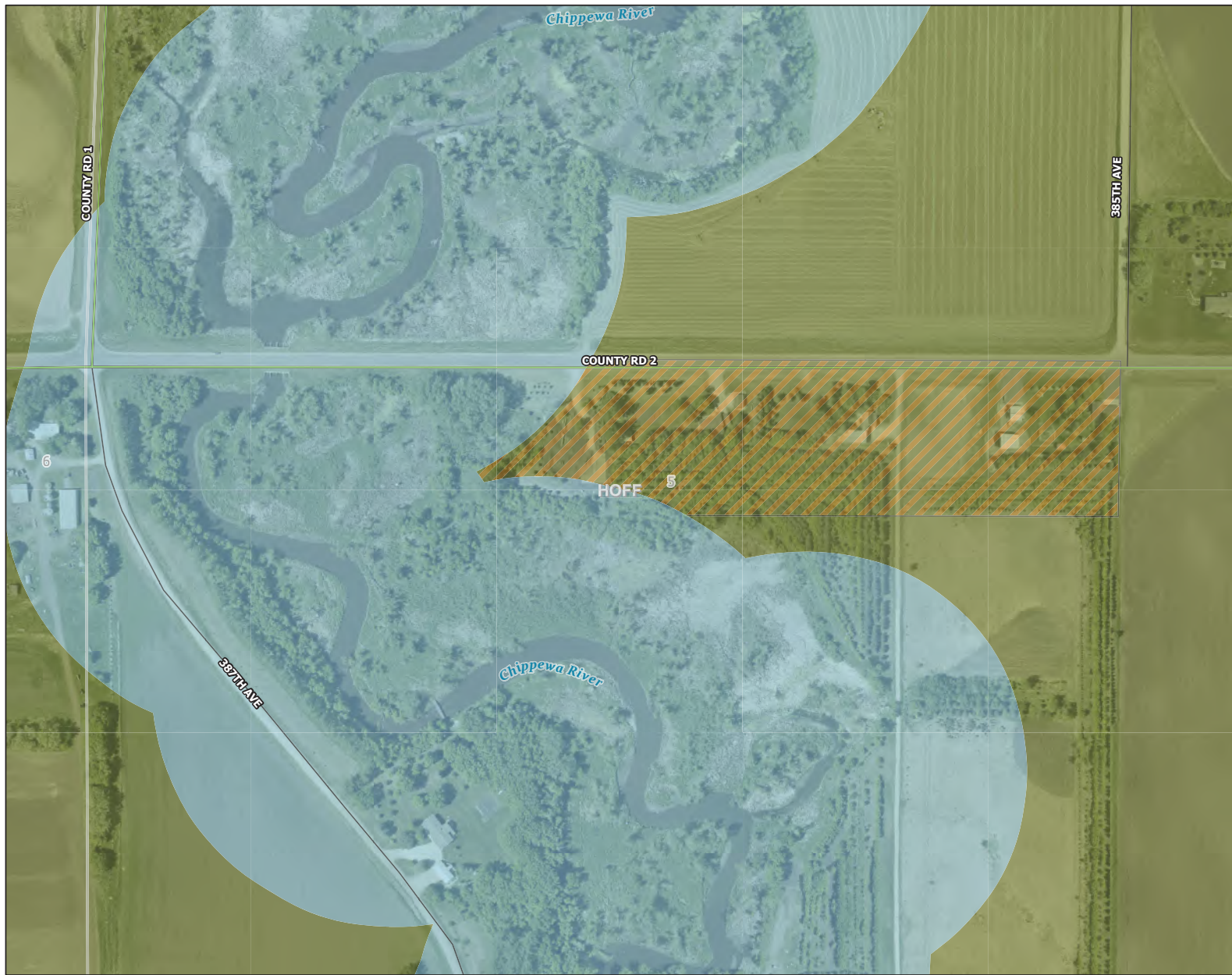
Spatial Reference:
Datum: NAD 1983 HARN Adj MN Pope
Projection: Lambert Conformal Conic



Adopted with Revisions
7 January 2020

Gordy Wagner
Chairman Gordy Wagner, Pope County Board of Commissioners

Kersten Kappmeyer
Kersten Kappmeyer, Pope County Coordinator



P O P E MINNESOTA
C O U N T Y
ADOPTED
REZONING
HOFF
TOWNSHIP

*This map is for general reference purposes only and should not be relied on for final determination of zoning district boundaries.

Legend

MN DoT Functional Classification

- Major Collector
- Local

Pope County Zoning Districts

General Zones

- Agriculture Protection (A-2)
- Residential (R) (ADOPTED 6 April 2021)

Special / Shoreland Zones

- Shoreland-Rivers and Streams (S-RS)

Not Subject to County Zoning

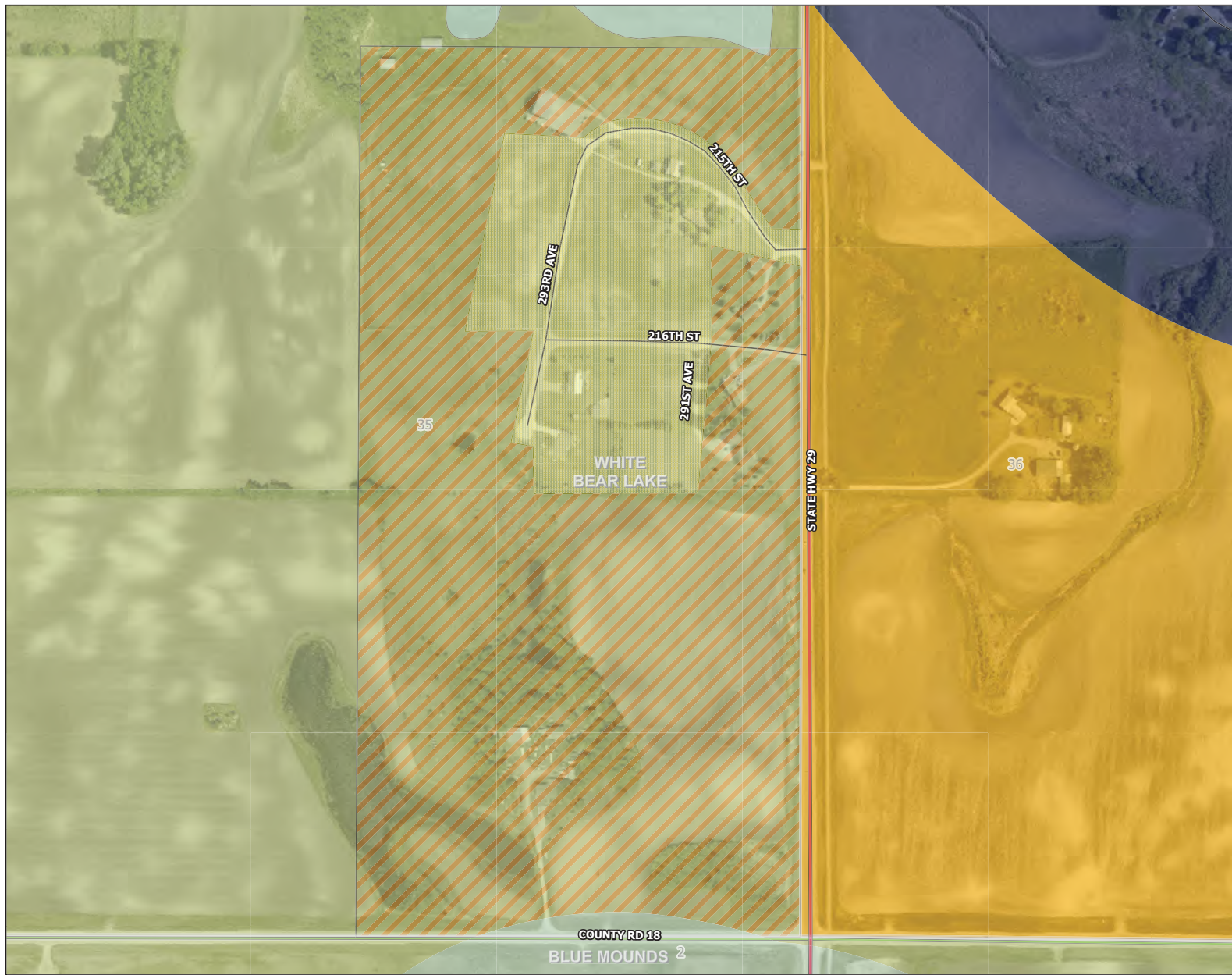
- Municipalities



Publish Date: 4/7/2021

Spatial Reference:
 Datum: NAD 1983 HARN Adj MN Pope
 Projection: Lambert Conformal Conic





POPE MINNESOTA
 COUNTY
**ADOPTED
 REZONING
 SOUTH OF
 STARBUCK**

*This map is for general reference purposes only and should not be relied on for final determination of zoning district boundaries.

Legend

MN DoT Functional Classification

- Arterial
- Major Collector
- Local

Pope County Zoning Districts

General Zones

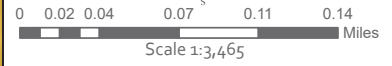
- Residential (R)
- Non-Intensive Agriculture (A-1)
- Residential (R) (ADOPTED 6 April 2021)

Special / Shoreland Zones

- Special Residential (SR)
- Shoreland-General Development (S-GD)
- Shoreland-Natural Environment (S-NE)

Not Subject to County Zoning

- Municipalities



Publish Date: 4/7/2021

Spatial Reference:
 Datum: NAD 1983 HARN Adj MN Pope
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COUNTY RD 18
 BLUE MOUNDS 2

STATE HWY 29

35

36

WHITE BEAR LAKE

293RD AVE

216TH ST

291ST AVE

215TH ST




POPE MINNESOTA
 COUNTY
**ADOPTED
 REZONING
 NORTH OF
 STARBUCK**

*This map is for general reference purposes only and should not be relied on for final determination of zoning district boundaries.




Legend

MN DoT Functional Classification

-  Arterial
-  Local

Pope County Zoning Districts

General Zones

-  Residential (R)
-  Non-Intensive Agriculture (A-1)
-  Residential (R) (ADOPTED 6 April 2021)

Not Subject to County Zoning

-  Municipalities

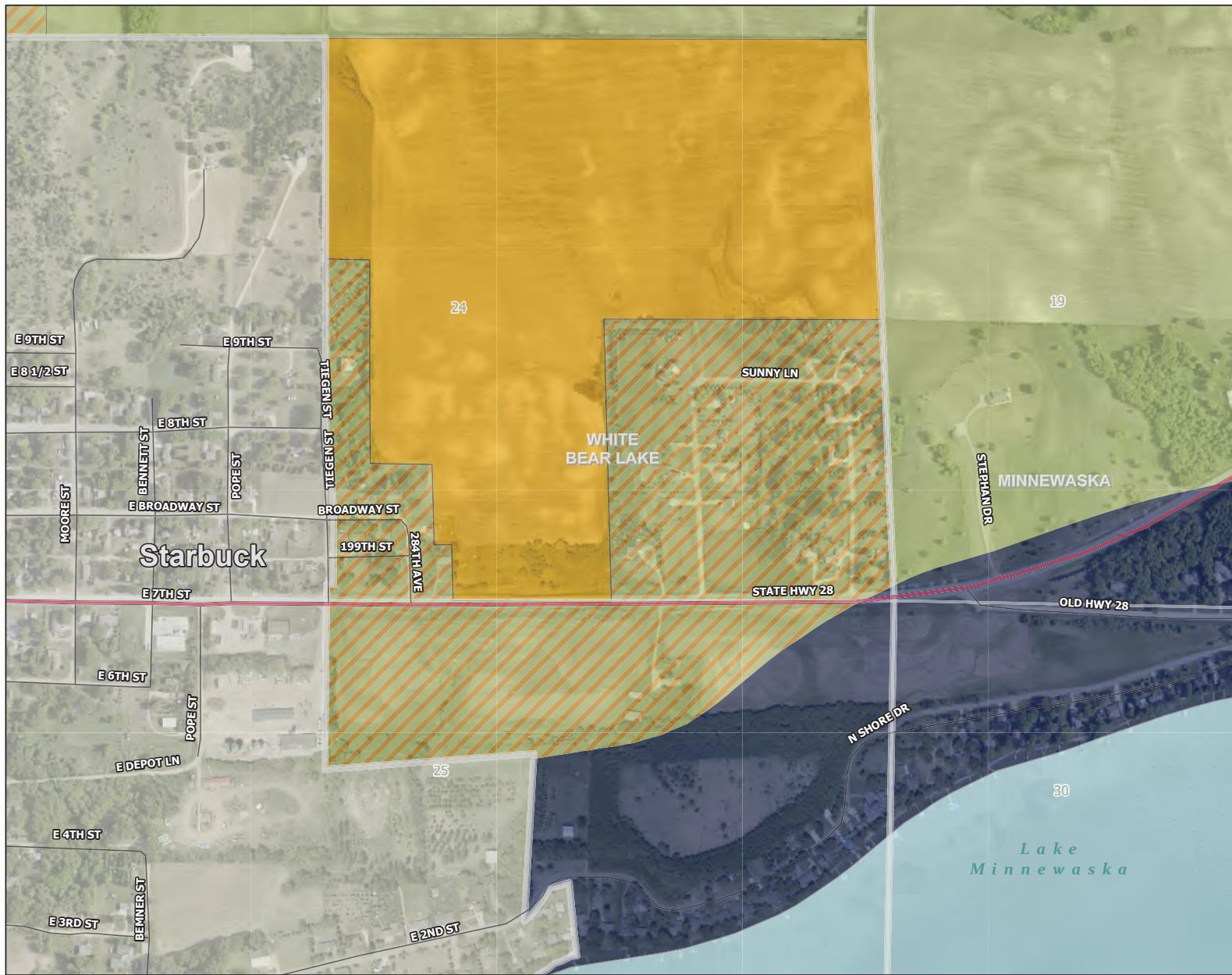


Publish Date: 4/7/2021

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 Datum: NAD 1983 HARN Adj MN Pope
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Starbuck



POPE MINNESOTA
 COUNTY
**ADOPTED
 REZONING
 EAST OF
 STARBUCK**

*This map is for general reference purposes only and should not be relied on for final determination of zoning district boundaries.

Legend

MN DoT Functional Classification

- Arterial
- Local

Pope County Zoning Districts

General Zones

- Residential (R)
- Non-Intensive Agriculture (A-1)
- Residential (R) (ADOPTED 6 April 2021)

Special / Shoreland Zones

- Shoreland-General Development (S-GD)

Not Subject to County Zoning

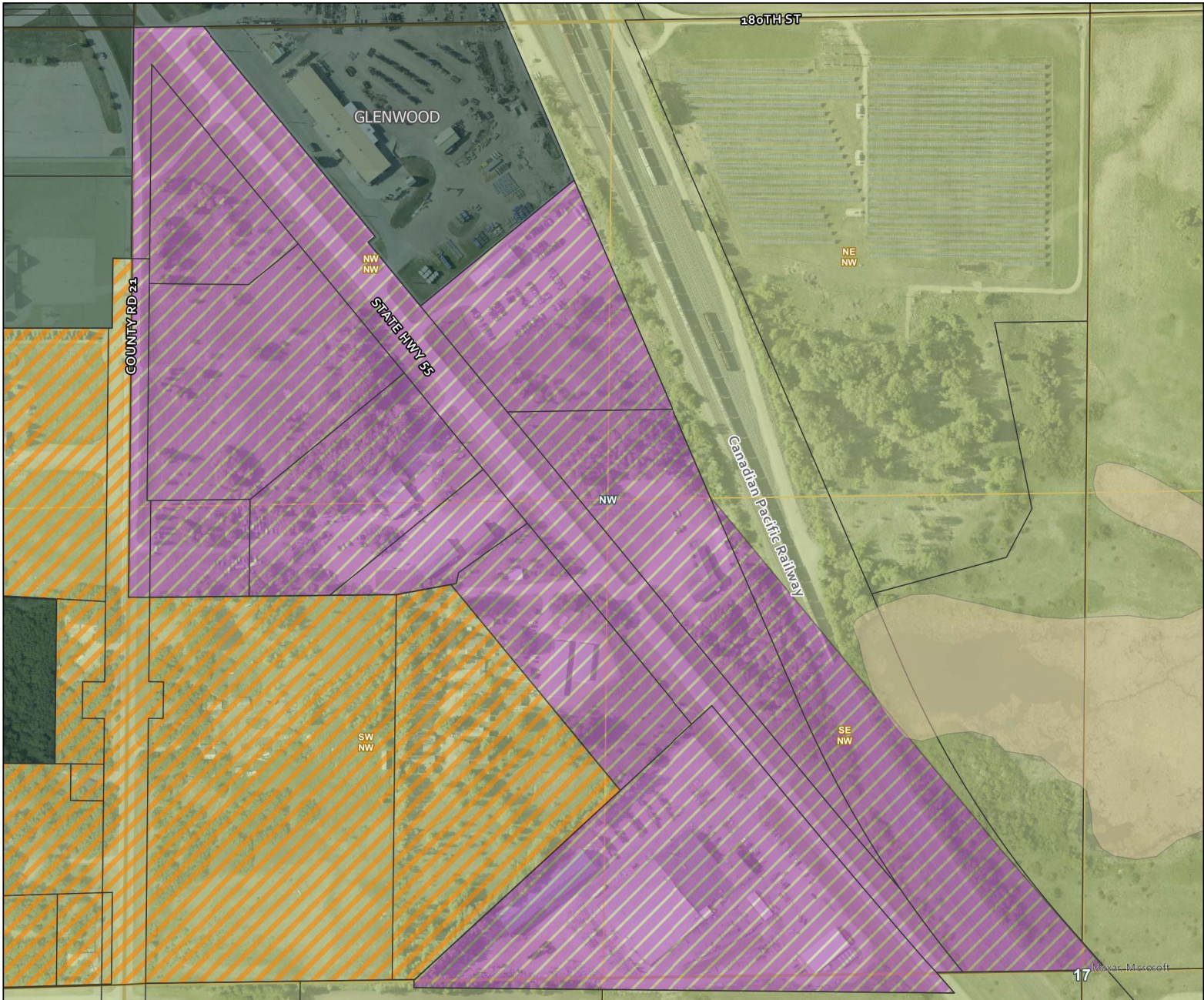
- Municipalities



Publish Date: 4/7/2021

Spatial Reference:
 Datum: NAD 1983 HARN Adj MN Pope
 Projection: Lambert Conformal Conic







P O P E MINNESOTA
C O U N T Y

**ADOPTED
REZONING
CASE #2021-05
GLENWOOD
TOWNSHIP #1**

Legend

Adopted Zoning

-  Residential (R)
-  Industrial (I)

Current Zoning

-  Non-Intensive Agriculture (A-1)

Not Subject to County Zoning

-  Municipality

Public Water Inventory

-  Public Water Wetland

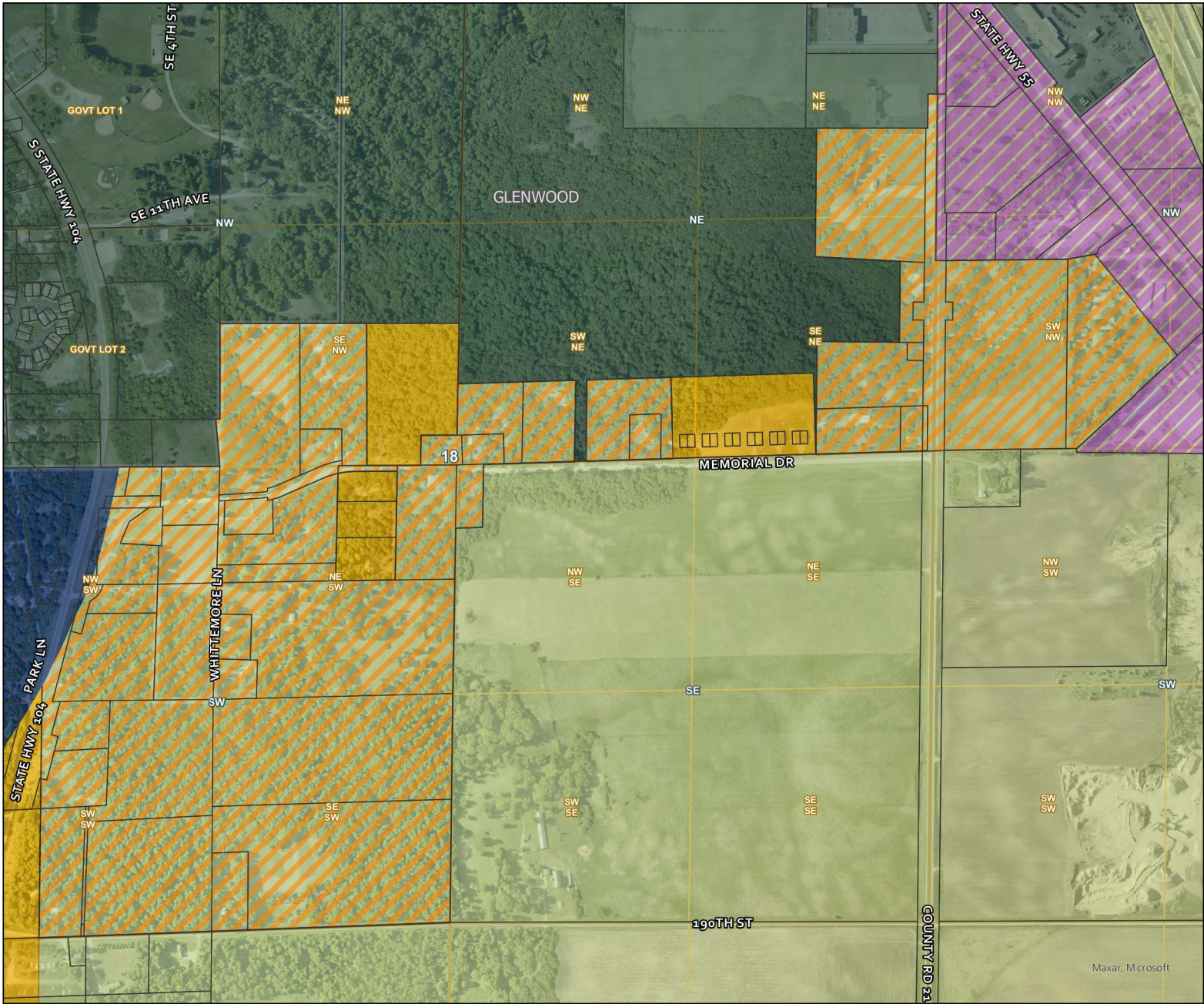


Scale: 1:3,119

Publish Date: 2/28/2022

Author: Jessica Hill, Land Use Specialist
Pope County Land & Resource Management

Spatial Reference:
Datum: NAD 1983 HARN Adj MN Pope
Projection: Lambert Conformal Conic



P O P E MINNESOTA
C O U N T Y

**ADOPTED
REZONING
CASE #2021-06
GLENWOOD
TOWNSHIP #2**

Legend

- Adopted Zoning**
- Residential (R)
 - Industrial (I)
- Current Zoning**
- Shoreland-General Development (S-GD)
 - Residential (R)
 - Non-Intensive Agriculture (A-1)
- Not Subject to County Zoning**
- Municipality



Scale: 1:6,345

Publish Date: 2/28/2022
Author: Jessica Hill, Land Use Specialist
Pope County Land & Resource Management
Spatial Reference:
Datum: NAD 1983 HARN Adj MN Pope
Projection: Lambert Conformal Conic

Maxar, Microsoft

POPE MINNESOTA
COUNTY

**ADOPTED
INDUSTRIAL REZONING
CASE #2022-01
GLENWOOD TOWNSHIP**

Legend

Adopted Zoning

Industrial (I)

Current Zoning

Non-Intensive Agriculture (A-1)

Commercial (C)

Not Subject to County Zoning

Municipality



Scale: 1:3,909

Publish Date: 5/17/2022

Author: Jessica Hill, Land Use Specialist
Pope County Land & Resource Management

Spatial Reference:

Datum: NAD 1983 HARN Adj MN Pope
Projection: Lambert Conformal Conic

